

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 7

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INDEX

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

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

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

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ADAM LAXALT

JONATHAN MACARTHUR

STEVEN WOLFSON

JOSHUA HONEA

MONIQUE A. MCNEILL
State Bar # 9862

1 factors that don't change over and over again?

2 A. Yes.

3 Q. Would you agree with me it's easier to tell a
4 lie if you use the some things that are true?

5 A. Right.

6 MR. MACARTHUR: That's all I've got, Morgan.
7 You're good.

8 THE WITNESS: Thank you.

9 THE COURT: Ms. Kollins, any redirect for Ms.
10 Savage.

11 MS. KOLLINS: I do, your Honor. Very short.

12 REDIRECT EXAMINATION

13 BY MS. KOLLINS:

14 Q. Hi, Morgan.

15 A. Hi.

16 Q. You and I met in my office a couple of years
17 ago when your mom brought you, right?

18 A. Right.

19 Q. The purpose was I never met you before that
20 first day, right?

21 A. Right.

22 Q. We talked about things like what would happen
23 in court?

24 A. Right.

25 Q. About you would have to come in. There was no

1 jury there, right?

2 A. Correct.

3 Q. You'd have to come in and just be speaking to
4 a judge?

5 A. Right.

6 Q. We would be going through your testimony and
7 questions from me and questions from the defense
8 attorney?

9 A. Right.

10 Q. Would you agree with me that that was to
11 prepare you for court?

12 A. Correct.

13 Q. When we talked about what happened to you with
14 Josh we talked in terms of anatomically correct words,
15 right?

16 A. Right.

17 Q. Did I tell you that those were the words we
18 would use in court?

19 A. Yes.

20 Q. Because you were of that age to make it clear
21 what we were speaking about?

22 A. Yes.

23 Q. Did I put words in your mouth about what to
24 use what to say -- well, not what words to use but in
25 terms of what Josh did?

1 A. No, just guides, as far as those words to be
2 said. It was easier to be said that way in court.

3 Q. I don't recall if we had your voluntary
4 statement or not. You didn't recall either?

5 A. No.

6 Q. But did we kind of go through the information
7 that you relayed to Detective Cho?

8 A. Yes.

9 Q. I want to talk to you a little bit about the
10 statements that you adopted for Mr. MacAuthur. Remember
11 those statements on the piece of paper?

12 A. Yes.

13 Q. From when you met Mr. MacAuthur and Ms.
14 McNeill at Clark County Detention Center, one of the
15 statements on there says just telling me remember this, if
16 you love me, you'll do this?

17 A. Right.

18 Q. What does that refer to?

19 A. That just -- just giving me an example of what
20 a manipulative relationship or what could take part in
21 manipulative relationships.

22 Q. Okay. You told him that you regretted saying
23 anything?

24 A. Yes.

25 Q. In the piece of paper that Mr. MacAuthur

1 showed you, do you remember anywhere -- you still have a
2 copy of that?

3 A. No.

4 Q. Remember if it says in there that you
5 categorically said everything that happened before was a
6 lie. Does it say that in there?

7 A. Yes, I remember.

8 Q. Does it say in that piece of paper where you
9 talked about punishment with Mr. MacAuthur and Ms.
10 McNeill?

11 A. Yes.

12 MS. KOLLINS: May I approach the witness.

13 THE COURT: You may.

14 MS. KOLLINS: Your notes, Mr. MacAuthur.

15 MR. MACARTHUR: Okay.

16 BY MS. KOLLINS:

17 Q. Written by Mr. MacAuthur, you adopted -- I
18 believe you said he paraphrased what you had to say. Show
19 me in there where it says you spoke about punishment?

20 MR. MACARTHUR: Objection. I don't believe that
21 was her testimony.

22 THE WITNESS: I'm confusing it with what I
23 said --

24 THE COURT: Hold on a second.

25 MR. MACARTHUR: Objection. It misstates past

1 testimony.

2 THE COURT: Overruled because it's not the
3 court's recollection, but I think she can clarify her
4 answer here.

5 Go ahead, Ms. Savage.

6 THE WITNESS: I don't see it being said here,
7 but I think I'm confusing it with the whole last few days
8 of talking about it.

9 MS. KOLLINS: Sure. Sure.

10 BY MS. KOLLINS:

11 Q. Your recollection was there was a discussion
12 about punishment?

13 A. Other than he could do a lot of time.

14 Q. But he could do a lot of time that was said to
15 right?

16 A. Yes.

17 Q. That is not in this piece of paper?

18 A. Right.

19 Q. So not everything you talked about is in this
20 piece of paper?

21 A. As far as that goes, no.

22 MR. MACARTHUR: We'll I object based this was
23 never testified to on this paper. Just what she said.

24 THE COURT: You can do re-examination.
25 Overruled.

1 BY MS. KOLLINS:

2 Q. The story you just talked about at
3 Mountainview Hospital regarding Joshes' -- you being sick
4 and Josh taking you. Had you ever told me that before?

5 A. No.

6 Q. When did you first recall that?

7 A. It was just recalled now. I had completely
8 forgotten about it. I didn't find it necessary to tell
9 you guys for it to be necessary now.

10 Q. Do you know why it's necessary now?

11 A. Not in any specific relation, other than I
12 don't -- I can't say for myself.

13 Q. And when I asked you questions yesterday or
14 within the last couple of days, we spoke about buying you
15 lunch one day, bringing you or at least facilitating for
16 your mom to get you clothes and your social security
17 number?

18 A. Right.

19 Q. Mr. MacAuthur on cross-examination talked
20 about a hotel room. I forgot to ask you about that. Did
21 I ever get you that hotel room?

22 A. No.

23 Q. Why didn't I get that you?

24 A. Because I didn't comply. I said I didn't want
25 it.

1 Q. Well, you didn't show up, right?

2 A. For one.

3 Q. It's hard to put somebody in a hotel if
4 they're not there, would you agree with that?

5 A. Yes.

6 Q. The purpose of putting you there was what?

7 A. To make sure I would be here sober.

8 Q. Sober?

9 A. Yes.

10 Q. Kind of with a roof over your head?

11 MR. MACARTHUR: Objection, leading.

12 THE COURT: Sustained. It's still redirect.

13 BY MS. KOLLINS:

14 Q. Were you homeless at the time when I offered
15 you that?

16 A. In a way, yes.

17 Q. When I offered you that hotel room, I'd met
18 you in an alley?

19 A. Yes.

20 MR. MACARTHUR: Objection as to leading.

21 MS. KOLLINS: Foundation, your Honor.

22 THE COURT: I'll give a little bit of leeway
23 here to complete the testimony, as we are late in the day.
24 I think we know we're trying to clarify and recover some
25 ground we already covered.

1 I'll overrule, with appropriate boundaries, Ms.
2 Kollins.

3 BY MS. KOLLINS:

4 Q. Did I ever give you the impression I
5 discontinued giving you things because you weren't saying
6 what I wanted?

7 A. No.

8 Q. You told Mr. MacAuthur that you found -- or
9 that you are sober from December 2015 to December 2016; is
10 that correct?

11 A. Yes.

12 Q. So your sobriety continued from right around
13 the time you had the fight with Josh to the fall Christmas
14 month, December 16th, right?

15 A. That was at the same time. 2015 of December
16 Josh was already incarcerated.

17 Q. Sorry. I was thinking the year before. My
18 apologies.

19 You told Mr. MacAuthur Taylor was not your best
20 friend, but you told other people she was your best
21 friend?

22 A. At times she was. There were times she
23 wasn't. We were on and off again here and there.

24 Q. So when you got back from Minnesota in July of
25 2015, and you and -- Taylor came over and spent the night.

1 You know what night I'm talking about?

2 A. Yes.

3 Q. Were you in best friend mode then?

4 A. Yeah.

5 Q. That is the night that you burned the pictures
6 of Josh?

7 A. Right.

8 Q. Do you remember how many -- if that would have
9 been July 20th, how many days before that you got back
10 from Minnesota?

11 A. No.

12 Q. Could it have been July 18th?

13 A. Possibly. Most likely honestly.

14 Q. Now, the notes that you and Taylor put
15 together, did you write those or did Taylor write those?

16 A. Taylor wrote them for me as I told them.

17 Q. You told her things and she wrote them down?

18 A. Yes.

19 Q. What did you do you after?

20 A. I think we just stashed them in the notebook
21 and just put the notebook somewhere. I don't know.

22 Q. Have you and I ever discussed those burned
23 photographs before?

24 A. No.

25 Q. When did you learn that you might be speaking

1 about the burned photographs today?

2 A. I didn't.

3 Q. Didn't you burn those photographs at the time
4 you said you were hating Josh?

5 A. Yes.

6 Q. When you were just back from Minnesota?

7 A. Yes.

8 Q. When we were talking about Franco on direct
9 and were you talking about there was PDA pictures, why
10 didn't you discuss on direct examination about being angry
11 at Franco about blasting out naked pictures?

12 Why didn't we have that discussion?

13 A. It not sure. It wasn't information I relayed
14 at the time. It wasn't something I thought of.

15 Q. When did you start to think about it?

16 A. It was always there, just not until they
17 brought it up is when I just thought about it.

18 Q. Until they brought it up. Who is they?

19 A. Mr. MacAuthur and Ms. McNeill.

20 Q. When did they bring it up?

21 A. Just now.

22 Q. That wasn't something you discussed?

23 A. No.

24 Q. You told Mr. MacAuthur that you were present
25 with that phone call between Franco and Josh?

1 A. Right.

2 Q. You were with Josh, right?

3 A. Right.

4 Q. Where were you? Like were you at Joshes'
5 house, your house? Where were you?

6 A. Joshes' house.

7 Q. Where within Joshes house?

8 A. In the -- he was in the garage on the phone
9 with him. I was kind of going in and out of the house. I
10 didn't want to hear the conversation going on. I heard
11 parts of it.

12 Q. Did you hear any of it?

13 A. Only what Josh said. What he said exactly I
14 don't remember, but I just remember going in and out of
15 the house hearing some parts and going back in and coming
16 back out.

17 Q. Franco, where did you meet?

18 A. Desert Oasis.

19 Q. Did you meet in class?

20 A. Yeah.

21 Q. What class did you have together?

22 A. Spanish.

23 Q. You began to speak?

24 A. Yes.

25 Q. How old are you when you met him?

1 A. 14.

2 Q. 14?

3 A. Yeah.

4 Q. Freshman at Desert Oasis.

5 A. Right.

6 Q. He was a junior or senior?

7 A. Senior.

8 Q. When you met him?

9 A. When I met him.

10 Q. Did he play football?

11 A. Yes.

12 Q. I believe you told Mr. MacAuthur, but I may
13 have misunderstood you, that Josh wanted to keep the
14 notion of your brother sister relationship a secret?

15 A. No.

16 Q. Did I misunderstand that?

17 A. Yes.

18 Q. You told Mr. MacAuthur you attended many Metro
19 functions?

20 A. Yes.

21 Q. When we spoke we spoke about 5 to 10 Explorer
22 meetings. And we just talked about the car wash. What
23 other things did you go to?

24 A. There was things like Jonathan Rameriezes'
25 funeral. The candle lighting for that funeral. Kevin

1 Zafiriris' house when -- the funeral was like just that area
2 command and the Explorers from it. We went to his house
3 for like, not a celebration, but like a mourning,
4 celebration, if that makes sense.

5 Q. Like a wake?

6 A. Right.

7 Q. The other people that were at that BJ's
8 celebration --

9 A. Yes.

10 Q. -- Mr. MacAuthur showed you the picture from
11 the album from my opening statement, remember that?

12 A. Yes.

13 Q. Did you ever turn over any other pictures of
14 that celebration except for the ones we have?

15 A. No.

16 Q. Did you have any pictures of either Wirey,
17 Samples, Zafiriris that you ever gave me?

18 A. No.

19 Q. You talked about something happening at work
20 with Josh, but you don't know what it is in, March 2015?

21 A. Right.

22 Q. Now, is that in the time frame when you are
23 fighting?

24 A. Yes.

25 Q. Why do you think it was important to tell that

1 to Detective Cho if that is in fact when you referred
2 to?

3 A. Just one of the small times when we came back
4 in contact. So when I was saying we were in and out of
5 contact, one of the times we came back in contact. That
6 was the small details I remember being when we did come
7 back in contact.

8 Q. When you were first contacted by sexual
9 assault, you were contacted by telephone, right?

10 A. Correct.

11 Q. You were at you aunt and uncles house in San
12 Francisco?

13 A. At the house, but I was out shopping with my
14 aunt in San Francisco.

15 Q. That's where you were visiting, right?

16 A. Right.

17 Q. You said it was recorded. Did you and I ever
18 go over that recording?

19 A. No.

20 Q. Have you ever seen the recording?

21 A. No.

22 Q. You are fearful that something would happen to
23 your mom based on your behavior?

24 A. Right.

25 Q. When did that fear arise?

1 A. The fear was always ingested in me just in
2 case. Like because I was always worried because Josh is
3 so closely related to Metro that any time, like, say my
4 mom was around and say, per se, she was drunk, it was very
5 clear when she is drunk, I would be fearful of her getting
6 in trouble for that, whether she was driving, which was an
7 example. On his 21st birthday if my mom would have showed
8 up to that and get drunk, I didn't want her showing that
9 around officers, per se, because I was worried. Always in
10 fear just like, yeah, always in fear of my mom getting in
11 trouble. She's all I had.

12 Q. Did I ever leave you with the impression that
13 if you didn't come to court or do something that I was
14 going to get your mom in trouble?

15 A. No.

16 Q. Was that ever anything we discussed?

17 A. No.

18 Q. Other than in the context of you thinking Josh
19 would get your mom in trouble?

20 A. Right.

21 Q. Have I ever told you I'm going to have your
22 mom arrested or anything like that?

23 A. No.

24 Q. Mr. MacAuthur asked you questions about there
25 is a platonic relationships, there's brother sister

1 relationship, and there's everything in the middle. You
2 may have a crush, something like that. That's kind of a
3 gray area in the middle?

4 A. Right.

5 Q. If I understand what your response was to him
6 there was portion or part of the time where that's how you
7 felt about Josh?

8 A. Right.

9 Q. So from 2011 through the big fight in 2015,
10 when did that change?

11 A. Change or occur, I can't say. I just remember
12 there being instances where I felt stronger than others
13 depending on how -- just things were going on in life, but
14 specifically I don't remember.

15 Q. Okay. So when this whole him losing his
16 virginity, this was kind of the blow up for all of this we
17 heard about. Have you and I ever had a discussion about a
18 female by the name that the Defendant lost his virginity
19 to and that that's what spawned this issue?

20 A. No.

21 Q. What was her name again?

22 A. Brisa Perez.

23 Q. How long have you known Brisa Perez?

24 A. I only knew of her through Josh. Only what
25 Josh told me.

1 Q. Was she a Metro Explorer?

2 A. I don't think so.

3 Q. What did you know about her through Josh?

4 A. Just her -- basically just her profile, who
5 she is what. What she looked like. What he had done.
6 There was like an exchange of him showing me some of the
7 text messages between them. That's it. I didn't know
8 her.

9 Q. When is the first time you discussed Josh
10 losing his virginity as a reason you went to the police?
11 When is first time you had that discussion?

12 A. Josh, that was never -- I never had that
13 discussion until today.

14 Q. You never told anyone that information before
15 today?

16 A. Right. I spoke between me and Josh back
17 then.

18 Q. As you sit there today how do you remember the
19 day that Josh lost his virginity?

20 A. I don't remember it exactly, except for me
21 feeling somewhat betrayed, just him explaining to me what
22 had happened. That it had happened. That's it. What
23 exactly exchanged or specific words, I don't remember.

24 Q. Did you tell Taylor?

25 A. No.

1 Q. Why not?

2 A. I don't know. It wasn't something I felt was
3 necessary.

4 Q. Mr. MacAuthur asked you about SunCoast and
5 Rampart. You discussed other locations where sex happened
6 with Josh, other than those two?

7 A. Yes.

8 Q. His grandparent' house?

9 A. Yes.

10 Q. Joshes' house?

11 A. Correct.

12 Q. Your house?

13 A. Yes.

14 Q. The Excalibur?

15 A. Yes.

16 Q. Parking lot of the Golden Coral?

17 A. Yes.

18 MS. KOLLINS: Court's indulgence.

19 THE COURT: Yes.

20 BY MS. KOLLINS:

21 Q. Do you know when you stopped talking to
22 Franco?

23 A. Not exactly. December if that was it.
24 November-ish exactly.

25 Q. 2014?

1 A. Yes.

2 Q. Do you know what month you left Desert Oasis
3 High School?

4 A. Sorry. I'm mixing up dates. Whatever year --
5 my freshman year. It was the beginning of that semester
6 halfway through that semester.

7 Q. I had it committed to memory. Give me a
8 second.

9 MS. KOLLINS: Approach the witness.

10 THE COURT: You may.

11 MS. KOLLINS: Showing you what's admitted as 62.
12 Take a look at that real quick. It's the age chart we
13 agreed on earlier. Remember that.

14 THE WITNESS: Correct. So 2013.

15 MS. KOLLINS: You would have left Desert Oasis
16 mid-semester, 2013 to 2014.

17 THE WITNESS: End of 2013.

18 MS. KOLLINS: Nothing further.

19 THE COURT: Mr. MacArthur, anything related to
20 the questions the State asked.

21 RECROSS-EXAMINATION

22 BY MR. MACARTHUR:

23 Q. What year is freshman year?

24 A. Freshman year is 2013 to '14.

25 Q. How many year of high school?

1 A. 4.

2 Q. What are they called?

3 A. Freshman, sophomore, junior, senior.

4 Q. So publishing State's Exhibit 62. Make sure
5 that I'm using the chart correctly.

6 We couldn't see what you and Stacey were looking.
7 We established earlier the middle row is the age you were
8 before you started the grade to the right?

9 A. Right.

10 Q. So for example, 2010?

11 A. It's not the age I was before I started the
12 grade. That is the age, yes -- I was -- sorry, my bad.

13 Q. Not the easiest thing to understand. It's
14 cool. So you remember being 11 in the 6th grade?

15 A. Correct.

16 Q. You turned 12 in Minnesota, that was all the
17 6th grade year?

18 A. Right.

19 Q. So you were 11 before 6th grade started and 12
20 June 30th, right after 6th grade?

21 A. Right.

22 Q. So what grade is freshman?

23 A. 9th.

24 Q. You were 14 before the 9th grade started?

25 A. Right.

1 Q. Then 9th grade ended you turned 15?

2 A. Right.

3 Q. So in August and September of 9th grade, which
4 is 2015, Franco Orduno was a senior, right?

5 A. Right.

6 Q. So looking at this line. It looks like it was
7 June 30th, 2013 you turned 14. You then went into 9th
8 grade. On June 30th 2014, right after 9th grade you
9 turned 15?

10 A. Correct.

11 Q. That fits with what you testified to about
12 being 14 when Franco was your boyfriend?

13 A. Right.

14 Q. That was the year he showed people the
15 pictures of you naked and you switched schools, right?

16 A. Yes.

17 Q. He was 17 and he turned 18?

18 A. Right.

19 Q. You were still two years under the age of
20 consent?

21 A. Correct.

22 MS. KOLLINS: Objection.

23 MR. MACARTHUR: I'll withdraw the question.

24 THE COURT: If the jurors have questions for
25 this witness, I need to have you complete the questions

1 and by a show of hands if there are any. I see no hands
2 from the jurors. So this witness is excused. Thank you,
3 Ms. Savage. The COs will take you -- as a matter of fact,
4 let's take a break so I may briefly figure out our
5 scheduling.

6 Go ahead. I'll have you wait with counsel for one
7 minute.

8 JURY ADMONITION

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

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

21 We'll resume shortly.

22 (Brief recess taken.)

23 THE COURT: I just realized I needed to make a
24 record with Ms. Savage. It appears that her testimony is
25 complete. I would be releasing her from custody at this

1 time. I don't know what time that will occur, Ms. Savage.

2 MS. PANDULLO: She does want to be present for
3 the rest of the trial. I wanted to address that with the
4 court. Does anyone have an objection to that. I don't
5 think she's precluded from being here, since her testimony
6 is concluded.

7 MS. KOLLINS: Well, I don't know if she will be
8 recalled. I never now that. Based on many defense
9 witnesses, I haven't spoke to. I don't know if she's
10 necessary rebuttal.

11 THE COURT: Does the defense have a position.

12 MR. MACARTHUR: As an officer of the court, I
13 feel compelled to agree with the State. Legally speaking
14 information could come out that makes them want to call
15 her for rebuttal. I agree with the State. They make a
16 point.

17 THE COURT: The court agrees with all counsel.
18 There is a possibility they may need rebuttal. We hope
19 you will take care of yourself when you are released from
20 custody. If you need to be recalled, you'll be available.
21 It is not appropriate for any witness to be in the
22 courtroom as trial resumes.

23 THE WITNESS: Thank you.

24 MS. MCNEILL: Thank you, Ms. Pandullo, for your
25 service.

1 MS. MCNEILL: Can we give contact perhaps, just
2 in case we need to call her.

3 THE WITNESS: I don't have contact at this
4 moment. But once I do, you'll get one.

5 MS. MCNEILL: Okay.

6 THE COURT: Can she take my card.

7 THE COURT: Yes. We'll adjourn.

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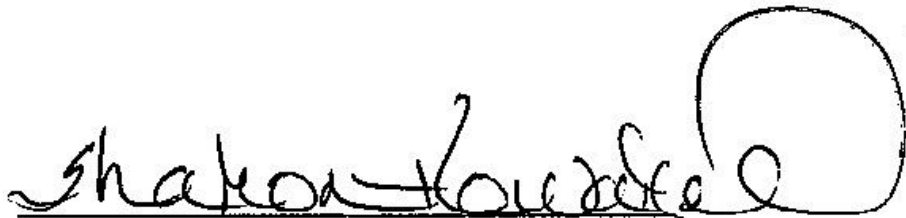
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CERTIFICATE
OF
CERTIFIED COURT REPORTER

* * * * *

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

< Dates >.	10:00 28:1,	125:8.
12 june 124:19.	56:2.	2015 20:24, 21:21,
December 16th	11 124:14,	23:20, 39:15,
112:14.	124:19.	49:20, 51:19,
December 2015	11. 91:2.	53:15, 55:17,
112:9.	11:00 28:1.	55:19, 56:3,
December 2016	11:27 30:9.	68:6, 71:24,
112:9.	12 91:7, 98:2,	75:4, 75:8,
DECEMBER 6, 2017	124:16.	75:9, 75:10,
1:28, 4:1.	123 3:9.	75:12, 76:14,
February 2015	12:00 56:2.	80:7, 81:11,
88:21.	12th 38:14.	87:1, 90:18,
July 18th	130 3:12.	93:13, 93:15,
113:12.	13th 98:1.	112:15, 112:25,
July 20, 2015	14 36:11, 39:1,	120:9, 125:4.
27:18.	116:1, 116:2,	2015. 41:11,
July 2015 70:19,	124:24,	47:19.
88:21, 89:12.	125:12.	2016 21:22.
July 22, 2015	14. 125:7.	20th 27:22, 55:17,
52:18, 91:16.	15 125:1, 125:9.	55:19, 55:24,
June 2015 87:6.	16 36:19, 37:12,	56:3, 67:9,
June 30, 1999	87:21.	90:4, 113:9.
87:14.	17 3:7, 37:12,	21st 46:1,
June 30, 2013	38:23, 125:17.	119:7.
98:1.	18 38:24, 39:1,	23:27 30:9.
March 2015 50:7,	104:2, 125:17.	23:28 31:7.
70:12, 70:18,	.	25 1:3.
89:10, 117:20.	.	2nd 9:21.
September 15	< 2 >.	.
91:17.	2 27:19, 36:12,	.
September 2013	45:5, 47:5,	< 3 >.
100:9.	47:10, 60:2,	3 7:2, 10:2,
#745 129:28.	91:19.	28:11, 30:17,
'03 9:24.	2-and-a-half 14:5,	45:5, 45:8,
'04. 9:24.	56:6.	46:6, 47:5,
'13. 32:7.	20 9:7, 57:2,	47:10, 58:19,
'14 32:6, 93:9,	57:6, 66:16.	77:3, 78:16.
123:24.	20. 66:6.	3-way 100:14,
'14. 40:10.	2010 124:10.	100:15.
'15 93:9.	2011 71:23, 86:25,	30th 124:20,
.	120:9.	125:7, 125:8.
.	2012 98:12.	3:00 57:20.
< 0 >.	2013 40:10, 93:9,	3:00. 57:6.
OK 88:12.	93:13, 93:15,	.
.	93:23, 98:14,	.
.	123:16, 123:17,	< 4 >.
< 1 >.	123:24, 125:7.	4 20:21, 22:19,
1 47:5.	2013. 123:14.	22:21, 37:21,
10 66:6, 116:21.	2014 32:5, 81:11,	47:19, 53:2,
105 3:8.	122:25, 123:16,	90:19, 90:25,

95:11, 124:1.	absolutely 14:8.	admit 26:7, 26:9,
4:00 66:12.	abundantly	29:14, 29:16,
.	71:21.	30:23, 43:15,
.	Academy 35:16.	54:25, 61:12,
< 5 >.	access 94:24.	77:13, 83:7,
5 11:21, 116:21.	accomplish	92:22, 94:15.
5th 20:21.	44:19.	admitted 28:24,
.	accomplished	31:1, 54:9,
.	6:2.	56:15, 84:6,
< 6 >.	according 5:21.	85:5, 96:5,
6 96:2.	account 12:21,	123:11.
62. 123:11,	24:16, 93:8.	admonished 57:9,
124:4.	accounts 20:23.	57:17, 126:10,
6th 71:24, 73:20,	accurately 26:4,	126:18.
124:14, 124:17,	28:10, 28:16,	ADMONITION 57:7,
124:19,	30:20, 43:10,	126:8.
124:20.	54:19, 77:10.	adopted 107:10,
.	accusation	108:17.
.	94:21.	adult 104:3,
< 7 >.	accusations 23:7,	104:22.
745 1:35.	23:9, 23:15.	advise 23:25.
76 96:7, 97:22.	acknowledge 17:10,	advised 46:18,
76. 96:10.	63:11.	58:1.
.	acknowledged	advising 14:14.
.	63:23.	advisor 45:6.
< 8 >.	actions 5:20.	advisors 46:24.
8 18:14, 18:18.	active 6:8, 6:22,	advocated 60:12.
.	8:5, 39:1,	affection 34:6.
.	93:21, 93:23.	afternoon 13:17,
< 9 >.	activities	17:18, 17:19.
9 18:14, 18:18.	103:24.	age 36:12, 36:17,
9:00 28:1.	acts 102:23.	37:5, 75:21,
9:40 56:2, 56:4.	actual 10:23,	76:1, 76:11,
9th 31:23, 124:23,	16:2.	80:14, 81:2,
124:24, 125:1,	actually 38:21,	87:19, 104:2,
125:3, 125:7,	88:11.	106:20, 123:12,
125:8.	add 5:23, 5:25,	124:7, 124:11,
.	7:24, 8:3, 8:16,	124:12,
.	15:11, 58:21,	125:19.
< A >.	59:20, 59:24,	ago 8:23, 80:12,
A. 95:23, 96:1.	60:19, 62:15,	86:15, 105:17.
AA 8:6.	98:25.	agree 41:11,
abided 4:24.	additional 7:23,	47:15, 52:2,
ability 45:14,	9:10, 11:11,	72:8, 72:20,
58:12.	18:9, 84:9.	73:12, 73:15,
able 9:17, 28:24,	address 57:4,	90:22, 103:3,
28:25, 60:15,	57:24, 127:3.	103:19, 103:23,
79:23, 87:18,	addressed 61:8.	104:3, 104:25,
87:23.	adjourn 128:7.	105:3, 106:10,
above 46:17.	admission 29:13.	111:4, 127:13,

127:15.	109:4.	45:17, 53:20,
agreed 61:21,	answered 49:23,	76:25.
123:13.	70:1.	appropriate 13:11,
agrees 127:17.	answers 21:25,	14:8, 14:11,
ahead 54:15, 57:2,	36:25.	15:2, 16:6,
109:5, 126:6.	antibiotic	58:11, 112:1,
album 96:11,	100:18.	127:21.
96:13, 98:11,	anticipate	appropriateness
117:11.	66:14.	62:8.
alcohol 53:7.	anticipating	approximately
allegations 21:9,	58:6.	21:23, 23:18,
21:19.	anticipatory 62:7,	26:25, 30:12,
Allen 6:19, 7:10,	62:9, 64:10.	31:6, 43:13,
9:20, 10:10,	apologies	47:19, 51:18,
10:16.	112:18.	83:2, 91:19.
alley 111:18.	apologize 24:5,	area 57:24, 117:1,
allow 12:8, 14:17,	28:19.	120:3.
19:17, 59:9,	app 83:21, 88:12,	argue 63:22.
59:12.	88:22, 91:10.	arguing 63:20.
allowed 15:20,	apparent 12:25.	argument 14:11,
15:24, 16:20,	appear 5:15, 8:8,	32:20, 59:3,
16:21, 44:23,	31:6, 60:17,	60:6, 60:16,
62:19, 62:21,	79:20, 96:23,	67:19.
63:18, 85:18.	97:4.	arguments 63:13.
allowing 11:23.	appearance 6:4,	arise 118:25.
almost 10:24.	6:7, 6:13,	arm 100:22.
alone 41:7,	8:23.	around 9:24,
59:16.	APPEARANCES 2:1,	49:20, 50:7,
already 4:21,	9:8.	67:5, 89:10,
11:21, 12:24,	appeared 43:11.	112:12, 119:4,
30:17, 49:23,	appears 29:17,	119:9.
49:24, 62:23,	29:22, 78:17,	arrest 21:20.
70:21, 111:25,	126:24.	arrested 39:8,
112:16.	appoint 5:18.	40:1, 71:24,
although 7:6.	appointed 4:13,	74:1, 119:22.
among 57:9,	5:6, 5:12,	articulate 12:8,
126:10.	6:20.	12:13, 13:14,
amount 7:8.	appointment	15:3.
ample 29:5.	10:24.	articulated 11:17,
anatomically	appreciate 10:18,	13:8, 13:11.
106:14.	11:10, 16:24,	articulately
and/or 47:13.	37:1, 62:14,	61:14.
angry 16:16,	74:14, 74:24.	articulating
31:16, 34:1,	Approach 37:15,	24:9.
73:3, 73:6,	56:23, 84:24,	articulation
73:9, 87:5,	85:20, 92:23,	11:13.
89:3, 114:10.	108:12, 123:9.	asks 99:18.
answer 39:10,	approached	aspects 59:11.
47:10, 58:11,	60:24.	assault 48:7,
80:24, 99:21,	Approaching 42:12,	50:16, 67:12,

70:21, 89:9, 118:9.	109:22, 118:23, 127:8.	88:17, 92:25.
asserted 102:3.	basic 84:14.	beneficial 13:6.
associated	basically 46:18,	benefit 12:2.
40:25.	121:4.	benefits 12:4.
assume 98:11.	basis 14:8, 61:13,	best 9:20, 21:17,
assuming 54:12.	71:16.	22:14, 23:3,
attended 42:2,	became 12:25.	24:10, 32:3,
116:18.	began 115:23.	49:7, 58:11,
attention 4:11,	Beginning 32:9,	72:25, 112:19,
9:24, 10:19,	40:10, 53:24,	112:20, 113:3.
47:18, 51:5,	70:14, 80:20,	betrayed 88:1,
55:13, 58:20.	98:25, 123:5.	121:21.
attorney 4:11,	behavior 118:23.	Betsy 6:19,
19:8, 19:21,	belabor 16:2.	9:19.
66:6, 106:8.	believe 5:2, 5:19,	better 11:12,
August 32:5, 32:6,	9:2, 11:5,	11:13, 13:14,
32:9, 32:11,	13:10, 13:14,	39:19, 74:17.
38:15, 125:3.	13:15, 15:10,	Beyond 9:2, 9:9,
aunt 118:11,	35:12, 38:23,	62:22.
118:14.	39:16, 50:21,	bias 12:14, 13:3,
Austin 43:5,	51:4, 52:18,	15:1, 15:16,
44:10, 79:4.	63:11, 65:16,	15:20, 59:4.
authority 41:4.	69:5, 78:9,	biases 14:12.
availability	108:18, 108:20,	big 72:8, 120:9.
5:7.	116:12.	birthday 46:1,
available 5:18,	believed 61:1,	87:13, 87:16,
58:7, 101:3,	61:19.	98:1, 98:8,
127:20.	believes 14:7,	119:7.
avid 81:9.	62:10.	bit 63:1, 107:9,
avoid 6:7.	believing 14:20.	111:22.
aware 10:1, 29:1,	bell 62:13,	BJ 117:7.
39:7, 39:21,	85:19.	Bjs 46:3, 46:9,
83:24, 84:4,	Bench 11:13,	46:11.
97:21.	11:19, 15:12,	black 27:10.
away 18:1, 65:7,	15:14, 19:13,	bladder 100:15.
65:20.	20:6, 49:25,	blasting 114:11.
.	57:22, 57:25,	Blemish 99:24,
.	58:19, 58:23,	100:1.
< B >.	60:2, 60:12,	blemishes
B-r-i-s-a 87:10.	61:7, 62:8,	101:11.
B. 45:17.	62:15, 63:5,	blow 120:16.
bad 69:20,	63:23, 64:7,	blown 86:10.
124:12.	64:13, 65:4,	Bonanza 33:4,
Based 13:9, 15:1,	85:1, 85:20,	33:7.
16:1, 18:5,	88:15.	book 84:4, 85:9,
20:25, 27:24,	bench. 19:15,	85:15.
30:12, 41:6,	20:7, 37:17,	Books 81:7, 81:15,
59:15, 65:17,	50:2, 56:25,	83:3, 83:20,
78:6, 86:25,	85:3, 85:21,	84:3, 84:11,
		85:11, 85:12,

86:1, 86:4.	burning 28:21,	26:17, 26:18.
bottom 96:6.	30:20, 31:11.	Center 107:14.
bought 84:17.	business 74:25.	certain 21:2.
boundaries	busted 95:10.	Certainly 6:14,
112:1.	butt 100:24,	59:13, 86:22.
bowel 26:3.	101:20,	CERTIFICATE
boyfriend 38:5,	101:23.	129:1.
41:15, 74:6,	buying 110:14.	CERTIFIED 129:3,
125:12.	.	129:8.
boyfriends 73:22,	.	certify 129:9.
79:17.	< C >.	chamber 4:8, 4:10,
break 51:21,	C-15-309548-1	7:7, 8:4, 8:16,
51:22, 63:5,	1:2.	8:17.
65:3, 66:21,	call 35:22, 39:22,	chambers 6:14,
66:22, 126:4.	49:5, 114:25,	6:15, 8:12,
Brief 11:11,	127:14, 128:2.	11:10.
38:25, 57:1,	called 51:16,	Change 15:8,
57:21, 61:23,	51:17, 61:9,	47:12, 65:17,
65:2, 66:22,	70:25, 71:1,	65:19, 105:1,
126:22.	88:12, 88:23,	120:10,
briefly 126:4.	124:2.	120:11.
bring 17:1,	Calls 71:7.	changed 5:11,
114:20.	candle 116:25.	13:1, 13:5,
bringing 4:11,	candor 10:7.	13:8, 14:4,
7:19, 10:19,	Cane 43:5,	14:24, 16:9.
110:15.	44:10.	Charleston 46:4.
Brisa 87:6, 87:10,	capacity 44:12.	chart 123:12,
87:15, 120:22,	car 42:21, 43:11,	124:5.
120:23.	116:22.	Chat 26:23.
Brittany 35:2.	card 128:6.	check 8:21.
broke 74:13.	care 127:19.	child 61:17.
brother 41:15,	CASE 1:2, 4:15,	Cho 23:10, 23:16,
48:12, 72:2,	6:3, 6:10, 7:25,	23:24, 24:23,
72:9, 72:12,	8:6, 16:2, 19:3,	25:1, 25:4,
72:15, 72:17,	21:20, 29:5,	27:20, 37:25,
72:21, 75:6,	39:22, 48:22,	39:5, 41:10,
75:11, 97:11,	57:12, 57:15,	55:21, 67:25,
116:14,	57:19, 119:2,	68:21, 70:12,
119:25.	126:13, 126:16,	70:15, 89:13,
brought 9:16,	126:20, 128:2.	90:7, 90:12,
11:2, 51:5,	caste 75:12.	91:5, 91:9,
105:17, 114:17,	catch 87:9.	91:15, 91:20,
114:18.	categorically	92:6, 95:1,
buffer 6:11.	108:5.	99:18, 107:7,
building 90:1.	caught 62:1.	118:1.
bunch 103:12.	cease 57:1.	Christmas
burn 114:3.	celebration 117:3,	112:13.
burned 28:8,	117:4, 117:8,	circumstance
56:10, 113:5,	117:14.	13:16, 15:9.
113:22, 114:1.	cell 17:7, 26:15,	circumstances

14:16, 15:1, 60:4.	57:13, 64:11, 126:14.	58:23, 60:2, 62:8, 62:16, 63:6.
civil 9:22.	commenting 13:20.	conferences 11:19, 58:19.
claim 44:22.	committed 123:7.	confidence 10:22.
clarification 6:25, 15:12, 62:14.	communicated 11:6.	confirmed 4:24, 14:22.
clarified 11:6.	communication 4:22, 11:4, 12:1.	conflict 4:12, 4:18, 5:16, 7:2.
clarify 8:20, 62:25, 93:10, 109:3, 111:24.	communications 16:7.	conflicts 9:15.
Clark 1:7, 107:14.	community 9:3.	confusing 69:4, 69:5, 72:19, 96:16, 98:4, 108:22, 109:7.
class 115:19, 115:21.	comparison 12:3.	connected 57:11, 57:14, 57:18, 126:12, 126:15, 126:19.
clear 18:6, 45:15, 49:13, 49:14, 58:24, 64:7, 67:11, 70:10, 70:16, 71:21, 72:5, 75:13, 80:22, 80:25, 95:18, 106:20, 119:5.	comparisons 13:3.	connection 10:13, 10:15, 10:16.
client 8:15.	compelled 127:13.	consensual 87:23.
close 5:7, 22:8, 24:6, 31:10, 66:9, 73:16, 87:15.	complete 9:17, 10:1, 11:9, 24:10, 60:12, 65:9, 111:23, 125:25, 126:25.	consent 36:13, 36:18, 37:5, 125:20.
closed 8:7.	completed 12:11.	consider 7:15, 19:9.
closely 119:3.	completely 110:7.	consideration 24:4.
closest 73:13.	completes 11:10.	considering 70:4.
clothes 110:16.	complied 5:3.	consistent 15:7, 15:9, 94:8, 99:8.
co-counsel 7:16.	comply 110:24.	constituted 61:12.
code 22:3.	components 61:15.	contact 48:15, 52:10, 68:3, 101:5, 118:4, 118:5, 118:7, 128:1, 128:3.
cognizant 61:5.	computer 26:19.	contacted 48:7, 50:15, 67:12, 89:9, 118:8, 118:9.
collage 41:20, 45:22, 95:24, 97:7.	concern 4:19, 7:22, 10:25, 11:7, 12:5, 12:12, 15:17, 64:14.	contacts 7:8.
comes 10:20, 39:18, 61:22.	concerned 53:10.	contemporaneously
comfortable 11:9.	concerns 5:20, 68:7.	
Coming 64:17, 65:6, 95:20, 115:15.	conclude 66:18.	
command 117:2.	concluded 59:18, 127:6.	
comment 11:1, 61:3, 62:8.	conclusion 11:20, 36:16.	
commentary 13:19,	conference 4:8, 4:10, 7:7, 8:4, 8:17, 11:13, 15:12, 57:22,	

96:17, 96:20,	49:14, 64:6,	dates 8:21, 32:3,
98:20, 98:21.	65:19, 73:8,	123:4.
content 84:3.	73:14, 76:4.	dating 88:12,
context 54:7,	courtroom 4:7,	88:22.
119:18.	127:22.	day 10:25, 12:22,
continue 5:1,	cover 57:3,	14:22, 20:21,
17:2, 29:11,	96:5.	22:21, 23:16,
85:23.	covered 59:11,	44:9, 61:22,
CONTINUED 12:9,	111:25.	101:1, 105:20,
17:16, 64:20,	covering 9:8.	110:15, 111:23,
112:12.	covers 82:9,	121:19.
continues 14:9.	82:11.	days 20:21, 22:19,
conversation 7:21,	created 14:18,	23:9, 27:19,
9:17, 9:25,	14:25, 45:23.	37:21, 47:19,
40:13, 40:17,	creating 12:7.	48:7, 50:15,
40:20, 49:4,	credibility	53:2, 55:20,
49:12, 49:13,	66:7.	90:25, 109:7,
51:12, 80:19,	credible 21:6.	110:14, 113:9.
102:6, 102:13,	crime 86:2.	December 21:21,
102:16,	criminal 9:3.	32:9, 32:12,
115:10.	cross 17:2.	38:16, 112:15,
converse 57:9,	CROSS-EXAMINATION	122:23.
126:10.	3:7, 16:19,	December-ish
conveyed 89:22.	17:16, 110:19.	40:10.
cool 124:14.	crossed 98:1.	decision 59:14,
cooperative 12:15,	crush 120:2.	61:25.
12:17, 12:19,	cunnilingus	declined 58:2,
12:21, 13:24,	64:5.	58:14, 59:2.
13:25, 14:3,	cup 21:8.	Defendant 1:20,
16:14.	Cupid 88:12,	2:5, 7:16,
copies 29:6,	88:23.	43:23, 63:25,
29:17.	currently 56:17.	78:21, 120:18.
copy 28:23, 29:1,	custody 12:4,	deferred 62:3.
29:8, 29:9,	12:16, 12:24,	DELANEY 1:25.
29:10, 108:2.	13:4, 13:7,	deliver 66:5.
Coral 122:16.	14:15, 14:23,	deny 59:14.
Corlar 43:7.	15:7, 19:9,	Department 7:17,
corrected 7:6.	59:2, 59:11,	42:3, 50:16,
correctly 124:5.	59:15, 126:25,	52:16, 69:15,
Cos 126:3.	127:20.	75:24.
Coulor 44:10.	.	depending
counter 60:6.	.	120:13.
County 1:7,	< D >.	depict 26:4,
107:14.	D. 55:14.	28:16, 30:20,
couple 21:12,	dad 18:18, 61:17,	54:19, 77:10.
23:9, 39:25,	61:18.	depicted 25:24,
46:23, 85:11,	Das 9:5.	27:10, 28:15,
93:15, 105:16,	date 23:19, 43:23,	53:25, 77:2,
110:14.	43:24.	79:3.
course 10:19,	DATED 1:28.	depicts 28:21.

DEPT. 1:3.	determinations	85:3, 85:21,
describe 54:2,	59:16.	88:17, 92:25,
72:2, 99:18.	determined	101:10, 109:11,
described 41:16,	60:14.	114:12, 120:17,
101:19, 101:22,	difference 75:21,	121:11,
102:23, 103:6,	76:2, 80:14.	121:13.
103:24.	different 69:7,	discussions
Desert 28:7, 32:2,	74:2, 90:1,	64:11.
33:4, 33:6,	103:20.	display 34:6.
115:18, 116:4,	difficult 66:13,	displayed 56:18.
123:2, 123:15.	90:22.	disregarded 20:14,
desire 5:12,	Dillon 79:11,	62:13.
63:9.	79:12.	distinction 12:17,
despite 72:25.	diminishment	14:12.
detail 12:8.	24:8.	distinctions
detailed 60:8.	direct 47:18,	11:25.
details 25:7,	55:13, 64:16,	DISTRICT 1:6,
60:11, 60:17,	114:8, 114:10.	1:26.
63:7, 63:10,	directed 6:3,	division 43:6,
64:6, 64:14,	6:21.	50:16.
64:15, 90:5,	direction	document 68:3.
90:23, 94:5,	129:15.	documented 25:13,
118:6.	directly 8:22,	27:2, 27:3,
Detective 23:10,	85:25.	28:4.
23:16, 23:24,	disagree 15:16,	documents 29:4.
24:23, 24:25,	16:12, 16:21.	doing 13:25, 16:8,
25:3, 27:20,	disciplinary	17:20, 18:22,
37:25, 39:5,	22:1.	27:4, 28:3,
41:10, 48:15,	disclose 9:15,	35:13, 35:14,
55:21, 67:25,	16:19.	69:16.
68:21, 70:12,	disclosed 8:13.	done 6:5, 6:6,
70:14, 70:15,	discontinued	8:10, 33:11,
71:13, 89:13,	112:5.	34:1, 40:23,
90:12, 91:5,	discovery 29:2,	53:6, 53:10,
91:9, 91:15,	29:4.	89:16, 99:5,
91:20, 92:5,	discuss 63:4,	121:5.
95:1, 99:18,	114:10.	door 16:16, 60:7,
107:7, 118:1.	discussed 19:3,	60:12, 60:14,
detectives 48:7,	30:18, 58:25,	62:20, 63:2,
48:17, 48:21,	113:22, 114:22,	63:11, 63:19,
50:15, 51:12,	119:16, 121:9,	63:23.
67:12, 68:4,	122:5.	down 77:5,
68:10, 68:24,	discussing	113:17.
69:3, 70:22,	90:10.	Downloaded 26:18,
89:10, 90:9.	Discussion 6:16,	83:21, 84:11,
Detention	8:18, 19:15,	84:13, 84:17,
107:14.	20:7, 37:17,	84:19.
determination	49:1, 50:2,	Drake 67:8.
16:25, 62:3,	56:25, 63:10,	draw 13:3,
62:5.	65:2, 80:7,	36:16.

drawing 12:3.	101:11.	31:23.
drawn 12:17, 13:4, 15:6.	emergency 101:5.	exact 27:25, 48:16.
dress 22:3.	encourage 62:10.	exactly 47:24, 48:2, 49:15, 52:13, 72:25, 83:5, 88:4, 115:13, 121:20, 121:23, 122:23, 122:24.
driving 119:6.	End 66:6, 70:18, 83:4, 89:10, 123:17.	Examianation 3:8.
drug 18:20.	ended 125:1.	EXAMINATION 17:14, 53:1, 105:12, 114:10.
drugs 18:22, 18:24, 53:6.	ending 70:15.	example 16:9, 107:19, 119:7, 124:10.
drunk 119:4, 119:5, 119:8.	enforcement 53:11.	Excalibur 122:14.
During 15:21, 21:25, 22:18, 37:21, 45:17, 53:1, 57:8, 57:12, 67:18, 78:4, 83:4, 93:11, 94:4, 95:20, 102:22, 126:9, 126:13.	engage 20:10, 62:11.	except 117:14, 121:20.
.	ensure 4:17, 62:11.	exchange 29:4, 121:6.
.	entertainment 81:7.	exchanged 121:23.
< E >.	entire 63:3, 63:24.	excused 126:2.
E. 53:24.	entirely 58:9, 65:9.	Exhibit 43:18, 53:24, 55:1, 55:14, 82:20, 82:21, 96:5, 124:4.
earlier 4:15, 47:15, 123:13, 124:7.	entries 97:3.	Exhibits 28:20, 53:21, 81:17, 85:4.
early 10:23, 80:22, 80:25.	escaped 9:24.	exist 15:2.
easier 104:25, 105:3, 107:2.	ESQ 2:2, 2:3, 2:5, 2:6.	existed 71:23.
easiest 124:13.	Essentially 7:24, 24:4, 61:13.	expectation 65:7.
Easy 81:25.	established 124:7.	experience 86:19, 104:10.
Effect 34:21.	estimate 66:1.	explain 42:19, 43:3, 46:14, 63:24, 63:25.
efforts 72:25.	ethical 5:4, 9:15.	explained 21:5.
either 40:14, 47:4, 63:22, 85:19, 107:4, 117:16.	evening 56:13.	explaining 121:21.
elicited 21:25.	event 7:19, 45:25.	explore 80:8.
eliciting 62:12, 64:10.	events 73:19.	Explorer 43:11, 44:18, 45:4,
eliminate 13:20.	eventually 10:12.	
eliminates 5:16.	everybody 57:5, 104:19.	
emailed 43:19.	everyone 6:11, 36:25.	
embarrassed 102:19.	everything 14:1, 108:5, 109:19, 120:1.	
embarrasses 34:11.	evidence 12:18, 13:10, 13:15, 79:14.	
embarrassing 33:22, 78:25,	evidentiary 83:23.	
	ex-boyfriends	

116:21, 121:1.	feel 11:9, 102:19,	77:2, 92:10.
Explorers 42:21,	127:13.	food 18:2.
45:1, 46:21,	feeling 75:5,	footages 31:4.
46:24, 117:2.	75:12, 121:21.	football 33:19,
express 57:17,	feelings 59:10,	34:25, 116:10.
126:18.	74:21, 97:10.	footnote 16:18.
expressed 65:3,	fell 75:9.	foregoing 129:11,
68:7.	fellatio 64:5.	129:15.
extent 5:4, 9:25,	felt 56:12, 75:10,	forgot 110:20.
63:9, 84:5.	88:1, 120:7,	forgotten 110:8.
eyes 74:19.	120:12, 122:2.	form 6:16, 57:17,
.	female 120:18.	101:16, 104:7,
.	few 80:12, 95:10,	126:18.
< F >.	109:7.	former 9:19.
F. 26:9.	fight 73:1, 73:13,	forth 58:10,
Facebook 17:24.	88:5, 88:6,	75:13, 129:12.
facilitating	112:13, 120:9.	forum 7:20.
110:15.	fighting 22:6,	found 112:8.
factors 5:17,	117:23.	Foundation 17:23,
105:1.	Fights 22:7,	22:16, 23:22,
facts 14:4,	22:8.	48:20, 49:3,
15:1.	figure 64:7,	49:10, 54:12,
fading 65:12.	126:4.	55:6, 77:16,
Fair 15:10, 20:23,	final 62:3.	83:19, 84:9,
22:9, 66:1,	finally 57:19,	86:22, 88:13,
68:4, 71:25,	126:20.	88:19, 111:21.
74:3, 74:21,	find 5:6, 39:24,	Four. 44:5.
76:20, 98:11,	48:4, 102:19,	frame 8:24, 55:4,
98:20.	110:8.	70:12, 88:19,
fairly 26:4,	finish 24:7, 65:5,	93:12, 117:22.
28:10, 28:16,	66:2, 66:11.	Francisco 51:13,
30:19, 43:10,	finished 8:7.	51:19, 71:1,
54:19, 77:10.	fire 29:23,	118:12,
fall 112:13.	29:25.	118:14.
false 23:15.	firmly 14:7.	freckle 101:22.
falsehood 20:25.	first 9:22, 10:25,	Freshman 32:8,
far 5:24, 8:4,	21:19, 37:21,	32:11, 40:11,
35:4, 39:7,	58:23, 67:13,	78:8, 78:10,
45:3, 49:1,	68:3, 84:9,	78:11, 78:13,
74:18, 82:16,	89:15, 90:9,	78:14, 78:16,
82:21, 104:7,	91:1, 91:6,	78:17, 79:21,
107:1, 109:21.	94:21, 105:20,	116:4, 123:5,
fashion 64:6.	118:8, 121:9,	123:23, 123:24,
father 18:13.	121:11.	124:3, 124:22.
fault 29:10, 64:3,	fist 52:22,	friend 22:13,
64:8.	110:6.	22:14, 23:3,
fear 118:25,	fits 125:11.	26:2, 35:2,
119:1, 119:10.	floor 90:1.	112:20, 112:21,
fearful 53:2,	follow 36:24.	113:3.
118:22, 119:5.	following 12:24,	friendly 9:8.

friends 9:20, 22:20, 23:1, 24:3, 42:6, 53:16, 67:19, 76:10, 86:8.	68:6, 74:25, 119:5, 119:10.	guides 107:1.
friendship 5:7, 6:19, 7:10, 7:18, 8:13, 9:6, 17:24, 52:7, 71:22.	girl 43:6.	guys 38:7, 86:9, 110:9.
front 18:22, 55:14.	girlfriend 41:16.	.
frustrated 34:2.	girlfriends 18:19.	.
frustrating 76:6.	girls 22:6, 85:16.	< H >.
frustration 86:9, 89:1.	Give 7:1, 8:19, 25:3, 57:2, 65:14, 94:24, 100:21, 111:22, 112:4, 123:7, 128:1.	H. 82:20, 83:10, 84:6, 85:5.
full 86:10.	Given 8:24, 24:1, 28:22, 37:25, 39:18, 45:6, 74:16.	hairs 63:14.
functions 42:3, 116:19.	giving 16:15, 63:23, 107:19, 112:5.	halfway 123:6.
fundraiser 44:15.	Golden 122:16.	handle 15:5.
funeral 116:25, 117:1.	gotten 13:7, 98:8.	handled 7:25.
funny 92:13, 94:1.	grade 9:21, 31:23, 38:12, 71:24, 73:20, 124:8, 124:12, 124:14, 124:17, 124:19, 124:20, 124:22, 124:24, 125:1, 125:3, 125:8.	handles 8:22.
future 8:21, 52:18.	graduated 37:13, 39:14.	hands 126:1.
.	graduations 38:18.	handwriting 99:15.
.	grandparent 122:8.	happen 30:4, 31:9, 41:1, 46:25, 53:13, 66:19, 81:22, 105:22, 118:22.
< G >.	gray 120:3.	happened 23:12, 23:13, 36:5, 40:14, 47:21, 90:10, 98:25, 102:6, 103:12, 106:13, 108:5, 121:22, 122:5.
gang 35:12, 35:13, 46:16.	groomed 99:24.	happening 42:19, 58:15, 103:6, 117:19.
gap 87:19.	ground 111:25.	happy 84:24.
garage 115:8.	grounded 20:3, 21:2.	hard 8:7, 63:25, 66:19, 111:3.
gave 16:17, 20:23, 28:19, 39:4, 67:25, 68:21, 69:12, 90:1, 90:18, 117:17.	grounds 59:7.	hardest 73:13.
general 12:5, 69:15.	guard 62:1.	hating 114:4.
generalized 64:12.	guess 8:20, 11:12, 36:20, 46:16, 77:15, 93:4, 93:17.	head 9:1, 111:10.
generally 9:2.		hear 36:2, 39:12, 40:6, 40:16, 40:19, 61:24, 80:24, 97:14, 115:10, 115:12.
gentlemen 57:8, 80:2, 126:9.		heard 51:2, 68:2, 89:6, 90:1, 115:10, 120:17.
gets 28:24.		hearing 52:23, 61:20, 61:22,
getting 16:5, 18:24, 54:15,		

89:20, 91:13,	65:13, 65:22,	71:5, 112:4,
91:16, 91:24,	65:24, 65:25,	119:12.
94:22, 115:15.	66:7, 66:9.	improper 89:16.
Hearsay 19:11,	hour-and-a-half	impropriety 6:5,
34:20, 49:22,	65:18, 65:21,	6:7, 6:14.
59:7, 68:13,	65:24.	imputing 64:3,
71:7, 71:14,	hours 30:9, 31:7,	64:8.
101:12, 102:1,	56:6.	in. 62:21,
102:4.	house 90:5, 115:5,	105:25.
held 19:15, 20:7,	115:6, 115:7,	inappropriate
37:17, 50:2,	115:9, 115:15,	12:7, 13:2,
56:25, 85:3,	117:1, 117:2,	16:11, 48:13,
85:21, 88:17,	118:11, 118:13,	52:7, 67:16.
92:25.	122:8, 122:10,	incarcerated
help 24:4,	122:12.	112:16.
49:13.	Howard 1:35,	include 46:11,
hereby 129:9.	129:27.	72:22.
High 32:2, 32:8,	Hughes 61:4.	including 57:10,
80:4, 123:3,	hung 25:8.	57:15, 66:18,
123:25.	huros 17:22.	126:11,
hindsight 5:11.	hurt 73:16.	126:16.
Hold 108:24.	hurts 73:16,	inclusive 12:19.
home 67:3.	73:17.	incumbent 6:20.
homeless 111:14.	.	Index 3:12.
Honea 1:18, 17:9,	.	indicate 5:9,
64:12, 64:15,	< I >.	22:19.
64:17.	I. 83:9, 85:8.	indicated 5:7,
honestly 5:10,	idea 26:24,	7:2, 7:4, 7:9,
69:14, 76:5,	84:14.	7:22, 60:10,
85:10, 113:13.	identified 7:3,	61:1.
Honor 8:5, 15:14,	83:16.	indication 61:7.
26:8, 59:21,	identify 44:3,	individual 31:19,
59:25, 60:20,	58:13, 60:25.	78:18, 79:1,
61:11, 62:17,	illegal 76:2.	79:3, 96:9.
65:1, 94:17,	illicit 21:15.	indulgence 51:24,
105:11,	illustrating	67:2, 83:15,
111:21.	24:8.	84:25, 104:23,
HONORABLE 1:25.	immediately	122:18.
hope 65:6, 65:8,	10:24.	infection 100:14,
65:12, 127:18.	impediment	100:15.
Hopefully 98:4.	49:16.	inference 12:15,
Hospital 100:8,	implicate 60:15.	13:9, 13:11,
100:9, 100:12,	implicated 60:5,	15:1, 15:10,
100:13, 101:1,	62:6.	15:23, 15:24,
101:8, 110:3.	implication	16:6, 16:13.
hot 16:5.	69:11.	inferences 12:6,
hotel 18:3,	imply 40:25.	13:4, 14:17,
110:20, 110:21,	important 11:15,	15:6.
111:3, 111:17.	18:6, 117:25.	inform 6:4.
hour 11:21, 58:3,	impression 69:23,	information 5:4,

7:23, 24:1, 39:4, 57:15, 61:12, 61:16, 61:25, 62:4, 62:22, 63:17, 63:21, 69:3, 69:12, 89:22, 94:13, 107:6, 114:13, 121:14, 126:16, 127:14. informed 6:3, 35:2, 65:25. ingested 119:1. Innocence 81:25. inquire 54:13. inquired 63:8, 64:17. inquiry 12:10, 12:14, 14:17, 14:25, 15:2, 20:11, 29:11, 58:25, 59:5, 59:10, 59:12, 59:18, 60:3, 60:8, 60:14, 63:12, 64:19, 65:13, 65:18, 65:21, 65:22, 84:2, 84:5, 85:23. inside 41:20, 42:25, 96:5. Instagram 26:23. instance 31:14. instances 18:21, 41:19, 95:4, 120:12. instructed 62:12. insubordination 22:4. insure 7:20. intended 61:8. intent 7:4. intention 7:12, 23:23. interacted 44:25. interaction 18:5,	18:23, 52:4, 52:6. intercourse 64:5. interim 21:14. internet 54:5, 57:16, 126:17. interrupt 43:8. intervened 16:4. interview 49:6. interviewed 52:12. intimacy 74:11. intimate 94:5. investigating 85:16. investigator 12:22, 14:23. involuntary 91:7. involve 74:10. involved 48:21, 74:25. involving 53:6. issue 4:21, 14:8, 18:9, 61:2, 63:3, 70:13, 120:19. issues 10:23, 22:1, 22:6, 64:12. . . < J >. J. 27:9, 28:23, 29:16. jail 16:5, 86:14. james 9:21. JC 9:7. job 35:11. joined 10:13. Jonathan 2:6, 116:24. Joshes 35:10, 46:1, 46:11, 46:16, 56:10, 99:19, 110:3, 115:4, 115:6, 115:7, 122:10.	Joshua 1:18, 17:9. Judge 1:26, 9:13, 10:10, 17:15, 36:20, 49:8, 66:25, 83:19, 85:19, 93:2, 93:25, 94:16, 97:22, 102:5, 102:7, 102:9, 106:4. July 23:20, 27:22, 55:17, 55:19, 55:24, 56:2, 67:8, 68:6, 90:4, 112:24, 113:9. jump 67:5. June 8:24, 38:19, 38:20, 39:14, 125:7, 125:8. junior 116:6, 124:3. juror 65:11, 66:19. jurors 17:6, 57:4, 66:23, 67:11, 125:24, 126:2. JURY 1:15, 15:24, 19:5, 19:20, 42:19, 43:3, 44:3, 45:18, 46:14, 57:7, 72:5, 76:17, 87:13, 97:21, 99:7, 100:11, 106:1, 126:8. justice 89:25, 90:16. . . < K >. K. 25:22, 30:16. KATHLEEN 1:25. keep 41:13, 59:15, 69:18, 90:23, 116:13. Kevin 47:21, 116:25. key 95:11.
---	--	--

kidney 100:15.	leading 111:11,	85:23, 125:6.
kidneys 100:14.	111:20.	listen 20:20,
Kind 23:25, 34:5,	learn 113:25.	57:13, 126:14.
71:5, 75:8,	learning 69:14.	listener 34:21.
76:2, 85:11,	least 7:7, 35:6,	listening 58:3.
99:24, 100:6,	75:19, 85:25,	lit 29:25.
100:18, 107:6,	110:15.	little 67:6,
111:10, 115:9,	leave 41:7, 64:12,	107:9, 111:22.
120:2, 120:16.	119:12.	live 58:9.
knowing 5:14, 7:9,	leeway 111:22.	locations 122:5.
49:15, 69:13.	left 10:12, 17:22,	locking 29:20.
knowledge 4:17,	19:5, 19:20,	long 45:3, 58:3,
19:2, 36:5,	33:7, 44:2,	65:7, 93:4,
61:13, 63:17,	65:5, 66:8,	120:23.
63:20, 64:16.	67:3, 97:25,	longer 19:6,
known 5:5, 5:13,	123:2, 123:15.	24:7.
9:21, 10:15,	legal 36:16,	longest 21:18.
10:21, 98:16,	51:7.	look 25:23,
98:17, 120:23.	Legally 127:13.	123:12.
knows 83:25.	length 16:3.	looked 26:5,
KRISTINA 2:3.	less 102:19.	121:5.
.	letter 95:11.	Looking 26:1,
.	letting 19:9.	26:2, 43:4,
< L >.	lie 105:4,	54:3, 66:8,
L. 92:8.	108:6.	93:19, 124:6,
Lack 88:18.	Lieutenant 61:4.	125:6.
ladies 57:8,	life 73:7, 76:21,	looks 125:6.
126:9.	94:6, 96:18,	losing 87:6,
landmarks 21:3.	96:21, 98:25,	120:15,
Las 4:1, 42:2,	120:13.	121:10.
50:15, 52:15,	lifer 93:20.	lost 120:18,
75:24.	lighting 116:25.	121:19.
last 4:13, 7:14,	likely 113:13.	lot 5:16, 9:7,
17:22, 18:13,	limitation 57:10,	51:19, 76:20,
19:5, 39:25,	57:16, 126:11,	81:5, 81:6,
40:3, 59:1,	126:17.	93:17, 98:24,
59:13, 79:6,	limited 60:8.	102:22, 103:19,
80:24, 109:7,	Linda 46:7,	109:13, 109:14,
110:14.	46:8.	122:16.
late 11:14, 70:18,	line 12:10, 12:13,	love 107:16.
111:23.	14:10, 14:25,	Luann 46:12,
later 6:13, 10:20,	15:2, 19:17,	46:15, 46:16,
49:6.	20:10, 58:25,	46:20.
law 53:11.	59:5, 59:10,	lunch 10:10,
lawyers 57:10,	59:12, 59:18,	110:15.
126:11.	60:3, 62:6,	.
Lay 54:12, 55:6,	62:18, 63:6,	.
55:14, 86:21.	64:18, 64:20,	< M >.
laying 17:23,	70:10, 73:19,	M. 77:1, 78:24.
77:4.	84:2, 84:5,	Ma 5:5.

ma'am 20:12, 20:17, 64:24. Macauthru 102:3. mad 75:9, 88:8. major 88:5. man 64:6, 77:24. manager 46:17. manipulative 107:20, 107:21. March 47:19, 49:20. marijuana 31:10. marked 56:22, 96:4. mater 102:3. material 12:20, 14:1, 14:8, 14:13, 14:19. matter 5:21, 7:25, 8:2, 8:23, 9:22, 21:11, 48:6, 50:14, 65:8, 126:3. matters 61:2. mature 86:16. meal 17:5. meals 16:5. mean 10:5, 13:25, 14:3, 18:21, 34:11, 50:14, 69:14, 72:19, 75:7, 75:12, 83:4, 95:22. meaning 14:3. meant 14:10, 15:3. media 54:6, 54:23, 92:15, 93:5. medium 57:15, 126:16. meet 115:17, 115:19. meetings 8:6, 116:22. member 4:23, 7:8. meme 54:17, 54:19, 55:8, 56:12, 67:8, 92:15,	92:19, 93:19, 94:1, 94:10, 94:12. memes 93:17. memory 30:13, 123:7. men 78:1. mentally 74:2. mentioned 4:20, 80:21, 103:15. messages 121:7. met 19:2, 89:19, 101:7, 105:16, 105:19, 107:13, 111:17, 115:25, 116:8, 116:9. Metro 35:11, 41:1, 42:21, 44:18, 46:12, 46:19, 46:21, 46:24, 81:2, 89:9, 116:18, 119:3, 121:1. Metropolitan 42:3, 50:16, 52:15, 75:24. microphone 24:6. mid 70:18. mid-semester 123:16. middle 22:1, 120:1, 120:3, 124:7. military 30:7. mind 28:25, 65:23. minds 67:11. Minnesota 112:24, 113:10, 114:6, 124:16. minute 4:13, 10:9, 57:6, 126:7. minutes 57:2, 66:6, 66:16. mischaracterizes 47:9, 103:8. misread 96:3. missing 97:20. misstates 108:25.	mistakes 70:7. misunderstand 116:16. misunderstood 116:13. mixed 74:21. mixing 123:4. mode 113:3. modifier 10:5. Mole 99:24, 100:3, 100:6. mom 53:3, 53:10, 68:7, 68:11, 68:25, 69:16, 69:17, 69:23, 69:24, 70:4, 70:6, 91:24, 92:3, 101:19, 105:17, 110:16, 118:23, 119:4, 119:7, 119:10, 119:14, 119:19, 119:22. moment 28:11, 30:20, 128:4. money 44:19. MONIQUE 2:5. month 112:14, 123:2. months 8:23, 38:24, 91:19. moot 62:21, 63:3, 63:16. Morgan 3:6, 20:20, 36:9, 37:21, 42:17, 43:8, 47:18, 49:1, 61:17, 67:3, 71:21, 75:4, 78:24, 80:6, 83:20, 85:9, 85:25, 86:6, 88:1, 88:21, 94:4, 98:1, 99:17, 100:8, 105:6, 105:14. Mosley 10:10. mostly 44:10. mother 52:10, 69:9, 71:5,
---	--	---

94:6, 94:13,	61:25, 63:4,	58:1, 58:7,
101:3, 101:7,	63:5, 65:3,	108:14,
102:11.	125:25, 127:18,	113:14.
Motion 19:8, 59:1,	127:20, 128:2.	Nothing 48:13,
59:3, 59:15,	needed 8:17,	52:7, 67:15,
60:22, 61:1,	126:23.	90:9, 123:18.
61:11, 62:21,	needs 65:14.	notion 116:14.
77:13, 78:3,	Nevada 1:7, 1:10,	novels 81:12.
84:20, 92:22,	4:1, 17:9,	November 32:10.
94:15.	129:9.	November-ish
motive 15:20,	new 19:17,	122:24.
15:22.	20:10.	nows 16:5.
Mountainview	news 66:5.	number 29:4, 60:2,
100:9, 110:3.	newspapers 57:16,	70:6, 110:17.
mourning 117:3.	126:17.	.
mouth 102:25,	next 7:9, 29:23,	.
106:23.	38:19, 43:7.	< 0 >.
Move 26:7, 30:23,	Night 19:5, 23:21,	o'clock 11:21,
43:15, 83:7.	25:6, 25:7,	57:20.
moves 54:25.	25:17, 25:20,	olne 47:10.
Multiple 41:12,	26:5, 26:12,	Oasis 32:2, 33:4,
103:14.	27:16, 27:17,	33:6, 115:18,
myself 54:15,	30:5, 30:10,	116:4, 123:2,
77:9, 110:12.	59:1, 59:13,	123:15.
.	112:25, 113:1,	oath 17:11.
.	113:5.	object 37:14,
< N >.	nighttime 27:1,	83:10, 100:1,
naked 33:14,	27:25.	109:22.
34:12, 114:11,	NO. 1:2, 1:3,	objected 59:7.
125:15.	1:35, 72:17,	objections 11:22,
NAME 3:6, 31:20,	74:16.	60:7, 62:9,
79:6, 87:9,	Nobody 80:1.	65:20, 129:13,
103:19, 120:18,	non-event 8:14.	129:16.
120:21.	non-hearsay	obligations 4:25,
names 44:6, 49:15,	102:7.	5:4, 9:15,
78:18.	nor 60:17.	11:8.
nature 34:6,	Normal 79:20,	Observation
35:10, 48:10,	79:23, 80:4.	71:7.
58:23, 60:3.	normally 95:15.	obtained 33:13,
necessarily 6:16,	north 43:6.	83:24.
10:16, 12:11,	note 5:5, 16:18,	obviously 7:19,
63:3, 83:25,	58:14, 97:25.	10:13, 13:19,
104:4.	notebook 113:20,	34:3.
necessary 14:2,	113:21.	occasion 20:20.
62:4, 62:10,	noted 4:20,	occur 9:15,
110:8, 110:9,	8:22.	120:11, 127:1.
110:10, 122:3,	notes 18:10,	occurred 88:19.
127:10.	24:17, 24:19,	Offered 59:8,
need 10:18, 13:18,	24:22, 24:25,	59:9, 102:2,
29:7, 57:4,	25:6, 25:15,	111:14,

111:17.	order 7:3,	10:24, 11:2,
office 18:2,	61:20.	11:7, 56:23,
35:13, 105:16.	Orduno 31:20,	127:2, 127:24.
Officer 35:18,	32:4, 32:14,	paper 107:11,
50:8, 64:13,	33:5, 33:10,	107:25, 108:8,
80:16, 127:12.	35:8, 36:1,	109:17, 109:20,
officers 35:15,	36:6, 38:3,	109:23.
46:23, 46:25,	38:12, 39:7,	parameters 11:3,
119:9.	39:14, 40:4,	64:4.
official 7:20.	60:3, 61:16,	paraphrased
OK 88:23.	74:8, 74:14,	108:18.
Okay 17:5, 24:12,	125:4.	parent 70:6.
28:2, 32:11,	others 56:18,	park 28:8.
35:7, 36:9,	120:12.	Parking 122:16.
38:9, 39:18,	otherwise 58:24.	part 9:18, 18:23,
53:22, 54:6,	outside 7:14.	41:15, 48:18,
58:16, 60:1,	outstanding 60:22,	49:11, 88:5,
67:7, 67:24,	61:1, 61:2,	107:20, 120:6.
70:21, 71:20,	61:5, 61:24.	participate
80:10, 81:3,	overrule 49:10,	45:9.
83:2, 83:6,	112:1.	participation
92:21, 102:5,	Overruled 20:15,	45:12.
107:22, 108:15,	34:23, 37:18,	particular 16:3.
120:15, 128:5.	50:3, 64:20,	parties 57:10,
old 36:9, 37:9,	70:2, 71:9,	126:11.
38:22, 115:25.	86:22, 101:15,	parts 74:24,
on-and-off-again	104:15, 109:2,	115:11,
86:8.	109:25.	115:15.
once 128:4.	oversees 4:12.	party 29:5.
ones 43:3, 44:10,	overshot 66:8.	past 14:5, 47:19,
73:13, 89:7,	own 7:5, 16:7,	53:2, 86:1,
117:14.	41:20, 76:11,	108:25.
Ongoing 38:10,	89:12.	pause 24:10,
38:11.	.	86:21.
open 6:3, 60:12.	.	pauses 36:24.
opened 16:16,	< P >.	PDA 34:6, 34:9,
60:7, 60:14,	P-e-r-e-z 87:11.	114:9.
62:20, 63:2,	p.m. 56:2, 56:4.	pen 96:24, 97:4,
63:12, 63:19,	PAGE 3:6, 3:11,	99:2, 99:12,
63:23.	96:24, 97:19,	99:14, 99:15.
opening 45:18,	99:3.	penis 95:6, 99:19,
117:11.	pages 24:19,	102:25, 103:1.
opinion 57:18,	96:9.	per 119:4,
126:19.	Pandullo 4:22,	119:9.
opportunity 8:19,	4:24, 5:5, 5:18,	perceive 12:9,
16:24, 57:3,	5:21, 6:2, 6:6,	13:5, 63:2.
65:9, 66:18.	6:8, 6:9, 6:17,	perceived 13:6.
opposed 59:4,	7:9, 8:1, 8:8,	Perez 87:6, 87:10,
79:18, 95:14.	8:11, 8:20,	120:22,
oral 91:3.	8:25, 10:11,	120:23.

Perhaps 8:14, 13:16, 83:19, 128:1.	physically 74:2.	52:18, 53:1,
perimeter 60:23.	picture 25:20, 26:13, 26:21,	53:15, 65:15,
period 21:18, 22:21, 38:25, 67:18.	27:3, 27:7,	65:16, 68:23,
permission	27:24, 29:22,	75:16, 87:24,
97:22.	30:2, 35:3,	99:11, 99:17,
person 32:16, 46:17, 57:14, 126:15.	35:4, 45:19,	127:16.
personally	45:20, 54:4,	point. 65:15,
42:10.	97:19, 117:10.	70:14.
personnel 52:15.	pictures 26:18, 28:8, 28:21,	pointed 70:15.
perspective	30:21, 31:11,	pointing 16:10.
58:3.	33:14, 35:1,	Police 20:24,
perviously	41:23, 76:20,	23:7, 42:3,
12:15.	77:3, 77:11,	50:16, 52:15,
ph 17:22, 46:7.	78:16, 82:8,	69:14, 73:4,
phone 26:16, 26:17, 26:18, 36:3, 49:5, 51:14, 83:21, 84:11, 114:25, 115:8.	82:11, 82:25, 113:5, 114:9, 114:11, 117:13, 117:16, 125:15.	75:24, 80:16, 121:10.
phones 17:7.	piece 107:11, 107:25, 108:8, 109:17,	poorly 48:18.
photo 27:14, 41:20, 42:16, 42:20, 43:1, 45:22, 46:6, 47:15, 56:10, 77:22, 77:24, 79:1, 95:24, 96:4, 96:11, 96:13, 97:7, 98:11.	109:20.	portion 61:18, 120:6.
photographs 83:11, 113:23, 114:1, 114:3.	place 38:18, 56:7, 74:2, 103:6, 103:9, 103:17, 129:12.	posed 50:3, 65:20, 68:16.
Photos 28:11, 30:17, 30:19, 31:13, 34:11, 34:17, 77:7, 77:9, 77:19, 78:6, 83:3.	places 41:12, 103:20.	position 127:11.
phrase 23:5.	Plaintiff 1:12.	positive 97:13.
phrasing 10:4.	plan 57:5.	possibility 4:18, 4:21, 7:11, 13:20, 127:18.
physical 22:7, 74:10.	platonic 72:21, 119:25.	possible 7:3, 12:14, 61:4, 66:3, 97:12, 97:15.
	play 116:10.	Possibly 14:7, 75:18, 113:13.
	played 52:3, 58:4.	post 26:21, 92:15, 93:17.
	plays 12:18.	post-custody 14:19.
	Please 17:4, 19:14, 20:6, 29:15, 37:1, 37:16, 50:1, 85:20, 88:16.	posted 54:23, 55:10, 55:16, 67:8, 92:17, 93:5.
	point 4:24, 10:18, 15:20, 16:3, 21:3, 22:19, 35:11, 44:6, 45:19, 49:20, 50:7, 52:2,	potential 14:12.
		potentially 25:20, 68:25, 69:16.
		Powell 79:11, 79:12.
		power 45:19.
		practice 9:23.
		pre-arrest 15:22.
		pre-custody

<p>14:18. precise 49:11. precluded 60:15, 127:5. preliminary 52:22, 89:20, 91:13, 91:16, 91:23, 94:22. prepare 106:11. present 4:6, 32:22, 42:22, 43:21, 47:8, 47:16, 57:4, 114:24, 127:2. presently 61:10. pretrial 15:21. pretty 18:6, 94:1. prevent 63:13. preventing 76:10. previous 90:19. previously 4:14, 10:7, 12:1, 16:4. Primarily 22:3. primary 60:21. printed 43:21. prior 5:9, 5:22, 10:6, 20:13, 61:12, 63:17, 63:20. private 9:23, 85:16. Probably 9:24, 23:20, 26:22, 29:9, 40:9, 98:8. problem 49:21, 50:7, 53:11, 57:23, 75:23. problematic 80:13. problems 75:15, 75:20. proceed 11:9, 37:3, 37:19, 49:17, 50:4, 57:5, 66:24. proceeded 59:18.</p>	<p>proceedings 129:11, 129:13, 129:17. process 11:16. profile 88:12, 88:22, 93:5, 121:4. Proposed 25:22, 28:16, 30:16, 30:23, 42:13, 45:17. provide 84:8. provided 29:10, 29:17. public 34:6, 41:21, 44:23. publish 26:10, 29:16, 31:2, 78:22, 84:7, 85:5, 97:22. Publishing 78:20, 78:24, 85:8, 124:4. punishment 108:9, 108:19, 109:12. purportedly 102:24. purpose 6:24, 83:23, 105:19, 111:6. purposes 51:8, 64:13. pursued 14:19. put 11:12, 62:23, 95:6, 98:24, 102:24, 102:25, 106:23, 111:3, 113:14, 113:21. Putting 19:20, 111:6. . . < Q >. qualification 55:3. question 16:3, 16:20, 16:22, 17:23, 21:17,</p>	<p>36:21, 36:25, 47:12, 47:20, 64:10, 68:17, 69:2, 69:6, 71:17, 96:16, 98:4, 101:15, 104:7, 125:23. questioning 14:10, 19:18, 20:16, 22:18, 62:18, 63:6, 64:21, 91:1. questions 12:6, 12:8, 15:17, 20:14, 34:5, 37:22, 58:6, 58:10, 58:11, 62:7, 65:11, 66:19, 76:9, 76:12, 78:25, 80:12, 95:8, 106:7, 110:13, 119:24, 123:20, 125:24, 125:25. quibble 62:25. quick 123:12. quite 72:21. quoted 32:7, 85:12. . . < R >. radio 35:24, 36:2, 57:16, 126:17. raised 4:21, 61:3. raising 44:19. Rameriezes 116:24. Rampart 103:15, 122:5. rape 60:5, 60:16, 63:12, 63:19. rapidly 65:12. re-examination 109:24. reached 5:6, 71:1, 89:12. reaction 64:2.</p>
--	---	---

read 30:7, 57:12, 81:5, 81:6, 81:12, 81:13, 82:1, 82:3, 82:5, 82:12, 82:14, 82:15, 82:16, 82:21, 83:10, 84:3, 85:10, 85:12, 86:1, 126:13.	42:16, 42:25, 43:4, 43:5, 44:5, 44:8, 44:12, 45:20, 53:25, 77:19, 81:22, 81:23, 82:24, 92:10, 96:11.	95:23, 96:9.
reader 81:9.	recognized 44:3.	reflect 62:20.
reading 60:13, 81:16, 83:21, 95:5.	recollection 10:8, 21:18, 25:19, 27:6, 27:14, 28:2, 31:9, 41:6, 45:4, 45:5, 55:15, 55:23, 56:19, 58:8, 58:13, 81:15, 85:15, 109:3, 109:11.	reflective 94:12.
ready 17:8, 17:14, 57:5.	recollections 58:5.	refresh 25:19, 27:6, 27:14, 28:2, 55:15, 55:23, 56:18, 58:8, 58:13, 81:15, 85:14, 85:18.
real 123:12.	reconvened 4:9.	refreshed 58:5.
reality 41:3.	recorded 49:2, 50:23, 51:4, 51:7, 51:9, 51:10, 118:17, 129:14.	regard 5:1, 11:22, 20:16, 59:12, 61:3, 62:14.
realized 126:23.	recording 52:3, 68:2, 118:18, 118:20.	regarding 58:25, 60:3, 61:16, 61:17, 110:3.
really 5:10, 65:25, 73:16, 100:25.	records 11:13, 28:23.	regardless 63:18.
reason 5:2, 5:3, 5:14, 5:19, 7:10, 11:4, 14:16, 33:9, 35:7, 58:2, 60:21, 66:10, 99:2, 121:10.	recover 111:24.	register 8:15.
reasonable 65:9, 66:17.	recross 65:11.	regretted 107:22.
reasons 86:7, 86:8.	RECROSS-EXAMINATIO N 3:9, 123:21.	reiterated 11:8.
rebuttal 127:10, 127:15, 127:18.	REDIRECT 3:8, 65:10, 66:15, 105:9, 105:12, 111:12.	related 4:10, 12:14, 18:20, 24:16, 56:12, 59:1, 59:5, 68:23, 119:3, 123:19.
recall 10:17, 32:3, 45:8, 62:2, 107:3, 107:4, 110:6.	refer 54:17, 81:19, 107:18.	relates 27:13.
recalled 110:7, 127:8, 127:20.	reference 5:8, 15:16.	relating 4:18.
receive 62:3.	referenced 8:13.	relation 110:11.
received 12:2.	referred 57:12, 118:1, 126:13.	relationships 9:4, 9:5, 72:12, 72:21, 74:10, 76:11, 79:14, 79:17, 79:20, 80:1, 80:4, 104:22, 107:21, 119:25.
recently 76:17.	Referring 25:22, 27:9, 28:12, 30:16, 89:8,	relayed 107:7, 114:13.
recess 57:6, 57:8, 57:21, 126:9, 126:22.		relaying 14:4.
recognize 10:7, 25:24, 27:10,		released 59:2, 127:19.
		releasing 126:25.
		relegated 7:11.
		relevance 37:15,

83:11, 83:13, 104:14.	resolved 8:2, 37:2, 61:2.	71:1, 118:11, 118:14.
relevancy 12:10, 84:1, 84:6.	respectfully 16:12.	Sarah 43:7, 44:10.
remained 19:6.	respecting 4:22.	Savage 3:6, 4:6, 4:14, 4:23, 7:4,
remaining 17:6.	respond 8:19, 15:19, 19:24,	10:25, 12:1, 12:3, 12:15,
remains 13:4, 15:7, 84:22.	37:1.	12:19, 15:6, 17:1, 17:10,
remarks 7:1.	responded 11:2, 35:22, 47:20.	17:18, 24:6, 57:23, 57:24,
Remind 11:11, 28:6, 87:13.	response 34:4, 37:22, 40:7,	58:2, 58:17, 59:1, 59:10,
Renew 78:3, 84:20, 94:15.	49:14, 71:8, 84:23, 120:5.	60:5, 63:8, 64:11, 64:16,
repeat 58:22.	rest 127:3.	105:10, 109:5, 126:3, 126:24,
repetition 102:23.	Restaurant 46:3.	127:1.
Rephrase 11:24, 19:17, 34:15,	resume 17:13, 66:21, 126:21.	save 61:2.
48:23, 52:25, 68:18, 86:23.	resumes 127:22.	saved 54:4.
rephrased 13:13.	resuming 17:8.	saw 34:12, 34:14, 67:8, 77:4,
report 57:13, 62:23, 126:14.	retained 8:15.	92:12.
REPORTED 1:35.	retaliation 70:8, 74:17.	saying 7:13, 15:22, 20:4,
REPORTER 129:3, 129:8.	Return 56:22.	40:22, 70:5, 92:2, 104:20,
REPORTER'S 1:13.	reviewed 97:20.	107:22, 112:5, 118:4.
represent 4:13, 28:11, 43:10.	RHOADES 2:3.	says 14:2, 27:24, 66:6, 100:2,
representation 4:25, 5:9, 5:22, 6:8, 6:22, 8:12.	rings 85:19.	107:15, 108:4, 108:19.
representations 9:10, 19:21, 19:25, 65:15.	role 45:6.	scare 36:5.
representatives 7:4.	Romance 81:12.	scheduling 65:4, 126:5.
represented 4:14, 4:16, 9:22.	roof 111:10.	School 22:1, 31:24, 32:1,
representing 6:9.	room 110:20, 110:21, 111:17.	32:2, 32:8, 33:2, 33:3,
request 58:1.	row 124:7.	33:5, 33:7, 33:17, 34:19,
requested 12:20, 56:15, 57:25.	Ruggeroli 7:5, 7:7, 9:9, 9:21, 10:12, 10:16.	80:4, 85:16, 101:5, 123:3,
require 20:13.	rule 36:21, 49:9, 61:6.	123:25.
required 5:1.	ruling 60:22, 61:8, 62:1.	schools 32:25, 125:15.
requirements 8:9.	run 90:19.	screen 45:15.
resides 10:23.	. . < S >. S-h-a-n-k-s 79:7.	se 119:4, 119:9.
	Samples 47:4, 47:7, 117:17.	
	San 51:13, 51:19,	

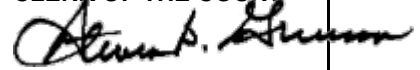
seat 17:5.	104:11, 104:21,	72:9, 72:13,
seats 17:6,	122:5.	72:15, 72:17,
66:23.	sexual 70:21,	72:22, 75:6,
second 56:23,	86:19, 118:8.	75:11, 97:11,
108:24, 123:8.	sexually 39:1,	116:14,
secret 41:13,	93:21, 93:23.	119:25.
41:17, 116:14.	Shanks 79:4.	sit 38:21, 48:1,
security 110:16.	share 94:5,	54:22, 121:18.
seem 30:12,	94:13.	situation 8:15,
66:2.	shared 21:14,	14:20, 15:4,
seemed 102:22.	23:15, 33:16.	24:1.
seen 18:1, 18:18,	sharing 7:18.	skip 44:3.
28:23, 34:17,	Sharon 1:35,	skipped 90:4.
34:24, 44:23,	129:27.	Skyp 91:10.
50:25, 52:21,	sheet 28:10.	Skype 91:13.
61:17, 67:24,	shield 60:5,	small 118:3,
68:3, 73:9,	60:16, 63:12,	118:6.
118:20.	63:19.	smile 92:12.
selfie 76:23.	shift 31:19.	smoke 28:8,
semester 123:5,	shirt 43:6.	56:7.
123:6.	shopping 118:13.	smoked 25:8,
Senior 38:14,	short 36:22,	25:10.
116:6, 116:7,	102:7, 105:11.	Smoking 25:15,
124:3, 125:4.	shortly 126:21.	25:16, 26:5,
sense 65:12, 69:4,	shot 66:13,	31:10.
80:18, 96:18,	100:19,	Snap 26:23.
117:4.	100:21.	Sober 111:7,
sent 35:1.	Show 14:11, 25:20,	111:8, 112:9.
sentence 24:10,	27:7, 47:16,	sobriety 21:18,
104:20.	108:18, 111:1,	112:12.
separate 11:5.	126:1.	social 54:6,
September 32:9,	showed 35:1, 35:3,	54:23, 92:15,
32:12, 38:15,	81:16, 108:1,	93:5, 110:16.
125:3.	117:10, 119:7,	solving 86:2.
series 31:13.	125:14.	somebody 6:22,
service 127:25.	Showing 13:25,	34:25, 64:1,
set 23:22,	47:6, 119:8,	73:6, 73:16,
129:12.	121:6, 123:11.	77:8, 88:2,
sex 18:19, 19:2,	shown 78:6.	111:3.
38:7, 48:7,	sick 110:3.	somehow 12:16,
50:16, 61:13,	side 40:16,	14:12, 25:14,
67:12, 72:6,	40:19.	40:25.
72:9, 72:13,	sides 62:11.	someone 5:12,
72:16, 72:18,	silenced 17:7.	61:18.
72:22, 73:24,	similar 85:12,	sometime 90:25.
87:23, 89:9,	99:15.	sometimes 36:23,
91:2, 91:3,	simply 16:6, 34:8,	73:12.
91:6, 91:10,	84:4.	somewhat 7:6, 9:3,
91:13, 95:6,	sister 41:15,	121:21.
102:23, 104:3,	48:12, 72:2,	Somewhere 23:20,

47:19, 113:21.	spoken 70:21.	129:14.
Soon 50:14.	spots 102:20.	step 90:4.
sophomore 78:14,	spring 51:21,	stood 8:1, 74:14,
78:17, 79:21,	51:22.	75:2.
124:3.	Stacey 2:2, 9:16,	stopped 16:15,
Sorry 28:15,	18:1, 18:5,	122:21.
39:12, 40:6,	21:25, 22:18,	stopping 80:1.
87:9, 112:17,	29:1, 32:16,	story 36:1,
123:4, 124:12.	34:4, 37:22,	110:2.
sort 7:10, 10:5,	39:21, 53:1,	straight 90:23.
11:25, 12:5,	89:19, 90:14,	stranger 73:17.
41:3, 44:15,	94:20, 95:14,	streets 35:15.
45:6, 49:21,	124:6.	stretch 67:3.
84:14, 91:10.	stand 61:9.	strong 75:10.
sounds 62:18.	standing 29:22.	stronger 75:5,
space 72:9.	Stare 32:24.	75:8, 97:10,
Spanish 115:22.	start 7:5, 57:5,	120:12.
spawned 120:19.	77:19, 93:8,	stubborn 74:19.
Speaking 9:2,	114:15.	stuff 98:24.
18:10, 51:6,	started 40:2,	stupid 34:3,
62:2, 84:23,	73:19, 75:5,	64:1.
85:25, 106:3,	93:11, 97:6,	subject 57:11,
106:21, 113:25,	97:10, 98:21,	57:18, 126:12,
127:13.	124:8, 124:11,	126:19.
special 56:7.	124:19,	submit 16:23.
specific 34:8,	124:24.	submitted 57:19,
53:9, 63:6,	Starting 44:2,	126:20.
110:11,	88:2.	subsequent 14:24,
121:23.	stashed 113:20.	71:16.
Specifically	stated 53:15,	substance 23:8,
22:10, 69:17,	59:13, 62:9,	68:20.
81:11, 81:13,	65:5, 72:24.	substances
120:14.	statement 37:23,	21:15.
specifics 38:9,	38:2, 41:10,	substantive 58:19,
50:10, 50:12,	45:18, 50:22,	58:23, 60:2.
53:5.	52:22, 60:13,	Suffice 19:1.
Speculation 8:12,	63:24, 67:15,	suggest 5:3,
8:14, 34:13,	67:24, 68:15,	15:5.
49:4, 86:20,	68:21, 91:7,	suggested 6:1,
86:22, 104:6.	91:15, 92:3,	6:17.
speculative	94:25, 99:18,	Suko 46:7, 46:8.
71:16.	107:4, 117:11.	summary 84:14.
Spell 79:6.	statements 59:8,	Suncoast 103:12,
spent 112:25.	89:6, 107:10,	122:4.
splitting 63:14.	107:11,	superiors 6:21.
spoke 40:3, 48:9,	107:15.	supervisor
48:19, 52:14,	status 8:21.	46:12.
108:19, 110:14,	stayed 15:9.	supply 36:22.
116:21, 121:16,	staying 15:7.	suppose 51:8.
127:9.	stenographically	supposed 14:1,

41:17.	126:17.	115:21.
surely 16:13.	temper 22:11.	took 18:10, 24:3,
surprise 10:20,	tend 24:7.	26:12, 27:3,
65:3.	tendency 104:11.	28:11, 30:2,
Sustain 48:23,	tension 60:11.	45:6, 76:20,
68:17, 71:15,	tenure 10:6.	77:7, 77:9,
85:4.	terms 49:10, 65:4,	82:8, 82:25,
Sustained 19:16,	95:17, 95:19,	101:1.
20:2, 20:8,	106:14,	top 8:25, 83:25.
20:9, 20:16,	106:25.	topic 59:19,
34:15, 59:9,	testified 34:4,	67:4.
59:17, 85:22,	67:19, 76:17,	touch 61:20.
88:18, 93:1,	109:23,	toward 59:4.
94:18, 100:4,	125:11.	towards 61:3.
102:8, 103:10,	testify 14:21,	track 4:12, 7:2,
104:8, 111:12.	18:7, 20:20,	7:18, 9:7, 9:19,
sustaining 11:23,	59:13, 61:22.	10:6, 10:8,
13:12.	testifying 14:22,	10:9, 10:12.
switched 125:15.	91:12, 91:23.	TRAN 1:1.
.	text 121:7.	transcribed
.	theme 94:8.	129:15.
< T >.	themselves	TRANSCRIPT 1:13,
taken. 57:21,	102:20.	52:23, 94:25,
66:22, 126:22.	thereafter	95:5.
talked 17:23,	129:14.	transferred 32:25,
23:9, 32:17,	therein 129:12.	33:2, 33:10.
105:22, 106:13,	Thinking 23:21,	transportation
106:14, 108:9,	41:10, 52:25,	18:2.
109:19, 110:2,	61:25, 65:23,	treated 75:19.
110:19, 116:22,	74:13, 76:5,	TRIAL 1:15, 7:16,
117:19.	112:17,	8:7, 15:21,
tattoo 101:19.	119:18.	17:9, 40:1,
Taylor 22:13,	third 7:11,	57:11, 57:13,
22:20, 23:1,	64:9.	57:14, 57:18,
23:15, 23:24,	though 11:11.	61:3, 61:21,
23:25, 24:16,	threaten 40:22.	126:12, 126:14,
25:6, 25:17,	throughout 95:4.	126:15, 126:19,
26:2, 27:4,	tied 10:6.	127:3, 127:22.
27:13, 28:4,	till 66:12.	trials 10:14.
30:18, 56:7,	timely 61:20.	trip 51:13.
90:5, 90:10,	titles 84:4.	trouble 40:23,
112:19, 112:25,	today 22:24, 65:5,	68:8, 68:12,
113:14, 113:15,	65:6, 65:10,	68:25, 69:9,
113:16,	65:24, 66:2,	69:17, 69:23,
121:24.	66:18, 114:1,	69:24, 71:6,
team 33:20,	121:13, 121:15,	119:6, 119:11,
34:25.	121:18.	119:14,
telephone 32:18,	together 31:10,	119:19.
35:8, 118:9.	38:7, 38:24,	true 33:9, 33:13,
television 57:16,	41:21, 113:15,	48:6, 53:18,

67:22, 68:10, 69:2, 71:4, 71:12, 75:4, 75:15, 76:15, 76:18, 80:6, 80:10, 83:20, 84:14, 86:2, 86:6, 86:18, 87:5, 88:1, 88:22, 90:23, 95:13, 96:15, 98:23, 101:14, 105:4, 129:16. trust 5:15. trusted 5:13. truth 15:24, 20:25, 34:22, 44:22, 59:8, 102:3, 102:5. try 58:13, 62:13, 69:8, 70:5. trying 11:12, 13:3, 62:24, 64:7, 66:1, 66:14, 111:24. Tuesday 86:15. turn 87:21, 117:13. turned 23:25, 38:24, 124:16, 125:1, 125:7, 125:9, 125:17. twice 43:9. Twitter 93:7, 93:8. two 14:15, 20:14, 23:16, 30:19, 35:6, 37:7, 41:20, 41:24, 44:11, 50:21, 55:20, 61:15, 75:16, 78:16, 80:7, 83:25, 84:9, 122:6, 125:19. type 8:15, 32:20, 61:14, 96:24, 97:11. types 13:3, 95:8.	. . < U >. ultimate 5:12, 59:14. Ultimately 8:2, 14:15, 59:9, 59:14, 59:17, 60:10, 60:16, 63:6, 73:3. uncles 118:11. underlying 64:2. undersigned 129:8. understand 14:3, 17:11, 69:5, 120:5, 124:13. understanding 7:5, 65:12, 84:2, 87:24. understands 104:19. Understood 4:25, 11:8, 11:16, 14:21, 29:3, 49:19, 60:23, 65:18, 84:2, 85:14, 95:3, 102:9. unethical 6:2. uniform 35:20. unit 35:12, 35:14, 46:16. unring 62:13. Until 9:16, 9:25, 21:19, 23:9, 32:9, 32:12, 38:15, 57:18, 114:16, 114:18, 121:13, 126:19. upset 34:5. using 29:5, 63:16, 124:5. UTI 100:15, 100:16. utilize 7:12. . . < V >.	vagina 95:6, 102:25, 103:1. vague 104:8. vaguely 47:5, 47:7. various 21:15. vastly 66:7. Vegas 4:1, 42:3, 50:15, 52:15, 75:24. victim 6:9. victims 61:13. video 24:22, 58:4. violations 22:3. virgin 87:1. virginity 87:6, 120:16, 120:18, 121:10, 121:19. visit 12:24. visited 12:22, 12:23. visiting 118:15. voice 69:18. volume 24:8. voluntarily 60:13. voluntary 37:23, 38:2, 52:22, 67:24, 68:14, 68:20, 92:2, 94:24, 99:17, 107:3. VPSR 35:14. vs 1:15, 17:9. . . < W >. wait 37:1, 57:23, 58:17, 61:23, 126:6. waiting 8:9. wake 117:5. wanted 4:16, 6:18, 10:1, 12:13, 13:14, 24:2, 63:4, 80:12, 80:16, 82:12, 82:15, 95:14,
--	--	--

112:6, 116:13, 127:3. wanting 81:1. wants 57:23, 83:17. warrant 12:20, 14:2, 14:9, 14:14, 14:20. wash 42:21, 43:11, 116:22. watch 57:12, 126:13. wearing 43:6. WEDNESDAY 1:28, 4:1. weed 25:8, 25:11, 25:15, 25:16, 26:3, 26:5, 28:8, 56:7. week 65:16. weekends 18:2. weeks 39:25. weird 101:11, 102:20. well-aware 9:19. West 46:4. Whatever 51:9, 65:14, 65:16, 71:22, 123:4. whenever 51:22, 97:3. whether 15:23, 28:3, 32:17, 36:7, 39:21, 68:7, 76:9, 102:6, 119:6. Whichever 40:10. whites 27:10. whoever 49:2. whole 9:5, 44:9, 109:7, 120:15. wide 99:23. will 8:6, 17:10, 19:16, 20:10, 20:13, 57:24, 65:14, 126:3, 127:1, 127:7, 127:19. Wirey 47:2, 47:3, 47:4, 47:7,	117:16. wish 26:10, 59:11, 59:20, 84:7, 85:5. wishes 58:21, 62:15. withdraw 93:25, 125:23. withdrawn 61:18. Within 9:2, 39:25, 45:11, 48:6, 50:14, 78:8, 110:14, 115:7. without 53:9, 57:4, 57:10, 57:15, 126:11, 126:16. witnessed 18:17. witnesses 57:11, 126:12, 127:9. woman 86:1. Word 3:12, 71:23. worded 48:18. words 95:11, 95:13, 95:14, 106:14, 106:17, 106:23, 106:24, 107:1, 121:23. wore 35:20. work 23:23, 35:13, 41:6, 46:20, 47:21, 117:19. worked 46:17, 75:24, 90:5. working 5:16, 7:17, 9:4, 9:5, 35:12. worried 119:2, 119:9. wrap 85:2. write 113:15. Written 108:17. wrote 113:16, 113:17. . . < Y >. year 4:15, 21:23, 21:24, 32:8,	32:11, 38:19, 40:11, 45:7, 45:11, 45:12, 78:8, 78:10, 78:11, 78:14, 78:16, 78:17, 79:21, 98:5, 98:8, 98:16, 98:17, 112:17, 123:4, 123:5, 123:23, 123:24, 123:25, 124:17, 125:14. Years 9:20, 14:5, 21:8, 21:12, 36:12, 37:7, 40:5, 40:8, 40:9, 45:5, 45:8, 45:9, 93:15, 104:2, 105:16, 125:19. yelling 63:25. yesterday 11:14, 11:20, 13:16, 19:21, 43:20, 65:16, 65:22, 110:13. young 64:6, 80:21. younger 37:7. yourself 27:3, 44:4, 58:5, 77:7, 96:13, 104:10, 127:19. yourselves 57:9, 126:10. . . < Z >. Zafiris 47:4, 47:8, 47:22, 50:8, 64:14, 70:14, 117:1, 117:17.
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CASE NO. C-15-309548-1
DEPT. NO. 25

DISTRICT COURT

CLARK COUNTY, NEVADA

* * * * *

THE STATE OF NEVADA,

Plaintiff,

vs.

JOSHUA HONEA,

Defendant.

REPORTER'S TRANSCRIPT
OF
JURY TRIAL

BEFORE THE HONORABLE KATHLEEN DELANEY
DISTRICT COURT JUDGE

DATED: THURSDAY, DECEMBER 7, 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

NAME: IGOR DICARO PAGE

Direct Examination By Ms. Rhoades	5
Cross-Examianation By Ms. McNeill	55
ReDirect Examination By Ms. Rhoades	75
ReCross-Examination By Ms. McNeill	77

NAME: JOHN PACULT PAGE

Direct Examination By Ms. Kollins	82
Cross-Examianation By Ms. McNeill	110
ReDirect Examination By Ms. Kollins	127
ReCross-Examination By Ms. McNeill	131

PAGE

Word Index	141
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1 LAS VEGAS, NEVADA; THURSDAY, DECEMBER 7, 2017

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

3 * * * * *

4
5 THE COURT: Page 1, this is the trail in State
6 of Nevada vs. Joshua Honea. Mr. Honea is present along
7 with his counsel, and counsel for the State.

8 We appreciate the juror's patience. We ran into
9 difficulty this morning to ensure all the equipment is
10 working properly, that isn't always the case, but we have
11 worked it out.

12 I believe we can proceed at this point with our next
13 witness.

14 Who is the State going to call.

15 MS. RHOADES: Yes, your Honor, Detective
16 Dicaro.

17 THE COURT: Detective, come up here and take the
18 witness stand and my clerk will swear you in.

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

23 THE WITNESS: I do.

24 THE CLERK: Be seated. State and spell your
25 name for the record.

1 THE WITNESS: Igor Dicaro, I-g-o-r, D-i-c-a-r-o.

2 THE COURT: Ms. Rhoades.

3 DIRECT EXAMINATION

4 BY MS. RHOADES:

5 Q. How are you employed?

6 A. Las Vegas Metropolitan Police Department.

7 Q. I what capacity are you currently employed
8 with Metro?

9 A. I'm a sergeant.

10 Q. In what department or area?

11 A. Bolden Area Command.

12 Q. How long have you been with Metro?

13 A. Since January of 2006.

14 Q. What assignments have you had since January
15 2006 to today?

16 A. I worked patrol and vice section. I worked in
17 crimes against family, then became homicide, sex crimes
18 bureau. Now I'm currently a sergeant in the patrol
19 section.

20 Q. In the patrol section you are sergeant?

21 A. Yes.

22 Q. In 2015 what capacity were you working in
23 Metro?

24 A. I was working the sex crimes unit.

25 Q. Is that also the crimes against youth and

1 family unit?

2 A. It's part of the crimes against youth and
3 family.

4 Q. Is there an acronym?

5 A. CYF.

6 Q. Anything else?

7 A. Today it's known as the sex crimes bureau.

8 Q. In March 2015, what was your title in the sex
9 assault division?

10 A. Detective.

11 Q. Who was the sergeant of the sex assault unit
12 in March 2015?

13 A. My direct supervisor was Sergeant Sean
14 Comiskey.

15 Q. Who was the lieutenant in sex assault in March
16 2015?

17 A. Lieutenant Daniel Bratt.

18 Q. March 29, 2015 did you receive information
19 about some concerns with a Metro employee?

20 A. Yes, I did.

21 Q. Who was that Metro employee?

22 A. It was Josh Honea.

23 Q. Do you see Josh in the court room today?

24 A. Yes, I do.

25 Q. Can you point to him and identify an article

1 of clothing he's wearing?

2 A. He's sitting there wearing a gray suit with a
3 green shirt.

4 MS. RHOADES: Record reflect identification of
5 the Defendant.

6 THE COURT: The record will so reflect.

7 BY MS. RHOADES:

8 Q. To your knowledge, where was Mr. Honea working
9 March 29, 2015?

10 A. By the time I received this information he was
11 working as a part-time employee in our gang section, that
12 he was a voluntary patrol service representative.

13 Q. From whom did you receive this information
14 about him?

15 A. From Sergeant Clark.

16 Q. And what capacity was Sergeant Clark
17 working?

18 A. As a patrol supervisor at the time.

19 Q. At what area command?

20 A. It was Enterprise area command.

21 Q. What is Sergeant Clark's first name?

22 A. Jeff -- Jeffrey.

23 Q. What information did you receive about
24 Mr. Honea?

25 A. I received information that he basically

1 expressed concern that Josh Honea was involved
2 romantically with a female that was under the age of 16 at
3 the time.

4 Q. Why did you receive that information?

5 A. Because at the time that would fit the
6 criteria of a sex crime and fall under my responsibilities
7 of investigation.

8 Q. Were you aware that Sergeant Comiskey also
9 received that information?

10 A. Yes.

11 Q. Before this point, did you know Mr. Honea?

12 A. No.

13 Q. Had you seen him before?

14 A. No.

15 Q. You knew nothing about him?

16 A. No.

17 Q. How is it you got assigned to the case?

18 A. I was what we call a bucket detective that
19 day.

20 Q. What does that mean?

21 A. Basically what that means is at that time
22 there were 4 detectives assigned to the squad and a
23 sergeant would assign what we call a bucket detective for
24 each day. And that detective would be responsible for
25 receiving all incoming cases for that day.

1 Q. When you received this information, did you
2 know the name of the person Mr. Honea was suspected to be
3 having a relationship with?

4 A. Yes. It was Morgan Savage.

5 Q. What was her age at that time?

6 A. At the time it was 15.

7 Q. What was Mr. Honea's age at that time?

8 A. I believe he was 21.

9 Q. After you received this information, what did
10 you do?

11 A. After receiving the information the first step
12 I did was contacting Morgan's mom.

13 Q. What is Morgan's mother's name?

14 A. Pamela Savage.

15 Q. So you did a records check. Did you also
16 check to see where Morgan was going to school?

17 A. Yes. I did the records check through Clark
18 County School District and received information on Morgan
19 as well as her parent.

20 Q. Where was Morgan going to school and what
21 grade was she in?

22 A. If I remember correctly she was in 10th grade
23 then. I don't remember the school she was going to off
24 the top of my head.

25 Q. Does Bonanza sound familiar?

1 A. That sounds familiar, yes.

2 Q. Did you make contact with Morgan's mother?

3 A. Yes.

4 Q. Where at?

5 A. Her place of work.

6 Q. Where is that?

7 A. She worked a Wells Fargo on Rainbow and 215
8 South.

9 Q. What date did you make contact with Morgan's
10 mother?

11 A. It was the day after I received the initial
12 information from Sergeant Clark.

13 Q. So March 30, 2015?

14 A. Yes, ma'am.

15 Q. When you went to make contact with her did you
16 conduct a recorded interview?

17 A. With Pamela Savage, yes.

18 Q. And who else was there when you conducted the
19 recorded interview?

20 A. Detective Beza and Sergeant Comiskey, and we
21 had a ride-along. I believe the officer's name is Bloom.

22 Q. Detective Beza, in what capacity was he
23 working at that time?

24 A. He was a detective in the sexual assault unit
25 as well.

1 Q. Why was Sergeant Comiskey along with you to
2 speak with Pamela Savage?

3 A. It was standard procedure with an allegation
4 involving a Metro employee the supervisor was to be
5 involved in the investigation to ensure all appropriate
6 steps were taken.

7 Q. Is there a reason why you reached out to
8 Pamela Savage first before Morgan?

9 A. If I remember correctly, we had information on
10 Pamela Savage. We had her phone number where she worked
11 and her address. I don't remember having a phone number
12 for Morgan.

13 Q. What information did you learn from Pamela
14 Savage?

15 A. Well, initially Pamela told us that Morgan was
16 not in Las Vegas. She was in San Francisco visiting
17 relatives. We asked her about her perception of the
18 relationship Morgan had with Joshua and she gave further
19 explanation.

20 Q. What was her explanation?

21 MR. MACARTHUR: Objection as to hearsay.

22 MS. RHOADES: We think it's a basis for what he
23 did in the investigation and what he did next and
24 ultimately does.

25 THE COURT: Overruled.

1 THE WITNESS: Thank you.

2 BY MS. RHOADES:

3 A. Ms. Savage basically told us that -- she
4 described the relationship as being very obsessive. She
5 described the relationship as being obsessive of Morgan,
6 Mr. Honea was very obsessive of Morgan. Even after they
7 broke up she described it as a friendship but he continued
8 to call and text and drive by their residence.

9 Q. At that time Morgan was in San Francisco?

10 A. Correct.

11 Q. What did you do after you spoke with Pamela
12 Savage?

13 A. After I spoke with Pamela Savage I reached out
14 to the Explorer advisors, which were Officer Zafiris,
15 Officer Wirey, Officer Samples. And I also reached out to
16 Josh Honea's co-worker Joel Belmonte.

17 Q. Joel Belmonte, in what capacity was he
18 Mr. Honea's co-worker?

19 A. I believe he had the same assignment in the
20 gang unit.

21 Q. Why did you reach out to these 3 particular
22 Explorer advisors?

23 A. The information from Sergeant Clark was that
24 these Explorer advisors were also Explorer advisors for
25 Josh Honea as well, so they had knowledge of these

1 allegations as well.

2 Q. What did you learn generally from them?

3 A. Generally, they said they didn't know Morgan.
4 They didn't know Josh. They knew they were friends. None
5 of them observed them in any type of interaction that
6 would indicate any type of relationship.

7 Q. Did any of them express concerns?

8 A. The concern was basically that one of them
9 told me that Josh stated that he would date Morgan once
10 she turns the of age 16.

11 Q. After you spoke with those individuals, what
12 did you do?

13 A. I made telephonic contact with Morgan.

14 Q. What date was that?

15 A. The same date, March 30th.

16 Q. All of this was done on the same day?

17 A. The same day, yes.

18 Q. When you made telephonic contact with Morgan,
19 where was that at, where were you at?

20 A. I was in my officer -- Sergeant Comiskey's
21 office.

22 Q. Was Sergeant Comiskey there as well?

23 A. Yes, the sergeant there as well.

24 Q. Was anyone else there?

25 A. No, just the two of us.

1 Q. Why did you make contact with her via
2 telephone?

3 A. She was in San Francisco. I couldn't make
4 contact in person.

5 Q. When you talked to her, did you record the
6 telephone conversation?

7 A. No, I did not.

8 Q. Why not?

9 A. I made contact with her just to get
10 preliminary information with her at that point and see if
11 she was willing to come to speak to me on her return.

12 Q. What did Morgan tell you?

13 A. She basically described the relationship as
14 brother, sister. She denied feeling harassed or
15 threatened by Honea, then at the end of the conversation
16 he said she'd come talk to me upon her return to Las
17 Vegas.

18 Q. Did she confirm with you what her mother had
19 told you about Josh contacting her after the relationship
20 ended?

21 A. She did tell me on the phone that they ran
22 into each other twice. Once on Las Vegas Boulevard and
23 once at her school, but described it as a coincidence.

24 Q. She told you she did not feel harassed or
25 threatened?

1 A. That's correct.

2 Q. Did she say that she felt bad for any reason
3 for not talking to Josh anymore?

4 A. She said she felt bad for not talking to Josh
5 because he gave her advise and tried to put her the right
6 way or something.

7 Q. You said she indicated she would talk to
8 you?

9 A. That's correct.

10 Q. About how long did that phone conversation
11 last?

12 A. Couple of minutes. Not that long.

13 Q. What happened after the phone conversation?

14 A. After the phone conversation, the following
15 day I contacted Pamela Savage and told her I spoke to
16 Morgan and then offered, for her, if she felt Morgan was
17 being harassed by Honea to file a report for harassment.

18 Q. That was on April 1st, 2015?

19 A. Correct.

20 Q. Did Pam want to file a report?

21 A. No. She said she would not file a report at
22 the time.

23 Q. At that point what did you do in the
24 investigation?

25 A. I contacted Josh Honea.

1 Q. Where had you contacted Josh Honea?

2 A. At his place of work. We worked in the same
3 building. I was on the second floor and he was on the
4 third or fourth floor.

5 Q. When you contacted him were you with anyone?

6 A. Me and Sergeant Comiskey.

7 Q. When you contacted him, what did you do?

8 A. We conducted an interview.

9 Q. Where was that at?

10 A. It was done in interview room, bottom floor.

11 Q. At Metro headquarters?

12 A. Correct.

13 Q. Did you read Mr. Honea his rights --
14 Miranda?

15 A. I did.

16 Q. Did he indicate he understood those rights and
17 wanted to talk to you?

18 A. He did.

19 Q. So by this time, March 2015, you'd been with
20 Metro for about 10 years -- 9, 10 years?

21 A. Approximately.

22 Q. How many suspect interviews had you conducted
23 up to this time in the past with metro?

24 A. It's hard to put a number. Over a hundred,
25 well over a hundred.

1 Q. Can you give us your general impression of
2 Mr. Honea during the interview you conducted with Mr.
3 Comiskey.

4 MR. MACARTHUR: Objection.

5 THE COURT: Basis.

6 MR. MACARTHUR: Foundation, speculation.

7 THE COURT: Mr. Rhoades, can you perhaps lay a
8 better foundation for the question.

9 MS. RHOADES: Sure.

10 BY MS. RHOADES:

11 Q. You said you've conducted well over a hundred
12 interviews with Metro?

13 A. That's correct.

14 Q. How long did your interview last with
15 Mr. Honea?

16 A. I don't remember the exact time, but if I were
17 to guess, an hour, hour-and-a-half maybe.

18 Q. Were you there for the entire interview?

19 A. That's correct. Yes, I was.

20 Q. Were you able to observe his body language,
21 actions, his demeanor throughout that entire interview?

22 A. Yes.

23 Q. What was your general impression of Mr. Honea
24 during that interview?

25 MR. MACARTHUR: Objection, permission to

1 approach.

2 THE COURT: You may.

3 (Discussion held at the bench.)

4 THE COURT: Thank you, Counsel.

5 The objection is overruled. The witness may answer,
6 or if you need the question repeated, repeat the
7 question.

8 BY MS. RHOADES:

9 Q. Detective, on this April 1, 2015, interview,
10 what was your general impression of Mr. Honea?

11 A. He appeared talkative and certain times
12 evasive and deflecting his answers.

13 MS. MCNEILL: I didn't hear that.

14 THE WITNESS: Evasive and deflective in his
15 answers.

16 BY MS. RHOADES:

17 Q. Was this interview video recorded?

18 A. Yes.

19 Q. Was it audio recorded?

20 A. Correct.

21 MS. RHOADES: Your Honor, permission to publish
22 portions of the interview.

23 MR. MACARTHUR: I renew my objection, Judge. If
24 she is going to play the video, that was a conclusion the
25 jury could have, without the detective characterizing it

1 for them.

2 MS. RHOADES: The court has already ruled I can
3 ask about the general impression of Mr. Honea.

4 THE COURT: Objection noted. I will remind
5 counsel to keep the objections to the stated basis and
6 state of renewal if necessary. If we are going to have
7 further discussion, we'll have it at the bench
8 conference.

9 Thank you. You may proceed.

10 BY MS. RHOADES:

11 Q. You do see on State's 1, a screen shot of
12 what's been marked as State's 1?

13 A. Yes.

14 Q. Do you recognize that?

15 A. That's an interview room at Metro
16 headquarters.

17 Q. Do you see your face on the right side of the
18 screen?

19 A. Yes.

20 Q. And Mr. Honea's as well?

21 A. Yes.

22 Q. Is that what he was wearing on April 1st,
23 2015?

24 A. Yes.

25 Q. Does this fairly and accurately depict the

1 video and the video system Metro had of him?

2 A. Yes, that's the video.

3 MS. RHOADES: Move for admission of 1 and 1-A.

4 MR. MACARTHUR: No objection.

5 THE COURT: 1 and 1-A will be admitted. You may
6 publish.

7 MS. RHOADES: Thank you very much.

8 (Video interview played
9 for the jury. Not reported.)

10 MS. RHOADES: Pausing there. Whose voice is
11 that that we're hearing.

12 THE WITNESS: It's Sergeant Comiskey's voice.

13 MS. RHOADES: He's in the room, but we can't
14 really see him.

15 THE WITNESS: That's correct. He's sitting to
16 the left, left side of the screen.

17 (Video interview played
18 for the jury. Not reported.)

19 BY MS. RHOADES:

20 Q. That entire monologue was in response to your
21 question, how do you know Morgan?

22 A. That's correct.

23 (Video interview played
24 for the jury. Not reported.)

25 BY MS. RHOADES:

1 Q. Do you recall your talk to Mr. Honea about a
2 minimal age difference in the interview we just watched?

3 A. Yes.

4 Q. Why did you say that?

5 A. It's just a technic used where an interviewer
6 is trying to minimize the severity of the issue at hand.

7 Q. You mentioned something about the age
8 difference being 4 years. If when you got the case,
9 Morgan was 15 and Mr. Honea was 21, how many years is
10 that?

11 A. 7.

12 Q. 15 and 21?

13 A. 6, I apologize.

14 Q. After this interview, what direction did the
15 sexual assault investigation take?

16 A. I waited for a couple of weeks to close the
17 case.

18 Q. Why were you waiting to close the case?

19 A. I was waiting for Morgan to reach out to me
20 and conduct an interview like she said in the phone
21 contact.

22 Q. Did she ever do that?

23 A. No, she did not.

24 Q. Did you ever obtain anyone's cell phone?

25 A. No.

1 Q. Anyone's computer?

2 A. No.

3 Q. What happened in April with the sexual assault
4 case?

5 A. It was closed.

6 Q. On what date?

7 A. Two weeks after this, April 15, 2015.

8 Q. Why was it closed?

9 A. I didn't have a disclosure or specific
10 allegation of any sex crime from Morgan herself.

11 Q. After you closed this sexual assault case,
12 what was your participation in Mr. Honea or with Morgan
13 more or anything like that?

14 A. That was it.

15 Q. Were you aware that there was also an internal
16 affairs investigation?

17 A. Yes.

18 Q. Can you describe for us the difference between
19 internal affairs and sexual assault and what kind of
20 contact you have with each other?

21 A. Sexual assault is in charge of criminal
22 allegations, criminal investigations. Internal affairs in
23 LVNPD, they investigate administrative type offences.
24 Criminal investigations against an employee.

25 The criminal investigation will take place first,

1 then internal affairs, upon conclusion of that
2 investigation, will take their investigation
3 administrative of the incident.

4 Q. Internal affairs gets involved when there's an
5 employee of Metro involved in the case?

6 A. Correct. They only investigate instances
7 where a Metro employee is accused of something or
8 misconduct or a criminal allegation.

9 Q. Before you closed the criminal case in April
10 2015, did you have any contact with internal affairs in
11 reference to this case?

12 A. No.

13 Q. After this case, did you have contact with
14 anyone in internal affairs?

15 A. I did have contact with Calderon.

16 Q. Rachel Calderon?

17 A. Yes.

18 Q. Do you recall when that contact was had?

19 A. I do not.

20 Q. Why is it you had contact with her?

21 A. It was casual contact. There was no explicit
22 exchange of information between me and her. I'm not privy
23 to internal affairs investigations. It was just casual
24 contact throughout. Then towards July -- beginning of
25 July, she advised me she had contact with Morgan.

1 Q. You said you are not privy to that. Do you
2 have access to internal affairs documents?

3 A. Absolutely not.

4 Q. Tell us about the contact the beginning of
5 July 2015?

6 A. July 2015, Detective Calderon advised me she
7 had contact with Morgan and Morgan wanted to come in and
8 give a statement.

9 Q. What steps were taken after you learned that
10 information from Detective Calderon?

11 A. The criminal investigation was reopened
12 because we had Morgan willing to come in and give a
13 statement.

14 Q. At that time you reopened the sexual assault
15 criminal investigation --

16 MS. MCNEILL: Objection, leading.

17 THE COURT: Sustained.

18 BY MS. RHOADES:

19 Q. At that time, what did you do with the sexual
20 assault investigation?

21 A. Reopened it.

22 Q. Still did you not have access to the internal
23 affairs documents?

24 A. I do not. I do not have access to internal
25 affairs investigations.

1 Q. Once the sexual assault case was reopened,
2 what occurred?

3 A. Morgan interviewed with LVMPD.

4 Q. Do you know the date?

5 A. July 22, when she returned from Minnesota.

6 Q. Do you know who interviewed Morgan?

7 A. It was Detective Lisa Cho.

8 Q. Do you know why it was Detective Cho that
9 interviewed Morgan?

10 A. That was a decision that was made by my
11 supervision. I can only speculate as to the reason why.

12 Q. Were you present when Detective Cho
13 interviewed her?

14 A. Yes.

15 Q. Where were you?

16 A. I was in a monitor room. As you can see from
17 the video, all videos can be monitored and there's a
18 separate room where the detectives can sit and observe the
19 interview.

20 Q. Did you have to be reassigned the sexual
21 assault case or was it a continuation from the prior
22 investigation?

23 A. Just continuation from the prior
24 investigation.

25 Q. Same event number?

1 A. Same event number.

2 Q. What is the event number?

3 A. 15033012777.

4 Q. Tell the jury when an event number is
5 generally?

6 A. An event number is assigned to specific
7 investigation or any specific incidence that a parole
8 officers responds to or detectives respond to. Basically
9 it is a number that is used to store all of the documents
10 related to a specific call or specific investigation.

11 Q. The date is the first 6 numbers and the last
12 4 --

13 A. It starts with the year. Second starts the
14 month. Then 2 digits are the day. The last 4 digits are
15 the specific number the day they are assigned in
16 chronological order. The day starts with 0001 and those
17 numbers increase.

18 Q. After Detective Cho interviewed Morgan was
19 there property you impounded?

20 A. Morgan gave us her computer and phone.

21 Q. Anything else?

22 A. A photo album.

23 Q. When you impound those items of evidence, how
24 do you do that? What do you do?

25 A. Any time there's an item of evidence, it's

1 placed in a bag that basically is sealed with an evidence
2 seal. Whoever is impounding the property has to put their
3 initials and date on a seal.

4 Q. When you impound Morgan's lap top, her iPhone,
5 her photo album, did you do that in this case, put it in a
6 bag with a sticker on it?

7 A. Smaller items can be put in a bag. Obviously,
8 larger items that cannot fit in a bag, they can be tagged
9 with specific tags in strategic places to prevent opening
10 or access to the item.

11 MS. RHOADES: May I approach.

12 THE COURT: You may.

13 MS. RHOADES: This has been previously looked
14 at.

15 MS. MCNEILL: We'll stipulate to the chain of
16 custody of these items.

17 MS. RHOADES: So stipulation to the admission of
18 76 and 76-A.

19 THE COURT: The court will allow the admission
20 of 76 and 76-A. As a reminder, for the record, for the
21 jurors this is the photo album.

22 MS. RHOADES: Yes, correct. This is the photo
23 album.

24 THE WITNESS: Yes.

25 THE COURT: Here is the event number.

1 THE WITNESS: Yes.

2 MS. RHOADES: Your name is the "P" number.

3 THE WITNESS: Yes.

4 Q. After you impounded those items and after
5 Morgan was interviewed, what did you do as part of the
6 sexual assault investigation?

7 A. Sergeant Comiskey and I drove Morgan to
8 SunCoast.

9 Q. Why did you do that?

10 A. During her interview she disclosed that part
11 of what happened happened at SunCoast. We wanted her to
12 show us what location she was talking about.

13 Q. What happened when you guys got to SunCoast?

14 A. I was driving and Morgan -- when she got into
15 the parking garage at SunCoast Casino -- specifically the
16 second floor of the parking garage.

17 Q. What did she tell you occurred at the SunCoast
18 parking garage?

19 A. She disclosed that that was the location one
20 time they had a sexual encounter.

21 Q. Where was it at? So on the second floor.
22 Anything else unique about that location?

23 A. It was an area that was designated. Like on
24 the pillars it was designated with the No. 2 and the
25 letter E as in easy. It was fairly secluded. It appeared

1 to be under the ramp basically.

2 Q. In this same drive that you an Sergeant
3 Comiskey took with Morgan, what, if anything, did she tell
4 you about the Rampart?

5 A. She also said during her interview, one
6 incident happened in the Rampart parking garage on the top
7 floor.

8 Q. Did you all drive there?

9 A. We did not. I used to work at Rampart Casino
10 security and I was very familiar with the top of the
11 parking garage. It's just a big open space.

12 Q. Did you drive anywhere else?

13 A. We drove to Josh grandparents' house.

14 Q. Do you recall the exact address of that?

15 A. Not off the top of my head.

16 Q. Does 1708 Teaguin sound --

17 A. That sounds correct, yes.

18 Q. What happened at that location?

19 A. That specific house she had, one time, a
20 specific sexual encounter with Josh Honea.

21 Q. Did you see a vehicle parked in front of the
22 residence?

23 A. It was a blue Ford pick up truck.

24 Q. Did you do a records check on the license
25 place?

1 A. I did.

2 Q. What did you discover when you did that?

3 A. It came back registered to Josh Honea?

4 Q. After that, after you drove there, where did
5 you guys go?

6 A. We took her home.

7 Q. Did you plan another meeting with Morgan?

8 A. Yes. We arranged another meeting the
9 following day, the following morning. We arranged to pick
10 her up and take her to LVMPD for a per-text phone call.

11 Q. What is a pre-text phone call?

12 A. An investigative technic with the person who
13 will call a person of interest or suspect regarding the
14 incident being investigated.

15 Q. Did you pick Morgan up to do this?

16 A. Yes.

17 Q. Were you with another detective?

18 A. Yes, Jason Lafreniere.

19 Q. Dose she work in the sexual assault unit?

20 A. Yes.

21 Q. Where did you go?

22 A. We drove from her house to LVMPD
23 headquarters.

24 THE COURT: Ms. Rhoades, can I have counsel at
25 the bench.

1 MS. RHOADES: Sure.

2 (Discussion held at the bench.)

3 THE COURT: Ladies and gentlemen, I wanted to
4 check in with counsel to see where we are in the process
5 of testimony. We have enough remaining here, and it's
6 time lunch recess.

7 We'll take an hour and 10 minutes, give or
8 take, to return here at 1:45. So it's a little after
9 12:30 now. That gives my court staff a break as well.

10 JURY ADMONITION

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

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

23 See you back here at 1:45.

24 (Lunch recess taken.)

25 THE COURT: I have one bench conference to make.

1 There was an objection posed to a question
2 related to -- the witness is out of the courtroom now --
3 related to this witness being asked his general impression
4 of the demeanor of Mr. Honea during the interview that we
5 subsequently watched the tape recording.

6 At the time the objection was posed it would be
7 improper to ask this witness to comment on the
8 truthfulness or veracity of the Defendant. Ultimately,
9 there was discussion about what was observed by the
10 detective and there was a certain possibility of different
11 objections made on foundation having been laid. Based on
12 that witness' experience, nature of his job and
13 circumstances upon which he has to make those
14 determinations in terms of proceeding with his
15 investigation it was not going to elicit improper
16 testimony and that question could be asked.

17 I would note there was a reference made to Supreme
18 Court precedent for not permitting this type of
19 commentary. My recollection of that case law indicates
20 that that was determined in a situation where someone was
21 asked from the standpoint of having not been present at
22 the time to actually see the statement being made, but
23 otherwise being asked to review written statements, and
24 comment -- was allowed to comment significantly on whether
25 or not these comments appear to be truthful. And that

1 that situation was significantly different then what
2 occurred in this case and when foundation was laid and
3 what the nature of the question was.

4 I overruled the objection.

5 Ms. McNeill, you posed the objections. You want to
6 articulate the argument at the bench. I take it back
7 Mr. MacAuthur began the objection, Ms. McNeill discussed
8 the case law.

9 Do either of you want to add to the record on this.

10 MS. MCNEILL: Your Honor, I would just add that
11 it is improper to elicit testimony on the credibility of
12 the Defendant and saying he was evasive in his commentary
13 which invades the province of the jury. If they are going
14 to invade the province of the jury, that becomes expert
15 testimony and he wasn't noticed as an expert.

16 The Supreme Court is clear they're not allowed to
17 elicit from the detective if they believe the Defendant
18 was being credible, and that is what they did when they
19 say evasive. So that was the basis of my objection.

20 Court's indulgence.

21 They then played the interview and that is also
22 improper. But the best way to do it is to play it and
23 then let the jury decide what they believe. The best
24 evidence of the interview is the province of the jury to
25 decide what the demeanor of the Defendant during that

1 interview was.

2 I don't think a proper foundation was laid. He
3 doesn't know Mr. Honea. He's commenting on someone's
4 demeanor. Usually you have to have a better idea of who
5 the person is in order to say I know how they act in these
6 situations. So it was improper all the way around.

7 MS. RHOADES: I had already asked, he'd never
8 met Mr. Honea before. I asked one question, what was
9 your general impression of the Defendant, which was proper
10 for him to comment on. I laid the foundation. He was in
11 there for an hour-and-a-half. He testified what his
12 general impression was.

13 THE COURT: Just want to make that record.
14 Anything further.

15 MS. MCNEILL: No, your Honor. Thank you.

16 (Lunch recess taken.)

17 THE COURT: We're resuming in the trial of State
18 of Nevada vs. Joshua Honea. Mr. Honea is present with his
19 counsel along with the State's attorneys. Our jurors are
20 present.

21 Sergeant Dicaro, is present on the stand.

22 Can I ask you to indicate, for the record, you
23 understand you are still under oath.

24 THE WITNESS: Yes, I am.

25 BY MS. RHOADES:

1 Q. Going back to the pre-text call made July 23,
2 2015, the day after Morgan's interview. You said that
3 occurred at headquarters. Who else was present?

4 A. Detective Branson Beza and Sergeant Ray
5 Spencer. I was there as well.

6 Q. Branson Beza, tell us is he a detective?

7 A. He was a detective at sexual assault at the
8 time.

9 Q. And who is Ray Spencer?

10 A. He was a sergeant at that time.

11 Q. For what department?

12 A. Within the crimes against youth and family.

13 Q. Tell us about the pre-text call, what you saw
14 and what you heard?

15 A. What happened was Morgan used her phone and
16 called Joshes' phone number. He answered and they had a
17 conversation, which we were listening to.

18 Q. Was that on speaker or something else?

19 A. No. She had the phone close to her ear and we
20 were standing close to her and we could hear what was
21 said.

22 Q. Why was the call not on speaker?

23 A. We were doing a pre-text phone call in one of
24 the conference rooms and the concern was if we put it on
25 speaker phone somebody could have entered and said

1 something or something could have been over heard and
2 jeopardize the investigation.

3 Q. What did you hear being said between Morgan
4 and Josh?

5 A. I over heard him saying --

6 MS. MCNEILL: I'll object to foundation as to
7 who was on the other end of the phone.

8 THE COURT: Lay the foundation, Ms. Rhoades.
9 Sustained.

10 BY MS. RHOADES:

11 Q. So tell us a little more. Did you see who
12 Morgan called and how did you know who Morgan was
13 calling?

14 A. She dialed the number that she indicated was
15 Josh Honea, the person on the other line. I recognized
16 the voice as his voice because of our previous contact.

17 Q. What did you hear Morgan and Josh say to each
18 other?

19 A. I overheard him say he trusted her with the
20 whole issue. He also made the statement when she was
21 questioning him about what to say to detectives he made a
22 statement to the effect of if she says no, he could not be
23 accused of anything because there were no witnesses.

24 Also throughout the conversation he made the
25 statement to the effect of if there was no victim there

1 was no crime.

2 Q. Do you know how that conversation ended?

3 A. The purpose of the conversation -- one of the
4 things we were trying to do is to get into the
5 conversation for Morgan to have Josh meet her somewhere so
6 he could be taken into custody. It ended when he refused
7 to meet her.

8 Q. Did you ever hear Josh on the other end of
9 that phone deny a relationship with Morgan?

10 A. Not explicitly.

11 Q. Did you record that conversation?

12 A. No.

13 Q. Why not?

14 A. Pre-text phone calls cannot be recorded. I'd
15 have to advise the other party on the other side of the
16 phone the conversation is being recorded. Obviously, for
17 the purpose of the pre-text phone call, that's not
18 feasible.

19 Q. What was the purpose of that phone call?

20 A. To obtain further information about their
21 relationship and ultimately try to have them meet
22 somewhere.

23 Q. They did not meet. Josh did not meet with
24 her?

25 A. No.

1 Q. What happened after the pre-text phone call?

2 A. After that per-text phone call arrangements
3 were made to have detectives take Josh into custody.

4 Q. Did that occur?

5 A. Yes.

6 Q. Where did that occur?

7 A. That occurred at his grandparents' house.

8 Q. Did that occur at the Teaquin address?

9 A. Correct.

10 Q. Did members of the CAT team arrest
11 Mr. Honea?

12 A. I believe so, yes.

13 Q. What does Cat stand for?

14 A. It's an acronym for criminal apprehension
15 team.

16 Q. Why does the CAT team make the arrest and not
17 you or sexual assault?

18 A. Because there were obvious safety concerns
19 regarding the fact Josh received the training, which is
20 consistent with tactics we used. We had information that
21 he'd be in possession of firearms. Just going there by
22 myself and taking him into custody could be a dangerous
23 situation, which is why I utilized the CAT team.

24 Q. What happened after he was arrested?

25 A. He was transported down to LVNPD

1 headquarters.

2 Q. Why did you do that?

3 A. I was in possession of a search warrant for
4 his residence, his grandparents' residence and vehicle
5 parked near the residence and for his body as well.

6 Q. Did you obtain that search warrant?

7 A. Yes.

8 Q. That included all 3 of those things you just
9 mentioned?

10 A. That's correct.

11 Q. Did you then serve the search warrant on his
12 residence and vehicle?

13 A. Yes.

14 Q. Was it that blue truck you mentioned
15 earlier?

16 A. Yes.

17 Q. Did you serve that warrant with other members
18 of the department?

19 A. Yes.

20 Q. Who else?

21 A. Detective Prichard and Detective Hendricks.

22 Q. Were they with sexual assault?

23 A. That is correct.

24 Q. What of anything evidentiary value did you
25 recover in your search of the truck and residence?

1 A. Electronics, iPhone, iPad, iPod, photos,
2 camera, then some paperwork.

3 Q. Were there photographs taken during the
4 execution of the search warrant?

5 A. We did take one photograph from the search
6 warrant.

7 Q. Like a physical photograph you took possession
8 of?

9 A. The actual photo print.

10 Q. Was someone else going around the residence
11 taking photos as you were all executing the search
12 warrant?

13 A. Yes.

14 Q. You were present for that, right?

15 A. Yes.

16 MS. RHOADES: May I approach the witness, your
17 Honor.

18 THE COURT: You may.

19 BY MS. RHOADES:

20 Q. Showing you what has been marked as State's
21 Proposed 27 through 45. Can you look through those and
22 tell me if you recognize them.

23 A. This is the crime shot of the residence we
24 executed the search warrant on Honea's grandparents'
25 residence.

1 Q. Look through all the photos and tell me if you
2 recognize them generally. Not each individually, but look
3 at the packet.

4 A. Sure.

5 Q. Do you recognize all the photos 27 through 45
6 proposed?

7 A. Yes.

8 Q. What do you recognize them to be?

9 A. The interior and exterior of the residence we
10 served the warrant on.

11 Q. You served the search warrant on July 23?

12 A. Yes.

13 Q. Do they fairly and accurately depict what you
14 saw that day?

15 A. Yes.

16 MS. RHOADES: I move for admission of 27 through
17 45.

18 MS. MCNEILL: No objection.

19 THE COURT: State's Proposed 27 through 45 will
20 be admitted. You may publish as needed.

21 MS. RHOADES: Thank you, your Honor.

22 BY MS. RHOADES:

23 Q. In 46, do you recognize what's depicted
24 there?

25 A. Yes. It's the Ford truck.

1 Q. Is that included in the search you obtained?

2 A. Yes.

3 Q. Showing you States 27. What is that a
4 photograph of?

5 A. That is the exterior of the residence.

6 Q. State's 28, can you tell where that is at?

7 A. That's the interior looking from the kitchen
8 area toward the living room area.

9 Q. Showing you 29, what's depicted there?

10 A. That is a dining room table with an iPad on
11 it.

12 Q. And 30, is that a close up of that same
13 iPad?

14 A. Correct.

15 Q. Was that impounded?

16 A. Yes.

17 Q. Showing you 32, whose bedroom is that that
18 we're looking into, if you know?

19 A. I believe that is Joshes' bedroom.

20 Q. And 35, is that still in Joshes' bedroom?

21 A. Yes.

22 Q. Showing you 36, what are we looking at
23 there?

24 A. It's paperwork for Las Vegas Athletic Club.

25 Q. Does it have Pam Savage and Morgan Savage's

1 name on it?

2 A. I can't see from the screen. I can't see from
3 the screen. Sorry.

4 MS. RHOADES: May I approach, your Honor.

5 THE COURT: You may.

6 THE WITNESS: That has Pamela Savage's name on
7 there.

8 THE COURT: If I can get you to speak up. It's
9 -- you're soft spoken. Generally when you are looking at
10 something your voice tends to come down more.

11 THE WITNESS: There is a name of Morgan and Pam
12 Savage on the paperwork by.

13 BY MS. RHOADES:

14 Q. Where was that in your execution of the search
15 warrant?

16 A. If I remember correctly, it was located in
17 Joshes' bedroom.

18 Q. Showing you 37, is that the closet in Joshes'
19 bedroom?

20 A. That is the closet in the same bedroom.

21 Q. And 38, what the that?

22 A. That looks like some kind of drawer inside the
23 closet.

24 Q. With clothes on top?

25 A. Yes.

1 Q. Showing you 39, is that open bottom drawer in
2 that set of drawers?

3 A. Yes.

4 MS. MCNEILL: Objection. Leading. Did he
5 describe what the photo is.

6 MS. RHOADES: I haven't gotten to that photo.

7 THE COURT: You mentioned the photo and
8 indicated it was open. I'll go ahead and sustain it, but
9 with that it appears to be leading.

10 Rephrase.

11 BY MS. RHOADES:

12 Q. Thank you, your Honor.

13 You indicated you impounded a photograph during the
14 execution of the search warrant?

15 A. Correct.

16 Q. Is this the photograph you impounded?

17 A. Yes.

18 Q. Can you circle it. You can touch the screen.
19 And showing you 40, what are we looking at there?

20 A. That is the same photograph.

21 Q. Just a close up?

22 A. Yes.

23 Q. Showing you 41, why was this photographed?

24 A. It was significant because during her
25 interview Morgan described that Josh was only wearing

1 Adidas style under wear.

2 Q. 42 is that the Adidas style underwear?

3 A. That's correct.

4 Q. So specifically in the residence, the iPad was
5 impounded, the photograph was impounded by you. Was there
6 anything else?

7 A. As I said there was quite a few electronics on
8 that search warrant. I would have to look at the exact
9 impound on the residence versus the vehicle.

10 Q. Was there also a phone in the residence, do
11 you remember?

12 A. If I remember correctly there was one.

13 Q. Do you remember what was recovered from the
14 truck?

15 A. There was an IPAD -- iPod. There was another
16 cell phone, paperwork. I'm not sure if we recovered any
17 of the memory cards from the vehicle or if they were all
18 in the residence.

19 Q. Would showing you your report about the search
20 warrant refresh your memory about where everything was
21 found?

22 A. Yes.

23 MS. RHOADES: Showing him the officer's report
24 from the search warrant, your Honor.

25 THE COURT: Thank you.

1 BY MS. RHOADES:

2 Q. Does that refresh your memory?

3 A. Yes.

4 Q. What was found in the residence?

5 A. There was the iPad, cell phone, and several
6 memory sticks.

7 Q. The cell phone was an iPhone 6 plus?

8 A. Yes. Photograph in the vehicle, there was 2
9 iPods, 1 cell phone and some paperwork.

10 Q. Did you obtain a separate search warrant for
11 these electronic items?

12 A. I did.

13 Q. Why do that?

14 A. In order for a forensic analysis of those
15 devices to be performed.

16 Q. What do you do you with the search warrant and
17 the items of evidentiary value after you obtain that
18 search warrant?

19 A. I forwarded the search warrant to the unit,
20 crimes against children. That is the unit that has all of
21 the equipment necessary to search the electronic
22 devices.

23 Q. Showing you again -- going back to State's 35.
24 Did you look at these photographs on the wall and
25 photographs on the desk when you executed the search

1 warrant?

2 A. Yes.

3 Q. Did you see photos on there of Morgan
4 Savage?

5 A. I don't recall that.

6 Q. Going back to 40. Just for the record, who is
7 in that photograph you impounded?

8 A. Morgan Savage and Josh Honea.

9 Q. After the search warrant there what did you
10 do?

11 A. After serving a search warrant, I responded to
12 LVMPD headquarters.

13 Q. When you responded to headquarters did you
14 meet with Mr. Honea?

15 A. Yes.

16 Q. Was there a crime scene analyst there as
17 well?

18 A. Correct.

19 Q. What was the purpose of that?

20 A. The purpose was to execute the search warrant
21 for his body so I got photographs of his body.

22 Q. Were you there when those photographs were
23 taken?

24 A. Yes.

25 Q. Tell us how that interaction went down?

1 A. Basically I told him I had the search warrant
2 for his body. I don't recall if he asked to see it before
3 hand or not. I don't remember those details. He was
4 asked to undress and CSI took photographs of his body.

5 Q. What evidentiary value did you see when the
6 photographs were taken?

7 A. We took close up photographs of penis because
8 Morgan in her interview described his penis in detail.

9 Q. Did her description match what you saw?

10 A. Yes.

11 Q. From what you could tell was Mr. Honea doing
12 anything out of the ordinary when you were -- the CSA was
13 taking pictures?

14 MS. MCNEILL: Objection, vague. Speculation.
15 Foundation.

16 MS. RHOADES: I don't want to lead him.

17 THE COURT: It is tricky when you are trying to
18 set foundation not lead. I'll give you leeway here. I'll
19 overrule it and make sure we keep it open-ended.

20 BY MS. RHOADES:

21 Q. Did Mr. Honea do anything out of the ordinary
22 when the photographs of his penis were taken?

23 A. Well, when we asked to take photographs of his
24 penis we asked to take photographs of his penis, under
25 side of his penis because of the specific mark we were

1 looking for on his penis. When he lifted his penis it
2 appeared that his fingers were covering that specific mark
3 and he was just asked to move his fingers further away so
4 we could photograph the mole.

5 Q. Did you have to ask him to move his fingers?

6 A. Yes.

7 Q. Showing you State's 48 through 50 and 73
8 through 75. Can you look through those and look up as me
9 when you are done.

10 THE COURT: Can you give the numbers again.

11 BY MS. RHOADES:

12 Q. 73 through 75, 48 through 50, your Honor. Do
13 you recognize those?

14 A. Those are photographs of Josh Honea we took
15 that day.

16 Q. Do they fairly and accurately depict what he
17 looked like that day?

18 A. Yes.

19 MS. RHOADES: I would move for admission of
20 those, your Honor.

21 MS. MCNEILL: No objection.

22 THE COURT: 73 through 75 and 48 through 50 will
23 be admitted.

24 BY MS. RHOADES:

25 Q. On 48, is that Mr. Honea with his clothes

1 on?

2 A. Yes.

3 Q. Can you tell what that shirt says?

4 A. St. Patrick's Day Rampart Casino.

5 Q. There's a full frontal of him nude in 49; is
6 that right?

7 A. Correct.

8 Q. State's 73, what is that there?

9 A. That is a picture of his backside.

10 Q. You can see his back and how it's shaped?

11 A. Yes.

12 Q. Showing you 50, what is that a picture of?

13 A. That is a close up of his penis.

14 Q. From your monitor can you see where the mole
15 is?

16 A. Right before his left index finger.

17 Q. Can you circle it for us. Thank you.

18 After the photographs were taken, what did you do
19 ss part of your investigation, what, if anything, else did
20 you do?

21 A. After the photographs were taken?

22 Q. Yes.

23 A. I impounded the property that was recovered
24 during the search warrant.

25 Q. The Defendant was arrested that day?

1 A. That's correct.

2 Q. In your capacity as a sexual assault detective
3 do you have access to Las Vegas County Detention Center
4 jail calls?

5 A. I do.

6 Q. How do you have access to those calls?

7 A. It's standard investigative technic to follow
8 up once a person was arrested to follow up and monitor
9 jail calls.

10 Q. Did you do that in this case?

11 A. I did.

12 Q. Do you do that in every case?

13 A. In the majority of cases, I did.

14 MS. RHOADES: Your Honor, I have a portion of
15 the calls, just the start of it, for identification
16 purposes.

17 THE COURT: You may.

18 MS. RHOADES: Were you able to access and obtain
19 a call that was made by Mr. Honea on September 6, 2015.

20 THE WITNESS: Yes.

21 MS. RHOADES: How do you know it's Mr. Honea.

22 THE WITNESS: There are multiple perimeters you
23 can search by. One is an ID number. A unique number
24 assigned to everybody arrested and booked into CCDC. You
25 can search by phone number or first or last name.

1 BY MS. RHOADES:

2 Q. Have you listened to this call previously?

3 A. Yes.

4 Q. Have you listened to the portion that we're
5 talking about of this call previously?

6 A. Yes.

7 Q. Who is this call between?

8 A. It appeared to be between Josh and his
9 father.

10 Q. How could you tell that?

11 A. Because he referred to him as dad throughout
12 the conversation.

13 Q. Did you recognize Joshes' voice?

14 A. Yes.

15 (Clark County Detention center call
16 played for the jury.)

17 MS. MCNEILL: I would object to anything the
18 father says to being hearsay.

19 THE COURT: Right now we are playing for
20 authentication purposes. Is there something you can play
21 now that's not --

22 MS. RHOADES: It's a clip of the call between his
23 father and Mr. Honea as the first person he talks to is
24 the father. It's to show interaction and response.

25 THE COURT: I asked for a response, I apologize.

1 I didn't mean to create an inappropriate circumstance
2 there.

3 Ms. McNeill, I believe for purposes of identification
4 and not being offered for the truth of the commentary we
5 can and will, only for that reason, allow you to proceed
6 just enough for the identification purposes at this
7 time.

8 MS. RHOADES: Okay. Did you recognize the voice
9 we just heard.

10 THE WITNESS: Repeat it, please.

11 MS. RHOADES: Yes.

12 (Clark County Detention center call.
13 played for the jury.)

14 BY MS. RHOADES:

15 Q. Do you recognize the voices we just heard?

16 A. Yes. Those were two voices of the phone call
17 I monitored, one, of Josh and the other person referred to
18 as dad.

19 Q. This is the call you obtained made on
20 September 6th?

21 A. Yes.

22 MS. RHOADES: Move for admission of this clip.

23 MS. MCNEILL: I would renew my objection because
24 it contains hearsay information.

25 THE COURT: Can I have counsel at the bench.

1 (Discussion held at the bench.)

2 THE COURT: The objection is overruled. The
3 call played will be admitted.

4 MS. RHOADES: Your Honor, that is 65 A and 65.

5 THE COURT: State's 65 and 65 A are admitted.
6 You may play.

7 (Clark County Detention center call
8 played for the jury.)

9 MS. RHOADES: Approach the witness again.

10 THE COURT: Yes.

11 MS. RHOADES: Thank you.

12 BY MS. RHOADES:

13 Q. Showing you, Sergeant, State's 64. Before we
14 get there, when you interviewed Mr. Honea did he give you
15 his date of birth?

16 A. Yes.

17 Q. Showing you 64, do you recognize the dates on
18 that chart?

19 A. May 4th, '93 is his birthday.

20 Q. Does this seem to correspond with his age and
21 the years?

22 A. Yes.

23 MS. RHOADES: Move for admission.

24 MS. MCNEILL: No observation.

25 BY MS. RHOADES:

1 Q. Showing you 64. Is that a chart of how old he
2 is and what years?

3 A. Yes.

4 Q. By he, I mean Mr. Honea?

5 A. Yes.

6 MS. RHOADES: Your Honor, I'll pass the
7 witness.

8 THE COURT: Ms. McNeill.

9 MS. MCNEILL: Thank you, your Honor. If I could
10 have the clerk's brief indulgence to look at this
11 exhibits.

12 THE COURT: Sure. If the clerk can assist you.

13 CROSS-EXAMINATION

14 BY MS. MCNEILL:

15 Q. Good afternoon.

16 A. Good afternoon.

17 Q. I want to start talking to you a little about
18 generalities, being a police officer. Would you agree
19 with me that being a police officer has it's own
20 culture?

21 A. Yes.

22 Q. You've been a police officer for quite some
23 time?

24 A. Yes.

25 Q. Before you were a detective you were in

1 patrol?

2 A. Yes.

3 Q. And police sort of have their own language.

4 You have radio codes you use?

5 A. They are standard radio codes you use.

6 Q. You have some terms of art you use that
7 civilians might not understand?

8 A. The terminology we use, civilians might not
9 understand.

10 Q. Being police officers are kind of like being
11 part of a secret society in some ways?

12 A. Not necessarily.

13 Q. Well, let me ask you this. You have ways of
14 identifying other officers that civilians might not be
15 aware of, correct?

16 A. I don't know what you mean by that.

17 Q. Do you have something you put on license plate
18 to identify you as a police officer when you are pulled
19 over? Some officers have the discretion to have on their
20 car, correct?

21 A. There is a license plate frame, but not
22 necessarily to identify police officers. It's just a
23 frame that says KOM 674, something to that effect. It's
24 code for radio frequency, but not only police officers use
25 it.

1 Q. Civilians aren't able to get them?

2 A. You can obtain them at the market -- or -- I
3 never tried --

4 Q. The swap meet, but that wouldn't be an
5 official license plate with that?

6 A. I'm not aware if we have an official license
7 plate frame.

8 Q. You have ways of letting officers know you are
9 an officer, if you need to, correct?

10 A. I guess you could say that's one of the ways
11 somebody might assume the person they're pulling over is a
12 police officer.

13 Q. Do you remember when you were asked about
14 Joshes' demeanor during the interview?

15 A. Yes.

16 Q. You indicated he was deflecting?

17 A. He appeared to be deflecting.

18 Q. Do you agree you are sort of deflecting?

19 A. I wouldn't say so.

20 Q. It's hard to answer questions from somebody
21 you don't know?

22 A. It depends on the situation I guess.

23 Q. Fair enough. What you do think evasive
24 means?

25 A. Evasive from my understanding -- you're

1 talking strictly about an interview.

2 Q. No. I'm just asking for a definition.

3 A. In general, not answering directly to a
4 question posed.

5 Q. So I want to start out with the interview you
6 did with Josh.

7 You said that he was being evasive and not
8 answering questions posed, correct?

9 A. That's correct.

10 Q. What question didn't he answer?

11 A. He -- when Sergeant Comiskey was asking
12 questions he was evasive with his answer. His answers
13 would go from the question to a totally different topic.

14 Q. So to be fair the interview is 7 some pages
15 long, correct?

16 A. Yeah. Pretty lengthy.

17 Q. Sergeant Comiskey doesn't start asking
18 questions until toward the ends?

19 A. Correct.

20 Q. At that point Josh is giving you all kinds of
21 information, right?

22 A. Yeah. He gave a lot of information.

23 Q. So he volunteered information in response to
24 questions?

25 A. Yes.

1 Q. I want to talk about the end of the interview
2 with Sergeant Comiskey's questions. When you interview a
3 suspect you don't go in there hoping for the best,
4 right?

5 A. What do you mean?

6 Q. Well, you receive training in becoming a
7 detective?

8 A. Correct.

9 Q. Part of that train is how to interrogate a
10 suspect?

11 A. You take interrogation classes.

12 MS. RHOADES: I'd ask she allow the witness to
13 answer the questions before you ask a question.

14 THE COURT: Please pause, if you can, Ms.
15 McNeill.

16 BY MS. MCNEILL:

17 Q. You received training on how to integrate a
18 suspect?

19 A. I did interrogation training.

20 Q. The reason that you do that is because there
21 is a process to try to get information from someone,
22 right?

23 A. There is a process, yes, you can say so.

24 Q. A lot of times people don't want to talk to
25 the police?

1 A. A lot of times that's true.

2 Q. So in order to get information you are going
3 to need you have a technique that you use to try to get
4 information?

5 A. There are different techniques used during the
6 interview.

7 Q. You relied on those techniques in this
8 interview?

9 A. I relied on those, yes.

10 Q. You testified for Ms. Rhoades one of the
11 technicians Sergeant Comiskey was using was to try to
12 minimize?

13 A. I believe I said I was using.

14 Q. You minimize and that makes the person wanted
15 to give you information, right?

16 A. It makes them presumably more willing to
17 provide information requested.

18 Q. So you saying to him, it's not as if you are a
19 35-year-old man, makes it seem like whatever you think he
20 had done was more acceptable?

21 A. Yes. It reduces the severity of the
22 question.

23 Q. And more willing to give you that
24 information?

25 A. Correct.

1 Q. Then one of the techniques you are allowed to
2 use is to lie to the suspect, right?

3 A. Provide certain information, true.

4 Q. The theory behind that is that you are giving
5 them information to make it seem as if you know more than
6 you do, right?

7 A. That's one of the technics, yes.

8 Q. A theory is a guilty person will then
9 confess?

10 A. The theory is that the person will talk at the
11 time not necessarily confess.

12 Q. Kind of the same thing I said though, right?

13 A. The person would talk, not necessarily
14 confess. I would say that.

15 MS. MCNEILL: Court's indulgence.

16 THE COURT: Yes.

17 BY MS. MCNEILL:

18 Q. So, when you were talking to Josh and Sergeant
19 Comiskey at the end you told him you had talked to Morgan
20 and she had given you certain information, correct?

21 A. I believe so, yes.

22 Q. But those portions of your statement were not
23 true?

24 A. Some statements were not true.

25 Q. You talked to Morgan, but she hadn't told you

1 anything illegal had occurred?

2 A. Not at this time.

3 Q. When you were talking to Josh?

4 A. Correct. Yes.

5 Q. Your statements to Josh that, well, Morgan
6 said those things were not true?

7 A. I think it was, what if I tell you she told us
8 so and so.

9 Q. And he didn't respond in any way other than
10 shock she would have to said those things?

11 A. His answer was pretty much she was lying.
12 Summarized she was lying.

13 Q. Which is about what you would expect if
14 someone tells you somebody is says something untrue about
15 you?

16 A. Could be possibly one of the answers, yes.

17 Q. The reason that you were even interviewing
18 Josh is because you received information about a possible
19 inappropriate relationship, right?

20 A. Correct.

21 Q. But that information didn't come from Morgan
22 Savage?

23 A. Right.

24 Q. It didn't come from her mother?

25 A. Correct.

1 Q. It didn't come from a teacher?

2 A. That's correct.

3 Q. It didn't come from one of her friends?

4 A. That's correct.

5 Q. Are you aware that Sergeant Clark actually
6 received the information from Officer Zafiris?

7 A. That's correct.

8 Q. And what they told you was that Josh told them
9 he might want to date Morgan when she's 16?

10 A. Correct.

11 Q. 16 is age of consent in Nevada?

12 A. Correct.

13 Q. So dating someone when they are 16 would not
14 be a crime?

15 A. It would not.

16 Q. The only information you had at that point is
17 he might want to date her when she turned 16?

18 A. Sergeant Clark expressed concern that the
19 relationship might be ongoing at the time.

20 Q. But that's not what you testified to on
21 direct. You said that everyone told you their concerns
22 were that he had told them he might want to date her when
23 she was 16?

24 MS. RHOADES: I object. That mischaracterizes
25 the testimony on direct. I didn't get into the statements

1 of each person. I said generally.

2 THE COURT: Overruled. This needs to be
3 explored for clarification.

4 BY MS. MCNEILL:

5 Q. You spoke to multiple officers, including
6 Zafiris?

7 A. That's correct.

8 Q. Wirey?

9 A. That's correct.

10 Q. And Clark?

11 A. That's correct.

12 Q. You testified on direct what they told you was
13 Josh told them he might want to date Morgan when she was
14 16?

15 A. That's one of the statements made, yes.

16 Q. When you spoke to Pam Savage she never
17 indicated to you that she believed Morgan and Josh were
18 having sex?

19 A. That's correct.

20 Q. So at the point -- well, back up?

21 You also spoke to Joseph Belmonte, who was one of
22 Joshes' friends?

23 A. Correct.

24 Q. He was also a Metro employee?

25 A. Correct.

1 Q. He told you he'd been around the two of them
2 and had never seen anything inappropriate?

3 A. He said they had a mentorship type
4 relationship.

5 Q. That wouldn't be inappropriate?

6 A. It would not.

7 Q. So at the time you give the interview -- that
8 you take the interview of Josh, the only thing you have is
9 that he said he might want to date Morgan when she is
10 16?

11 A. Along with the statements I received from
12 officers before.

13 Q. We've gone through that?

14 A. I was asked questions about those
15 statements.

16 Q. You wrote a report in the case, right?

17 A. Correct.

18 Q. Your report is written within the constructs
19 of how you are taught to write a report?

20 A. Right.

21 Q. You learn that in the police academy?

22 A. It's one of the classes.

23 Q. You learn how important reports are?

24 A. Absolutely.

25 Q. And they are important because you are going

1 to be called to probably testify about things you write in
2 your report, right?

3 A. Correct. Yes.

4 Q. And it might be months to years before you
5 have to testify to those things?

6 A. Correct.

7 Q. That is the only recitation you have of that
8 information?

9 A. Yes.

10 Q. It's important that they are thorough and
11 accurate?

12 A. Correct.

13 Q. You don't say that Sergeant Clark told you
14 something had happened, did you?

15 A. I would have to review the report.

16 Q. Would it help to look at your report?

17 A. Yes.

18 MS. MCNEILL: If I may approach.

19 THE COURT: Sure.

20 BY MS. MCNEILL:

21 Q. Is this a copy of your report?

22 A. Yes, it is.

23 Q. Read that to yourself?

24 A. Sure.

25 Q. Does that refresh your recollection?

1 A. Yes.

2 Q. You don't indicate Sergeant Clark told you
3 they already had sex?

4 A. Just there was a possible sexual relationship
5 between the two.

6 Q. Possible sexual relationship is not the same
7 thing as believe they are already having sex?

8 A. Well, he stated there was a possible sexual
9 relationship.

10 Q. Is that no?

11 A. I'm not sure how to answer your question at
12 this point because --

13 Q. Did you have this much difficulty answering
14 questions for the State?

15 MS. RHOADES: Objection, argumentative.

16 THE COURT: Sustained.

17 BY MS. MCNEILL:

18 Q. One of the areas you interrogated Josh about
19 was that you just could not believe that someone would do
20 all of those things for someone who is just a friend?

21 A. That is one of the things I said during the
22 interview.

23 Q. You don't know Josh?

24 A. I don't.

25 Q. You'd never met prior to that?

1 A. Not prior to that, no.

2 Q. In fact, that line of questioning, I
3 understand you were just saying to him, trying to get him
4 to give you information you wanted, right?

5 A. To talk, yes.

6 Q. But would it be fair to say that Joshes'
7 answer to that line of questioning was that that is what
8 he does for his friends?

9 A. That is what he said, yes.

10 Q. You found that to be less then credible?

11 A. Yes, that is one of the statements I made.

12 Q. Did you ever talk to his friends to
13 investigate this case?

14 A. No.

15 Q. Did you ever talk to his family?

16 A. No, I did not.

17 Q. In fact, he told you that Morgan was
18 considered part of his family?

19 A. Correct, yes.

20 Q. She was at a lot of family functions?

21 A. Correct.

22 Q. You never talked to any family members?

23 A. I did not.

24 Q. You indicated Pam Savage thought he was
25 obsessive?

1 A. That he exhibited obsessive behavior, yes.

2 Q. You indicated to Josh that Pam had given him
3 that information, right?

4 A. Sorry. Can you repeat that.

5 Q. That Pam had given you that information?

6 A. Yes.

7 Q. He responded back with some allegations about
8 Pam's parenting, right?

9 A. He did, yes.

10 Q. In fact, he indicated she was an alcoholic?

11 A. He did.

12 Q. He gave you details that suggested that Pam
13 might be neglectful as a parent?

14 A. That is what he stated, yes.

15 Q. Did you ever follow up on those accusations?

16 A. No, I did not.

17 Q. But you did inform Pam Savage before you
18 talked to her why you were calling?

19 A. On?

20 Q. On any of the occasions. Start with the first
21 one. The first time you spoke to Pam you informed her who
22 you were?

23 A. Yes.

24 Q. And why you were calling?

25 A. Yes.

1 Q. She indicated to you that Morgan didn't want
2 to speak to Josh anymore, correct?

3 A. Correct.

4 Q. That wasn't true because Morgan didn't mind
5 talking to Josh?

6 A. She said she felt bad about not talking to
7 him.

8 Q. In fact, she told you she didn't feel harassed
9 or threatened by Josh?

10 A. That's what she said, yes.

11 Q. Would you agree with me that sometimes kids
12 don't give all the information?

13 A. Sometimes that's true.

14 Q. And kids lie to their parents?

15 A. That's true too.

16 Q. And they do that because they are worried
17 about their own actions?

18 A. Sometimes that can be true.

19 Q. You said you drove to SunCoast with Morgan in
20 the car, right?

21 A. That's correct.

22 Q. Did you tape that interaction with her in the
23 car?

24 A. What?

25 Q. Tape it?

1 A. No, I did not.

2 Q. You had the ability to do that, right?

3 A. To tape the interaction in the car?

4 Q. Yeah.

5 A. I had it with me.

6 Q. You have various recording devices?

7 A. At the time I had my voice recorder, yes.

8 Q. Do you have a smart phone?

9 A. I do.

10 Q. It's capable of taking photographs and capable
11 of recording audio and video?

12 A. Yes.

13 Q. You didn't tape any of that during that
14 conversation?

15 A. I did not.

16 Q. She said she had had sex one time at the
17 SunCoast, correct?

18 A. Yes.

19 Q. Do you remember, in fact, though that during
20 her voluntarily statement she said it happened multiple
21 times at SunCoast?

22 A. I don't recall every detail of her
23 statement.

24 Q. Is it fair to say if there were
25 inconsistencies it would be nice to have a recording of

1 the conversation?

2 A. Yes.

3 Q. You didn't take photographs of the parking
4 structure?

5 A. No, I did not.

6 Q. I want to ask you also about the photographs
7 you took of Mr. Honea's penis. You indicated that it
8 seemed to you as if he was trying to cover the mole?

9 A. CSI did photographs, but, yes.

10 Q. You were present for that?

11 A. Yes.

12 Q. That was your impression?

13 A. Yes.

14 Q. I'm guessing that the State asked you that
15 because you believed it seemed like he was trying to cover
16 evidence?

17 A. I just said he was trying to cover it. The
18 way he positioned his fingers, trying to cover the mole.

19 Q. At the time you believed the mole to be of
20 evidentiary value?

21 A. Correct.

22 Q. You would think that that would seem as if he
23 was trying to cover up something of evidentiary value?

24 A. You can say that, yes.

25 Q. But no where in your report about taking the

1 photos did you indicate he was trying to cover the mole?

2 A. We ended up photographing the mole.

3 Q. Did you document you believed he was trying to
4 cover it?

5 A. No, I did not.

6 Q. I'm going to show you State's 50. You
7 indicated this was the mole?

8 A. It appears to be a mole.

9 Q. Is it fair to say that Morgan said it was a
10 large dark mole, correct?

11 A. I don't recall the words she used to describe
12 the mole on the under side of his penis.

13 Q. Would looking at your report refresh your
14 recollection?

15 A. Yes.

16 Q. Does that refresh your recollection?

17 A. Yes.

18 Q. She described it as a large dark mole?

19 A. That's correct.

20 Q. This mole is flesh colored, isn't it?

21 A. It looks a little darker than the surrounding
22 tissue.

23 MS. MCNEILL: Your Honor, may I publish this to
24 the jury. It's hard to see. I think it would be good if
25 they could actually look at it.

1 THE COURT: You may.

2 BY MS. MCNEILL:

3 Q. So your testimony now without that flesh -- it
4 was darker than the flesh around it?

5 A. It's darker then the surrounding tissue.

6 Q. What portion of the penis would you describe
7 that being on?

8 A. The underside.

9 Q. Top, bottom, head of the penis?

10 A. The base of the head, I guess.

11 Q. Okay. Just to have some more awkward
12 conversation about penis --

13 A. Why not.

14 Q. -- you would agree with me it's more the head
15 of the penis then the shaft?

16 A. Seems so.

17 MS. RHOADES: Court's indulgence.

18 THE COURT: Yes.

19 MS. MCNEILL: I'll pass the witness.

20 THE COURT: Ms. Rhoades, any redirect for this
21 witness.

22 REDIRECT EXAMINATION

23 BY MS. RHOADES:

24 Q. While we're on the topic of penises, fair to
25 say that penises look different when they are erect then

1 when they're not erect?

2 A. Yes.

3 Q. Did Mr. Honea, during the interview, give you
4 the name or contact information of friends that he wanted
5 you to contact to verify?

6 A. He did mention a couple of names, but did not
7 provide me contact information to those.

8 Q. A couple of names we saw during the interview?

9 A. Yes.

10 Q. Why didn't you interview anyone in the
11 Defendant's family?

12 A. At the time there was no information, there
13 was no specific information that I obtained through
14 investigation that needed to be corroborated by his
15 family.

16 Q. There were questions about if there were
17 inconsistencies it would be nice to have the recording.
18 Remember that?

19 A. Yes.

20 Q. Did you document in your report what you did
21 with Morgan in the car?

22 A. Meaning we drove to SunCoast.

23 Q. Yes.

24 A. Yes.

25 Q. Was Sergeant Comiskey with you?

1 A. Yes.

2 Q. When did you document what happened in the car
3 in the report? How soon after that did you document it?

4 A. I would have no answer to that question. I
5 don't know exactly when.

6 Q. There were questions about Mr. Honea being
7 responsive to questions and volunteering information. Was
8 he volunteering information to questions you were not
9 asking?

10 A. Yes. He just started talking and providing a
11 lot of information that we didn't ask about.

12 Q. Are you aware that Sergeant Clark also met
13 with Mr. Honea before he contacted sexual assault?

14 A. Yes.

15 Q. He personally met with him himself?

16 A. Yes.

17 Q. You said in your report that Sergeant Clark
18 indicated to there was a possible sexual relationship
19 between Morgan and Mr. Honea?

20 A. That's correct.

21 Q. Did Sergeant Clark tell you he saw Josh having
22 sex with Morgan?

23 A. No, he did not.

24 Q. The car ride with Morgan, that occurred right
25 after she had the lengthy interview with Detective Cho?

1 A. Correct.

2 Q. It wasn't meant to be another interview with
3 Morgan?

4 A. No, it was not.

5 MS. RHOADES: Nothing further, your Honor.

6 THE COURT: Anything further Ms. McNeill.

7 MS. MCNEILL: Briefly, yes.

8 RECROSS-EXAMINATION

9 BY MS. MCNEILL:

10 Q. Mr. Honea didn't give you contact information
11 for his friends, right?

12 A. Correct.

13 Q. You didn't ask though?

14 A. I did not.

15 Q. You also said that Ms. Rhoades asked you about
16 he was giving you a lot of information to questions you
17 hadn't asked?

18 A. Correct.

19 Q. So when he wasn't answering questions the way
20 you liked, it was evasive, right?

21 A. That's not what I said.

22 MS. RHOADES: Objection. She's arguing, your
23 Honor.

24 THE COURT: Overruled.

25 MS. MCNEILL: Thank you.

1 BY MS. MCNEILL:

2 Q. The amount of information you thought was
3 being evasive, your words?

4 A. That's one of the things I said, yes.

5 Q. When he was talking to much, you thought that
6 was odd?

7 A. Yes, it was odd.

8 Q. Is there a perfect amount of information a
9 suspect should give you?

10 A. No, there is not.

11 MS. MCNEILL: Nothing further.

12 THE COURT: Ms. Rhoades.

13 MS. RHOADES: No, your Honor.

14 THE COURT: May I see by a show of hands if any
15 of the jurors have questions for the witness. It appears
16 we may have a juror question.

17 If I can have counsel at the bench.

18 (Discussion held at the bench.)

19 THE COURT: Thank you.

20 One question. The way it will work is I'll read the
21 question as written. I'm not at liberty to interpret it.
22 Answer to the best of your ability. Then I'll give
23 counsel the opportunity to follow up.

24 THE WITNESS: Yes, ma'am.

25 THE COURT: What information was found on the

1 electronic devices that could be useful to this trial.

2 THE WITNESS: I don't have that information
3 because forensic examination of the electronic devices was
4 done by a different section, different detective.

5 THE COURT: Ms. Rhoades, any follow up.

6 MS. RHOADES: Do you know who did the
7 analysis.

8 THE WITNESS: Detective Ramirez.

9 THE COURT: Anything, Ms. McNeill.

10 MS. MCNEILL: No, your Honor.

11 THE COURT: Okay. You are excused. Thank you
12 for your time today.

13 THE WITNESS: Thank you.

14 THE COURT: Let's take a break. We'll return at
15 3:00 o'clock.

16 JURY ADMONITION

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

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

4 Thank you. See you back in 10 minutes.

5 A quick record from our bench conference. There was
6 an objection made when the State was going to play -- or
7 asked to play the phone call between the father and
8 Mr. Honea. The detective identified it. The argument at
9 the bench were that they would be hearsay statements from
10 the father and the counter from the State was they are not
11 offered for the truth of the statements by the father but
12 the context in which the statements were made.

13 There was some discussion about were there any
14 potential adoptive admissions and wouldn't that have been
15 considered the offering of the father's statement for the
16 truth of the matter.

17 The court overruled the objection and indicated that
18 the statements of the Defendant needed to be in context to
19 be understood and that it was not being offered for the
20 truth of the father's statements and therefore could be
21 admitted.

22 Ms. McNeill, you want to add anything to that bench
23 conference.

24 MS. MCNEILL: No, your Honor.

25 THE COURT: Ms. Rhoades.

1 MS. RHOADES: No, your Honor.

2 THE COURT: Thank you. Mr. MacArthur is doing
3 the exam on the witness. I saw you giving him a hard
4 time.

5 (Brief recess taken.)

6 THE COURT: Resuming in the trial of State of
7 Nevada vs. Josh Honea. Mr. Honea and counsel along with
8 State's counsel are present.

9 The State may call their next witness.

10 MS. KOLLINS: Mr. John Pacult.

11 THE COURT: Mr. Pacult, come up to the witness
12 stand please.

13 THE CLERK: You do solemnly swear the testimony
14 you are about to give in this action shall be the truth,
15 the whole truth and nothing but the truth, so help you
16 God.

17 THE WITNESS: I do.

18 THE CLERK: State and spell your name for the
19 record.

20 THE WITNESS: John Sebastian Pacult, J-o-h-n,
21 S-e-b-a-s-t-i-a-n, P-a-c-u-l-t.

22 THE COURT: Thank you. Ms. Kollins, when you
23 are ready.

24 MS. KOLLINS: Thank you, your Honor.

25 DIRECT EXAMINATION

1 BY MS. KOLLINS:

2 Q. How are you?

3 A. Good afternoon. Well. How are you.

4 Q. Good. Thank you for asking.

5 Can you share with the ladies and gentlemen what
6 your profession is?

7 A. Certainly. I'm a licensed children's social
8 worker. I've been in private practice going on 20
9 years.

10 Q. What is your primary focus of your practice?

11 A. Primary focus of my practice has bene
12 assessing and treating both adult and juvenile sex
13 offenders and doing individual marital and family therapy.

14 I'm currently doing defense mitigation work, which
15 means I'm going to court -- or preparing reports for court
16 where defendants are being charged. I explain by giving a
17 big broad stroke of what is going on in their life, and
18 that's pretty much the main aspect of what I do.

19 Q. Those reports that you draft that are
20 defendant generated, are those in order to assess risk
21 levels to relay to court?

22 A. Yes, in part, some of the reports I do.

23 Q. If you could just briefly describe for us your
24 education as well as your clinical experience that
25 qualifies you to perform your profession?

1 A. Certainly.

2 I have an associates degree from community college.
3 I have a bachelors from UNLV and a master from UNLV. I
4 have 3,000 hours internship and state examination. In
5 private practice you go through what are called CEUs,
6 continue education units. I have to do 36 hours every 2
7 years focused on the area of my practice, along with
8 general mental health type of issues.

9 Q. You said within your practice for the last 20
10 years you work with both sex offenders and victims, is
11 that accurate?

12 A. That's correct.

13 Q. Part of your practice are you called upon in
14 this jurisdiction -- let's just talk about this
15 jurisdiction -- by both the defense and prosecution?

16 A. I am.

17 Q. What capacity are you called upon, if you
18 would?

19 A. Well, it depends on what we're talking about,
20 but I'm contracted with the Department of Public Safety to
21 do psychosexual evaluations. That's for the State. I'm
22 contracted with the Department of Juvenile Justice, so
23 those are for the juvenile risk assessments. And I'm on
24 the expert witness list for the office of appointed
25 counsel. I do these type of evaluations for the public

1 defender's office. I do all types of -- I mentioned
2 earlier -- defense mitigation work. I do that for quite a
3 few defense attorneys in town as well.

4 Q. You have been requested by the prosecution to
5 do the same kind of case evaluations?

6 A. Yes, I have.

7 Q. Those assessments you do are both
8 pre-adjudication. By that I mean pre-sentencing or
9 pre-guilt and post-entry of plea?

10 A. That's correct.

11 Q. As part of your testifying here in the Eighth
12 Judicial District have you testified previously regarding
13 the notion of grooming?

14 A. Yes, I have.

15 Q. Have you testified as an expert in this
16 district in the notion and the concept of grooming as
17 relates to sex offenders?

18 A. Yes, I have.

19 Q. If you could describe what grooming is in the
20 context of sexual offending?

21 A. Certainly.

22 Grooming is a concept. Ultimately what that means
23 is preparing a child for sexual contact. That is done
24 through a variety of means, physical contact. It can be
25 verbal. Can be use of pictures, pornography. There is a

1 testing of boundaries and ultimately the main goal
2 generally in grooming is to determine if this child is
3 going to be receptive to sexual physical contact. And
4 part of the grooming process is having that child feel
5 responsible for the behavior, so they feel responsible for
6 the relationship that's transpiring.

7 What that does is make the child feel like they
8 can't tell. They don't want to tell. They feel like
9 they've done something wrong. They are a part of this,
10 through the grooming process, so they're made to feel,
11 again, like they are guilty, like they are responsible for
12 what's happening.

13 So there is another aspect of grooming is the
14 individual trying to increase the likelihood that there
15 will be sexual contact and to decrease the likelihood of
16 reporting. So the grooming is to maintain the secret,
17 maintain the relationship being secret, maintain as much
18 as possible as it's a secret. That's the broad general
19 definition of grooming.

20 Grooming also occurs of the child's parents.
21 Grooming occurs in terms of the relationship. Again, the
22 individual doesn't want to get caught, and they are trying
23 to essentially make it appear or seem as if this isn't
24 what other people might think it is.

25 Q. You did mention just, at least slightly, some

1 of the things that constitute grooming. Is there such
2 things as emotional grooming as well?

3 A. Absolutely.

4 Q. At my request and Ms. Rhoades request, did you
5 review documents regarding the case of State of Nevada vs.
6 Josh Honea?

7 A. I did.

8 Q. Did you review the preliminary hear
9 transcript, the police reports, and the voluntary
10 statement of Morgan Savage?

11 A. I did.

12 Q. You did that at my request?

13 A. Yes.

14 Q. You are being compensated for purposes of
15 reviewing those documents and coming to court today and
16 rendering an opinion; is that correct?

17 A. That's correct.

18 Q. Did you review those documents?

19 A. I did.

20 Q. Just generally give us your view of what you
21 saw?

22 A. Certainly.

23 So, I really believe, felt, saw from the very
24 beginning that this was grooming. There was a -- just
25 from -- it's a very long complicated many year process, so

1 there is a lot of information. So I know you said be
2 general, so I'll try to be as general as possible. At the
3 end of the day, I believe it starts with the young lady
4 who was getting in trouble at school. In my experience
5 victims are usually chosen because of vulnerability.
6 There's an element that the individual picks up on that
7 the child is vulnerable.

8 The grooming started with the attention and the
9 time at the school. I believe the Defendant was a
10 counselor, if you will, a guidance counselor, had some
11 type of role in this school. And then there was continued
12 contact and communication at the school, then phone
13 numbers were exchanged.

14 So the victim reported hours, and hours, and hours
15 of continued contact, discussion, communication. I have
16 no idea what was discussed, but I can only imagine what
17 was indicated. I believe that progressed to a request for
18 a kiss. So there was a -- that is that subtle boundary
19 testing to see if all of this behavior will result in
20 sexual contact. I believe the kiss was granted.

21 Then it progresses to continued contact, rides to
22 soccer. All of this is being done, from my understanding,
23 in secret so the child's mother has no idea what's going
24 on. I don't believe there is a father in the home.
25 That's another dynamic I see. It's oftentimes a single

1 parent household because, again, there's another level of
2 vulnerability there.

3 Oftentimes that parent is going to believe this
4 individual is taking a special interest in my child.
5 They're lacking that. So the parent is happy, they're
6 excite to have this individual in their child's life, not
7 understandings what is going on behind the scenes.

8 Q. I would like to ask you about the early on
9 things you reviewed regarding the hours, and hours of
10 speaking on the phone, those types of things.

11 Is it unusual for the grooming process to start
12 just with verbal communication between offender and a
13 child?

14 MS. MCNEILL: I'll object to leading. There has
15 been a lot of leading with Mr. Pacult.

16 THE COURT: I viewed the initial questioning to
17 be foundational to get to the line of questioning we're
18 getting to. At this point open-ended questions are
19 appropriate.

20 MS. KOLLINS: I'm just trying to direct him to a
21 point. I will let him express what his opinion is.

22 THE COURT: Is it possible for you to rephrase
23 that question. It was somewhat leading.

24 BY MS. KOLLINS:

25 Q. I would like to discuss the notion of

1 communication at the early stages of the grooming process,
2 things that are not physical or involve physical touching
3 but grooming in terms of communication. Do you have an
4 opinion on that based on your clinical experience whether
5 that is usual, unusual, part of the process, not part of
6 the process?

7 A. Certainly.

8 So each case is different. I have been involved in
9 literally thousands of cases. I've conducted thousands of
10 risk assessments on juvenile offenders so I've read
11 thousands of victim statements. I have worked with
12 hundreds of victims, thousands of offenders. I see all
13 different types of things. It's not in any way, shape, or
14 form uncommon. It is, in this case, I believe it was the
15 way of circumventing being in physical contact in order
16 for that to happen. The contact is often done, as I have
17 seen this day and age, it's done with phone and social
18 media, texting, pictures, all different types of things
19 put essentially it's a way that obviously the child is
20 able to engage in that contact and communication with
21 probably little or no chance of discovery. Again,
22 depending on the parent's level of involvement common.
23 But again incredibly common.

24 Q. One thing you reviewed is that the physical
25 contact began with a kiss; is that correct?

1 A. Correct.

2 Q. In terms of testing boundaries, do you have
3 any opinion on how that relates to testing boundaries?

4 A. Absolutely.

5 So if that child was not receptive then the
6 individual will then -- they could try to continue
7 grooming, or they may realize that this person is not
8 going to be receptive. If there were to ever to be a
9 statement, I'll get in trouble. My mom told me I can't
10 date older boys. Anything along those lines to where that
11 individual would realize that the brakes are being put on.
12 They may continue to try to groom or they may stop
13 altogether and possibly move on to another individual.

14 Q. Up to this point the things you reviewed and
15 we've just talked about, would you assess that as positive
16 grooming or negative grooming or something different?

17 A. Certainly.

18 So in the context of grooming I'll usually define
19 it in two basic areas. You've got nice grooming, if you
20 will, positive grooming, good grooming. And then you have
21 negative grooming.

22 A quick overview of positive grooming, gives
23 attention, praise, affection, trips, food, dinner, all the
24 good stuff. Everything that is going to make that person
25 closer to you, endear to you, want to spend more time with

1 you. They are being -- they're being given gifts, getting
2 attention. They're getting all of this type of stuff,
3 affection, what have you. Not necessarily, again,
4 non-sexual at this point. There may be sexual
5 communication in terms of discussion or entry of joke or
6 innuendo or picture or something like that because, again,
7 because they're introducing that subject and testing
8 boundaries. So that's a general overview of positive
9 grooming.

10 Negative grooming, you have put-downs. You have
11 threats. You have cases where you'll never see your mom,
12 again. I'm going to hurt your animals. I'll hurt you,
13 your brother, your family. Anything along those lines
14 that is perceived as a threat to that child's safety,
15 their family, their well-being, their welfare. Anything
16 along those lines.

17 There can be -- I have seen, again, in all
18 different type of cases, I have seen a singular variety.
19 I have seen both a combination of the two. So it's
20 really, again, like I stated earlier each case is very
21 unique and has its own merits in looking at the grooming
22 process.

23 Q. I would like to ask you right there. Do you
24 have an opinion as to whether both -- what you described
25 as positive grooming and negative grooming -- contribute

1 to a child's willingness to come forward?

2 A. Yes.

3 Q. Can you give us that opinion?

4 A. Absolutely.

5 Like I stated earlier, the definition of grooming,
6 when that child has -- when that relationship has been
7 established, that child is not going to want to report
8 what's happening. Whether, again, because they're getting
9 positive attention, praise, gifts, rewards, time, trips,
10 what have you, they don't want to give that up, so
11 they're going to go ahead and continue the sexual behavior
12 in lieu of getting that.

13 Obviously, the flip side of that with the negative
14 grooming, the mean grooming, they're going to want to
15 continue that. They have to continue that because they
16 are in fear, and they have, now again, feel responsible
17 for the behavior. Now they feel responsible for their
18 parent's well-being, or child's well-being, or animal's
19 well-being and that's an immensely tremendous amount of
20 stress and pressure on a child. That's why sexual abuse
21 often goes unreported for days, weeks, months, or years.
22 That ties into delayed disclosures. There is all
23 different elements that occur here due to grooming when
24 it's effectively been done on a child.

25 Q. After the kiss that we spoke about, can you

1 tell us in your opinion what other behaviors you saw in
2 this case that are grooming and why.

3 A. Certainly.

4 So, to do move forward in a sequential order, In
5 think will probably be most helpful, that moves forward to
6 requests for pictures.

7 So, again, we have that sexual element, wanting
8 naked pictures of the victim. I leave the Defendant sent
9 a picture of his genitalia to the victim. So, again,
10 testing boundaries. There was a request for sex. And
11 this individual essentially consents to that when they
12 didn't initially want to consent. I believe there was a
13 verbal threat of something might happen. That's a very
14 vague type of thing unless this child has no idea what
15 could or couldn't happen. So therefore, she I believe
16 felt pressure. She felt essentially, again, like she had
17 to do this, but there was also because of this -- I'm
18 perceiving it as a boyfriend/girlfriend type
19 relationship, so she now wants to please this individual.
20 This is a situation where she's feeling more mature.
21 She's got this attention, so that kind of moves on.

22 Then there's a lot of pressure in that way. In the
23 meantime, as it progresses there's continued taking out,
24 buying of food, going to shows, things of that nature,
25 about all of the positive grooming, the nice grooming.

1 There it moves forward to where the child's parent
2 is involved, and it's been stated that they're just best
3 friends. So we now have this friendship dynamic going on.
4 As we move forward when the Defendant is trying to
5 --essentially if the child is not going to meet or is
6 resistant, then there's pressure. There's anger. So now,
7 again, that ties into the fear. That ties into, I'm not
8 sure what I should do, but I'm going to go ahead and I'll
9 do it because there is threats and pressure.

10 You also have an age differential a power
11 differential. The fact that Defendant was in the Metro
12 Explorer program I believe was a significant dynamic in
13 terms of power, in terms of just the entire grooming
14 element. So this individual genuinely believes, I
15 believe, was told at one point in the process that I can
16 get you -- I can get your mom in trouble because he knows
17 you're smoking marijuana and drinking. So one of biggest
18 elements I see in grooming cases involving children is
19 when their parents are threatened, when their parents'
20 freedom, their life is threatened.

21 Again, if you just eliminate everything we're
22 talking about, just look at how a child looks up to their
23 parent and is completely dependant on their parent, now
24 they feel, again, the grooming process, that what they've
25 done is contributing to that. They are now responsible

1 for that. So they are going to continue that, whatever is
2 requested, because they're in fear that their parent is
3 potentially going to be harmed. It continues to
4 progress.

5 It moves on to all different elements of -- I don't
6 want to use coercion, but there was a statement made that
7 the victim indicated that she had no friends. The
8 Defendant was all I had. So it's akin to how I've likened
9 it to a domestic violence type of relationship, where this
10 individual, most people on the outside looking in people
11 wonder why does that person, why does that general woman
12 stay with that man, despite being beaten, battered things
13 along those lines. Why didn't she leave him. Why didn't
14 they report. Why didn't they show up for court. Why,
15 why, why, there's all these questions. That's because of
16 that power and control dynamic that is in place.

17 So when that relationship is groomed to a point
18 where they've been entrusted with this relationship -- I
19 believe there's a phone call when everything starts to
20 kind of disintegrate here and there was a phone call with,
21 I'm not sure detectives and the victim, communication with
22 the Defendant essentially saying I've trusted you with
23 this. If you don't tell, no victim no crime, these are
24 all the elements that when the possibility existed that
25 there was discovery the initial elements of that

1 relationship were all put into place. So I believe there
2 was driving by the victim's home. Essentially a stalking,
3 which is akin to the domestic violence piece. There's
4 fear there. There's the child's mother I believe is
5 contacted by the Defendant when the victim wouldn't
6 respond to this individual's texts and phone calls. Can I
7 please have your daughter respond to me. I believe the
8 Defendant was able to convince --

9 MS. MCNEILL: Your Honor, this is just a
10 narrative and not responsive to the question.

11 THE COURT: It would help to break up the
12 testimony so we don't lapse into a narrative. It is still
13 responsive to the question. Overruled on that ground.

14 I'll ask the State to ask a follow-up question, and
15 I'll the questioning to proceed.

16 BY MS. KOLLINS:

17 Q. I'll ask a question to finish up the concept
18 you were explaining. Is that okay?

19 A. Yes.

20 Q. You were addressing the notion of control and
21 domination regarding the disclosure part of the case you
22 reviewed. Is that accurate?

23 A. Yes.

24 Q. How does the grooming notion contribute to
25 what you saw in this case?

1 A. So essentially because of the level of
2 grooming and the power and control, it certainly appeared
3 as if both the child and the mother were at the
4 Defendant's control and direction in that regard.

5 The child wanted to stay at one school. The
6 Defendant was able to convince the mother apparently to
7 switch schools where the Defendant had relatives possibly.
8 I'm not sure. Maybe went there. I'm not sure. But there
9 was more control in that regard.

10 So, again, it's essentially all grooming in order
11 to maintain the relationship to try and ensure secrecy.
12 And, again, not have any form of disclosure. And if there
13 is denial, deny it. Nothing is going to happen. Because
14 if you don't make a statement, there is nothing.

15 There was an initial investigation and there was
16 denial, so obviously that to me was grooming accomplished
17 People were starting to look at things. And once there
18 was a denial, there was a belief that it was going to go
19 away. So that was the ultimate element of getting to that
20 point.

21 Q. In regards to that initial denial, were you
22 aware in your review in this case that Mr. Savage began to
23 communicate with the Defendant after that denial about the
24 investigative process? Were you aware of that notion?

25 A. I believe so.

1 Q. In terms of grooming is that unusual?

2 A. No, absolutely not.

3 Q. You spoke about control a little bit. Control
4 in regards to, at least the disclosure and going to
5 school. Were there other things you viewed in this case
6 that were evident to you where Defendant's actions that
7 tried to take control of Ms. Savage?

8 A. There were elements related to her
9 friendships. There were elements relate to, I believe,
10 her clothing, social media. At one point when there was,
11 I believe, more freedom and she had started to date and
12 the Defendant realized there was a post, I belive, of
13 another young man kissing her, reached out to this young
14 man in a capacity of his Explorer involvement with Metro.
15 I belive there was a police scanner in the background or
16 heard, so now we're talking essentially, in my opinion, an
17 intimidation, which is tied into the power and control
18 dynamic, fear. It continues to sever any relationship
19 that is akin to a domestic violence dynamic to where that
20 individual is isolated and under the complete and total
21 control of the perpetrator in that regard. So no friends,
22 limited communication with family every aspect of their
23 life is under this micro-management of this individual.

24 Q. What about the types of things communicated to
25 her about the risks and ruining his career and things like

1 that. Do you have an opinion about those?

2 A. Absolutely.

3 So that opinion essentially back to the original
4 description of grooming, getting the child to feel
5 responsible for the relationship. If you tell, my life is
6 over. My career is over. Everything is over. So, again,
7 immense guilty, immense pressure, immense responsibility
8 on that child to maintain that secret so that this
9 individual can continue to move on in this career path he
10 was on throughout much of this relationship with the
11 victim in the case.

12 Q. So in terms of a kid that's been groomed, you
13 spoke about the notion of guilt. Can you just speak on
14 that just a little?

15 A. Certainly.

16 I referenced it earlier, but it's, again, just the
17 concept of the responsibility, feeling responsible for the
18 relationship. So, at the end of the day if that child
19 feels this level of guilt they are going to go ahead and
20 continue to comply with whatever is asked of them.

21 Q. What about the notion of birth control?

22 MS. MCNEILL: Objection. Vague.

23 MS. KOLLINS: I'm trying not to lead.

24 THE COURT: But you can -- you tied your other
25 questions into a context and certain aspects.

1 BY MS. KOLLINS:

2 Q. Dr. Pacult, what about the Defendant
3 convincing this 13, 14 year old she needs to relinquish
4 the use of condoms and start using birth control?

5 A. It's all again power and control dynamic in
6 terms of being able to manipulate this individual to
7 continue to just satisfy their sexual appetite in that
8 regard. Again, reduce the possibility of detection.
9 Obviously pregnancy would result in a significant
10 question. And obviously this would lead to potentially
11 discovery. The use of birth control in that regard is
12 another element of controlling the victim.

13 Like I said, it seemed to be almost every aspect of
14 her life was under control. Until she got a little bit
15 older and realized, after initially denying that nothing
16 was occurring, then I think, again, I've seen this in many
17 cases where there's a realization that this wasn't okay.
18 I don't like this. I don't like being controlled. I'm
19 getting older. I'm able to have freedom to do different
20 things. There was that step back and that's what led to
21 the full disclosure in extreme detail of everything from
22 the time they met in middle school all the way to the
23 essentially the last sexual encounter in extreme detail,
24 places, times, locations. It was an incredibly detailed
25 voluntary statement and preliminary hearing.

1 MS. MCNEILL: He is vouching.

2 THE COURT: I will sustain that.

3 BY MS. KOLLINS:

4 Q. In that regard when you say a kid realizes
5 that this isn't correct and they decide to come forward,
6 have you in your practice seen kids after they've come
7 forward with a detailed recitation of what happened recant
8 their testimony?

9 A. I have.

10 Q. Is it sometimes or often?

11 A. In my experience, again, part of -- as I
12 explained, a lot of what I do is more on the evaluative
13 forensic side in that regard.

14 I worked with a young child who reported that she
15 had been the victim of sexual abuse. I've counseled her
16 for months. I went to a family court hearing where she
17 was going to testify. I was there for support.

18 I had every belief she was going to report what had
19 occurred. Then she walked out and had recanted and didn't
20 want anything more to do with it. So I see that happen
21 quite often. More so in family type dynamics. It really,
22 again, depends on the relationship, who's involved and
23 what's involved. But recantation is an element of sexual
24 abuse because it becomes so overwhelming for the child to
25 have to deal with it, they don't want to deal with it

1 anymore. So it's easier to say it didn't happen. I don't
2 want to talk about it anymore and maybe it will just go
3 away, which is magical thinking. Children don't
4 understand the magnitude of essentially what's occurred so
5 they go ahead and recant. And, again, recantation is a
6 rather well-known aspect of sexual abuse dynamics,
7 certainly.

8 Q. Mr. Pacult, can you speak to the notion that
9 grooming contributes to the courtroom experience for a
10 kid?

11 A. Yes.

12 So when that child has been groomed to a point it's
13 different. But if there has been months or years of
14 grooming, once that child has to face the accuser they --
15 again, they don't want to deal with it. There's fear,
16 shame, guilt, embarrassment. They just want it to
17 essentially go away and/or the kinds of old tapes
18 continue.

19 Again, in this case the promise ring and promise of
20 marriage and things along those lines, so now that the
21 victim is of age there's possibly a belief system maybe if
22 I don't cooperated with all of this this person is going
23 to still want be with me. We're still going to have this
24 magical life that was promised to me when I was a very
25 young child that absolutely knew nothing about boys, about

1 sex, about relationships, about anything. Now they are in
2 a courtroom having to detail some of the most embarrassing
3 elements. Again, that's back to that feeling of
4 responsibility. They feel responsible for what has taken
5 place. They feel responsibility for the Defendant sitting
6 where he is sitting. So, therefore, they are going to
7 recant. They don't want to deal with it.

8 Q. It's kind of two-fold. They don't want to
9 deal with it. There's still this -- I'm just trying to
10 clarify. I'm not trying to lead you on this kind of
11 romanticized notion that everything is going to come up
12 roses at some point. Or still cares about him.

13 A. Obviously, without having interviewed the
14 victim, I don't know quite what is going on in her head.
15 But having been involved in a lot of cases over the years,
16 clinical judgment indicates it's probably one or both.

17 Q. What I would like to talk about briefly is if
18 you will you spoke about him having continued his grooming
19 efforts with her mom kind of injecting himself into that
20 life. Is that kind of what you said earlier?

21 A. Yes.

22 Q. Is that an unusual phenomenon with the notion
23 of grooming that the offender would ingratiate themselves
24 around he or she?

25 A. Absolutely not. That is a critical element to

1 be able to gain access to somebody's child. That is what
2 I have seen, unless it's a complete stranger danger type
3 of case, which is the exception and not the rule in sexual
4 abuse. Normally the perpetrator is known to the victim or
5 the victim's family in some way, shape, or form. There's
6 not usually many degrees of separation. That's why it's
7 usually a family member, a close friend. You've people
8 who are entrusted with children's safety and care --
9 teachers, coaches, law enforcement, doctors, you name it.
10 Anybody that has that type of position of power, trust,
11 and authority.

12 In order to be able to take somebody's child on a
13 trip, to be able to take somebody's child anywhere that
14 parent has to trust that individual. That's there's no
15 bad intention and that's they're going to MacDonald's
16 because they're going to get a happy meal or whatever
17 they're going for, not sexual intercourse.

18 The parent has no idea. It's just continued
19 grooming and various different ways. Each case has its
20 own merits, but that's a critical component. And there
21 was also, again, once the investigation got started the
22 individuals -- I don't think colleague is the right
23 word -- the commanders of the Explore program had the
24 perception they were best friends. I believe the victim
25 told her mom that the Defendant was homosexual. So

1 completely off the radar of possibility that there would
2 by anything going on.

3 Grooming of the individuals in the Explore program
4 to believe this was a mentor. This is we're just friends.
5 Grooming of the parents. Grooming of the environment.
6 When the Defendant took the victim to locations to have
7 sex, that was making sure that there was nobody around.
8 That security wasn't driving around. It's a secluded
9 area. That's grooming of the environment. Again, don't
10 want to get caught. Got to keep it a secret. That's all
11 grooming.

12 Q. Indulge me just a moment, Mr. Pacult, please.

13 A. Absolutely.

14 Q. Thank you. Did you review the part of the
15 report including the police report and voluntary statement
16 and the preliminary hearing transcript that discussed when
17 Ms. Savage began to distance herself from Mr. Honea in
18 later 2014 early 2015?

19 A. I did.

20 Q. Do you have any commentary on what, if any, of
21 Mr. Honea's behaviors, after that effort to block him,
22 were in terms of the grooming comments on that?

23 A. I think I might have touched on it earlier in
24 terms of reaching out to the mother to speak to her
25 daughter. There were I believe drive-bys of the

1 residence. So there were continued efforts to make
2 contact with the victim to regain power and control of the
3 relationship, the sexual contact. So it was something
4 that was obvious that despite her efforts, despite the
5 Defendant seeing she wanted to have age appropriate
6 friendships, age appropriate boyfriend, that that was not
7 going to be allowed. And he was going to continue to
8 pursue her, essentially by any means necessary, to regain
9 that power and control.

10 That is probably where the switching of the schools
11 came into play as well. Which was very remarkable that he
12 was able to convince a child's mother to switch schools
13 based upon a rather young adult's advice and opinion as to
14 why that should have happened. To me it just spoke to and
15 I mentioned complete and total control akin to a domestic
16 violence type relationship control.

17 Q. You and I are -- and I appreciate that. I
18 didn't stop you, but you and I are referring to two
19 different time frames in which Morgan tried to cut off
20 contact with Mr. Honea.

21 Before, and I'm referring to kind of the end of
22 everything in January 2015. Okay. I know it's the same
23 winter months a couple of years before you're discussing.
24 I'm talking about the end of, I guess, their relationship
25 December 14, January 2015 where the same conduct kind of

1 occurs. Do you have those two distinct in your head.

2 A. For some reason I don't.

3 Q. The notion is just the same. I guess I'll ask
4 you this question?

5 Those things, the drive-bys, repeated calls, having
6 others make the phone calls to make contact with Morgan,
7 does that -- is that in alignment with the notion of
8 maintaining a secret as it relates to grooming?

9 A. The entire process is to keep the relationship
10 secret. I read where that was stated by the victim on
11 several occasions that this is to be secret, nobody can
12 find out, this is risky, I could get in trouble, things
13 along those lines. So that I believe is just essentially
14 inherent in everything I described. That secrecy is a key
15 element of the grooming process and maintaining that.

16 Q. Okay. I'll try to back up here. I have been
17 talking for awhile about the notion of grooming and when
18 it starts at a very young age, you know, pre-teen. Can
19 the effects of it, can they last for years?

20 A. Absolutely.

21 Q. Have you seen that based on your clinical
22 experience?

23 A. Absolutely.

24 Q. Do you have opinion whether or not separation
25 of time and space from the offender necessarily removes

1 all of the effects of grooming on a victim?

2 A. No. This, again, this is probably the
3 term -- word I can use pest is conditioning. So it's
4 repeated conditioning. So when -- regardless of the time
5 frame, that could have gone days, weeks, months or years
6 but those kind of old tapes are going to kick off. They
7 are going to play. All of that stuff is there. And then,
8 again, oftentimes I've seen it to where the victim will
9 kind of revert back into that space in their life because
10 it gets stunted, if you will, it gets stuck a little bit
11 because of how things that weren't supposed to happen
12 happened. Children aren't supposed to be exposed to
13 things like that at that age. They're not equipped to be
14 in an adult relationship. They're not equipped to engage
15 in sexual behavior in that way from an emotional,
16 psychological standpoint.

17 So grooming again is very powerful. Conditioning
18 is powerful. And because oftentimes, again, there's
19 delayed disclosures which is a very common dynamic due to
20 grooming. Then what's going to happen is all of that
21 kicks back off to where they remember I promised I wasn't
22 going to tell. I promised I would keep this a secret. I
23 know what it's going to do to that person's life a day,
24 week, month, 5 years down the road. That's still going to
25 continue.

1 Q. Do you have that same opinion whether or not
2 there's been counseling of the victim?

3 A. I've experienced it firsthand where the child
4 had counseling to address the sexual abuse she experienced
5 and understood all the proper things that you should do in
6 counseling a child in terms of understanding that it
7 wasn't their fault, that they're no longer at risk, that
8 continuing to deal with the emotional, behavioral,
9 psychological elements that are occurring in their life,
10 treating the symptomatology, what have you, rebuilding
11 trust self-esteem all these different things and I've
12 witnessed again firsthand a recantation.

13 Q. This is my last question. I promise. I don't
14 think I asked you this when I was asking your
15 qualification because I was clock watching How many
16 patients you have treated, seen, evaluated in the course
17 of your 20 year career?

18 A. I'm on my 20 years private practice. I've
19 been working since 1991 in the mental health field. So
20 probably tens of thousands would be my guess over all of
21 that length of time in patient therapy, group therapy,
22 family therapy evaluations. A lot.

23 Q. The focus on -- in that practice were sexual
24 victims and sexual offenders?

25 A. I started in 1992 with children's behavior

1 services and juvenile sex offenders. So many were victims
2 of sexual abuse. All of them were perpetrators of sexual
3 abuse. So I've been dealing with that dynamic since
4 1992.

5 MS. KOLLINS: Thank you, Mr. Pacult.

6 THE WITNESS: You're welcome.

7 THE COURT: Ms. McNeill, when you are ready.

8 CROSS-EXAMINATION

9 BY MS. MCNEILL:

10 Q. Good afternoon.

11 A. Good afternoon.

12 Q. You indicated do you work for some defense
13 attorneys doing mitigation, correct?

14 A. Correct.

15 Q. It's fair to say you have a fairly lengthy
16 relationship with Steven Wolfson of the Clark County
17 District Attorney's office?

18 A. I've known Steve for quite some time.

19 Q. Sure. You've contributed money to his wife's
20 campaign as far back as 2002?

21 A. I don't recall contributing any money to
22 anybody's campaign. I usually don't do that. It's
23 possible, but I normally don't make a practice of that due
24 to trying to keep things as clean and objective as I can.
25 If I did, it was probably a small amount.

1 Q. Well, since you don't remember would looking
2 at Secretary of State records of campaign contributions of
3 Jackie Glass, Steve Wolfson's wife, refresh your
4 recollection?

5 A. No. You could show it to me. That would
6 probably refresh it. That would have been, what, 15 years
7 ago.

8 Q. So your relationship is lengthy then, 15 years
9 at least?

10 A. Yeah. I would say 15 years.

11 Q. So it wouldn't refresh your recollection, so
12 I'll tell you. The Secretary of State records indicate
13 you donated \$200.00 to Jackie Glasses' campaign in 2002?

14 A. Okay.

15 Q. It's fair to say that prior to testifying as
16 an expert you have to provide a curriculum vitae?

17 A. Correct.

18 Q. Just a fancy word for resume?

19 A. Yes.

20 Q. One of the versions of your curriculum vitae
21 you list Mr. Wolfson as a professional reference?

22 A. That's correct.

23 Q. Then you have a defense attorney Mr. Terry, so
24 I'll give you credit for that. Then you have Carol
25 Campbell who currently works for the district attorney's

1 office as well?

2 A. Correct. As of a few months ago.

3 Q. Okay. Your relationship with Mr. Wolfson is so
4 great you actually list him on your website as giving a
5 testimonial?

6 MS. KOLLINS: I'll object as argumentative, so
7 great. They have a relationship.

8 THE COURT: Overruled. This is
9 cross-examination.

10 MS. MCNEILL: I'll approach the witness.

11 THE COURT: You may.

12 BY MS. MCNEILL:

13 Q. Showing you what's marked as Defense Proposed

14 Q. That is the capture of the page of your website for
15 testimonials correct?

16 A. Absolutely.

17 MS. MCNEILL: Move for admission of Q.

18 MS. KOLLINS: No objection.

19 THE COURT: Q is admitted. You may publish.

20 BY MS. MCNEILL:

21 Q. That is a page of your website, correct?

22 A. Correct.

23 Q. The box that's in green, so it fairly
24 highlighted, you can click on that and get a testimonial
25 from Steve Wolfson?

1 A. Correct.

2 Q. Is it fair to say you have never interviewed
3 Morgan Savage?

4 A. Correct.

5 Q. You did not come in and watch her testify?

6 A. I did not.

7 Q. You've never spoken to her mother?

8 A. I have not.

9 Q. You've never spoken to her friends?

10 A. I have not.

11 Q. Her teachers?

12 A. I have not.

13 Q. You've never spoken to Josh Honea?

14 A. I have not.

15 Q. And you've never spoken to any of his
16 family?

17 A. I have no.

18 Q. So everything you testified to came from
19 information provided to you by the State?

20 A. Correct.

21 Q. You don't know anything about Morgan Savage's
22 emotional development?

23 A. No.

24 Q. Physical development?

25 A. No.

1 Q. Those are important when you are evaluating, I
2 guess, a child's ability to understand things of a sexual
3 nature, correct?

4 A. Depending on the age.

5 Q. Sure. You'd agree with me that kids all
6 develop differently?

7 A. Absolutely.

8 Q. Some start menstruating before others?

9 A. I believe so.

10 Q. That is controlled by hormones. So some are
11 going to have different hormones at different ages than
12 other girls?

13 A. I would assume that's correct.

14 Q. You talked about brain development to the
15 standpoint of children. Would you agree with me that
16 girls tend to develop faster than boys emotionally?

17 A. That appears to be the case generally.

18 Q. Do you have any background in brain
19 development of humans?

20 A. Formal training, no.

21 Q. So your opinions are based on informal
22 training?

23 A. Certainly just being abreast of current
24 trends, knowledge, et cetera.

25 Q. You would agree with me that current research

1 shows girls brains are developed around the time they're
2 18?

3 A. The current research, kind of the new term of
4 emerging adulthood, which is taking a look at the
5 adolescent frontal lobe piece of the brain not really
6 fully developing until 24 or 25. And that effects
7 elements such as impulse control, consequential thinking,
8 empathy, things along those lines. I haven't seen a
9 distinguishment between the male and female however.

10 Q. What studies have you read?

11 A. I can't cite them off the top of my --

12 Q. So you don't know these -- what the names of
13 these are?

14 A. No.

15 Q. I wouldn't be able to review these?

16 A. No. I could provide them to you after
17 testimony, but I couldn't provide you with testimony to
18 the actual names of the current studies and authors.

19 Q. I want to talk about grooming. You indicate
20 that based on all of these things you read that were
21 provided by the State it was just clear to you that there
22 was grooming going on, right?

23 A. Yes.

24 Q. Your information that you provided to the jury
25 is only as good as the information you received,

1 correct?

2 A. Certainly. I can only go off of what is
3 provided to me.

4 Q. So if the information you received was a lie
5 then what you stated would be inaccurate, right?

6 A. If it were to be a lie, possibly.

7 Q. You have no idea or not. You never met Morgan
8 Savage and you weren't present for any of this time
9 period?

10 A. Correct.

11 Q. You've been present when someone recanted, but
12 again you're only basing that on that circumstance of a
13 child you actually treated, correct?

14 A. No.

15 Q. In that case you treated that child?

16 A. Yes, in that particular case. But the concept
17 of recantation is very global and well-known concept in
18 sexual abuse and sexual abuse dynamics.

19 Q. Sure. But my point is you never no if
20 someone's recantation is the truth or a lie, right?

21 A. No. That's the challenge of this type of
22 work.

23 Q. Have you ever been involved in a case where
24 there a false allegation made?

25 A. I have.

1 Q. So it happens?

2 A. It does.

3 Q. You gave general information in respond to
4 grooming and control dynamics, but all kids are different,
5 right?

6 A. Absolutely.

7 Q. Some children respond to the way adults are
8 acting, differently then others, right?

9 A. Yes.

10 Q. Some prefer to be in the company of adults?

11 A. Yes.

12 Q. Some children who are abused might act out in
13 school, right?

14 A. Yes.

15 Q. Some might not?

16 A. Yes.

17 Q. Some might tell people, right?

18 A. Yes.

19 Q. And some might not?

20 A. Correct.

21 Q. There is no way to know if the child's
22 disclosure is accurate without physical evidence?

23 A. At the end of the day, without some of those
24 pieces, that would be correct.

25 Q. So I'll ask you questions about that.

1 You said that one of the pieces was this switching
2 of the schools, right?

3 A. Right.

4 Q. The fact that he had managed to convince her
5 mother to switch schools, right?

6 A. Yes.

7 Q. Were you aware that Morgan approached
8 Mr. Honea's mother about switching schools because she was
9 embarrassed that nude photos had been disseminated among
10 the football team from one of her boyfriends?

11 A. I'm not aware of that.

12 Q. That is was in fact because of that
13 embarrassment she asked to switch schools. Are you aware
14 of that?

15 A. I was not aware of that.

16 Q. You indicated there was a promise ring, this
17 promise of marriage was something that you considered a
18 grooming technic?

19 A. Yes.

20 Q. Were you aware that the promise ring was
21 Morgan's that had been given to her by her mother?

22 A. I'm not aware of that.

23 Q. You indicated there was a promise of marriage.
24 Where did you get that from?

25 A. That would have been from the declaration of

1 arrest.

2 Q. So from a police report, not from Morgan
3 herself?

4 A. No.

5 Q. And not from Mr. Honea?

6 A. No.

7 Q. You never saw a picture of that ring,
8 correct?

9 A. No.

10 Q. You said that one of the ways you believe that
11 you knew there was grooming was because Mr. Honea injected
12 himself into her life with her mother, right, in order to
13 get her mother's trust?

14 A. Correct.

15 Q. Were you aware that Ms. Savage was a
16 neglectful mother?

17 A. I was not aware of that.

18 Q. Were you aware, did anyone inform you, that
19 Ms. Satisfy had asked Mr. Honea to care for Morgan?

20 A. I remember one element of, I believe she was
21 out of town and asking the Defendant to check on her.

22 Q. Were you ever aware that she ever provided him
23 money to baby sit for Morgan?

24 A. I'm not aware of that.

25 Q. Were you aware that it wasn't just Mr. Honea

1 that was taking care of Morgan, but his mother, his sister
2 but the rest of his family?

3 A. I'm not recalling that piece of it. Morgan I
4 know was around the Defendant and his family, so -- but,
5 again, not to what degree. I'm not entirely certain.

6 Q. Okay. You indicated that one of the ways you
7 knew there was this power and control is that she wasn't
8 allowed to have other friends, correct?

9 A. Correct.

10 Q. Were you aware that we have seen photos of
11 Morgan with other children her age?

12 A. I'm not aware of that.

13 Q. Were you aware we've seen photos of Morgan
14 with multiple other boys that she was dating?

15 A. I knew from the discovery provided to me that
16 there was one young man and that there were pictures of, I
17 think, them kissing. But, again, I never saw the picture
18 just knew about it from what was stated.

19 Q. That was just one, but were you aware that
20 there was multiple boys that she was dating?

21 A. I don't believe that was part of the
22 discovery.

23 Q. You mentioned something when you were
24 testifying about the child, they know nothing about sex,
25 correct. That can be a factor in how someone can use that

1 to manipulate them?

2 A. Again, I'm not sure of the context, but
3 depending on the age and -- maybe you can be a little more
4 specific.

5 Q. You were testifying that she knew nothing
6 about sex at some point prior to this. That that would be
7 something that someone can use?

8 A. I think if I can recall probably the vain of
9 that line of response was along the lines of not
10 understanding what sex is at that age so on and so forth.
11 There would believe to be assumption that at 11 or 12 and
12 based on what Morgan stated, that she was a virgin and
13 didn't know how to perform oral sex, that to me suggested
14 she knew what it was. Kids are going to know what it is
15 in middle school this day and age and hear about sex. I
16 don't want to use slang, oral sex, and things along those
17 lines. But she indicated she never had sex and never
18 performed oral sex until the Defendant.

19 Q. Were you aware that Morgan has testified that
20 she at a very young age saw her father having sex?

21 A. I didn't see any of her testimony.

22 Q. So you weren't aware of that?

23 A. No.

24 Q. That would go to what her knowledge of sex
25 would be?

1 A. Certainly.

2 Q. Were you aware Morgan testified she
3 menstruated at an early age?

4 A. I'm not aware of that.

5 Q. That would go along with sexual development,
6 correct?

7 A. Correct.

8 Q. Were you aware that Morgan testified that she
9 felt more sexually mature than other girls her age?

10 MS. KOLLINS: In this case that mischaracterizes
11 the testimony. She said she felt more mature than the
12 Defendant.

13 THE COURT: The court's recollection was in
14 comparison to the Defendant.

15 BY MS. MCNEILL:

16 Q. That's fair. I have two questions and mixed
17 the two.

18 Were you aware she testified she felt more sexually
19 mature than the Defendant?

20 A. I'm not aware of any of her testimony, if you
21 are referring to court.

22 Q. Yeah. You're not aware of that?

23 A. I wasn't sure unless it's the prelim or
24 voluntary statement.

25 Q. No, but you're not aware of that?

1 A. No.

2 Q. Were you aware that her friends testified that
3 Morgan was more grown up than her other friends?

4 A. No.

5 Q. I want to talk to you more about grooming.
6 You said this is something that someone would do to
7 instill trust, right, especially meaning nice grooming
8 more than mean grooming?

9 A. Yes.

10 Q. Things that someone will do for the child to
11 get the child to trust them?

12 A. Correct.

13 Q. Part of the reason they want the child to
14 trust them is they are going to manipulate the child to
15 act in a way they want the child to act?

16 A. Part of it.

17 Q. One of the things you said was --I'm sorry I
18 have a cold.

19 Was that they will build a friendship with a
20 child?

21 A. Yes.

22 Q. They'll try to act like they're buds?

23 A. Correct.

24 Q. Friending that person on social media and
25 acting like you are buddies?

1 A. It depends on the context.

2 Q. What about liking the person's pictures on
3 social media, making comments on the child's social media.
4 That's sort of suggesting that we are friends, right?

5 A. Again, I think it really depends on the
6 relationship dynamic. I'm not sure if you're referring
7 specifically to the Defendant and --

8 Q. Just in general. If you are trying to instill
9 trust and establish a friendship, one of the ways you
10 might do that would be to friend the person on Facebook?

11 A. I'm not on Facebook so I don't know. I'm
12 familiar with it, but -- so I don't really kind of know
13 that -- I know you are supposed to -- how many like you
14 get and friends and all that jazz, but I don't really know
15 if that is going -- I can't draw that line because I don't
16 participate in social media in that way.

17 Q. You talk to Ms. Kollins since your testimony
18 in this case?

19 A. Yes.

20 Q. Did she tell you she friended Morgan Savage on
21 Facebook?

22 A. Yes.

23 Q. You knew that question was coming?

24 A. I had no idea what you were going to ask me.

25 Q. You indicated that one of the ways that you

1 might groom a child is to buy food, right?

2 A. It can be.

3 Q. What about offering shelter if they're
4 homeless?

5 A. Again, it depends on the context.

6 Q. Offering to put them up in a hotel if they
7 have no where else to stay?

8 A. Same thing, it's all contextual.

9 Q. Okay. Again, you've spoken to Ms. Kollins,
10 right?

11 A. I have.

12 Q. Did she disclose all of the things she did for
13 Ms. Savage?

14 A. We didn't go into details.

15 Q. What about offering to put the person in rehab
16 if they have a substance abuse problem? And again I know
17 you're going to say it's contextual, so let me give you
18 the context.

19 All of these things I just asked you about, is it
20 fair to say would be things you would do to try to build a
21 rapport with someone, right, to show you're a helpful
22 individual and can provide things to them they might need.

23 A. Well, I'll say as a licensed clinical social
24 worker, I advocate for clients and advocate in a report to
25 5 or 6 different things for that individual's well-being

1 and benefit.

2 So, I mean, I genuinely believe that I don't think
3 I was grooming or trying to establish a trusting, per se,
4 relationship with the client. I was just doing what I
5 believe as a clinical social worker knowing that that
6 individual has a substance abuse problem as a direct
7 correlation to their current life circumstance to make
8 that professional recommendation in that way.

9 Q. It's weird because that's not what I asked
10 you. What I asked you was doing those kinds of things for
11 someone would tend to build trust, right?

12 You just testified on direct that something someone
13 might do to groom someone is buy food. Now you're saying
14 you're not sure about that, right?

15 A. I'm not saying I'm not sure. I'm basically
16 saying that it really depends what the context of that
17 relationship is. That's why I testified to earlier that
18 every case really is on its own merits. Each situation is
19 on its own merits. I don't know that I can draw that
20 line in that way.

21 MS. MCNEILL: Court's indulgence.

22 THE COURT: Yes.

23 BY MS. MCNEILL:

24 Q. All of those things I asked you about that you
25 previously testified could be grooming, it all depends on

1 the context, right?

2 A. Yes.

3 Q. So you would agree with me that the context of
4 your answers are grooming when the State asked you about
5 it, but not grooming when I asked you about it?

6 A. No.

7 Q. You wouldn't agree with that?

8 A. No.

9 MS. MCNEILL: Nothing further.

10 THE COURT: Ms. Kollins.

11 REDIRECT EXAMINATION

12 BY MS. KOLLINS:

13 Q. Mr. Pacult, prior to Steve Wolfson becoming
14 the appointed district attorney, are you aware what he did
15 for a living?

16 A. Absolutely.

17 Q. He was a private defense attorney. Do you
18 know what year Mr. Wolfson was appointed as district
19 attorney? I mean the head guy, name on paper, that whole
20 thing?

21 A. Probably 2 to 3 years ago -- 3 to 4. I don't
22 know exactly. He was recently up for reelection, I know
23 that.

24 MS. KOLLINS: I would ask the court to take
25 judicial of the date, if they don't know.

1 THE COURT: If we have that date available as
2 part of public records the court will take judicial notice
3 of it.

4 MS. KOLLINS: It's February 2012.

5 THE COURT: The court will take judicial notice
6 of the appointed date.

7 MS. KOLLINS: Thank you.

8 BY MS. KOLLINS:

9 Q. Your relationship with Mr. Wolfson that was
10 pointed out by defense counsel, that began when he was a
11 defense attorney?

12 A. Would you like me to -- yes, yes.

13 Q. And if you know was Mr. Wolfson a defense
14 attorney for more years than he has been the appointed
15 district attorney for the last 5?

16 A. Yes.

17 Q. When did your relationship begin?

18 A. Probably been around that -- I went into
19 private practice in '98, so I started coming -- I was
20 first contracted as a psychology sexual evaluator for the
21 State in 1999. So spending more time I become acquainted
22 with Mr. Wolfson and his wife Jackie Glass at the Court
23 House Cafe. I met them then began doing work -- clinical
24 work for them. We practiced together at that time. And
25 so it goes back to the early 2000s. I provided a \$200.00

1 campaign contribution. It's probably the last I provided
2 for the record.

3 Q. While Mr. Wolfson was a defense attorney?

4 A. Yes.

5 Q. So all those questions -- so many questions
6 that Ms. McNeill asked you. Are you a medical doctor?

7 A. I'm not.

8 Q. If, in fact, in what you reviewed if Ms.
9 Pamela Savage was a neglectful parent such that Morgan
10 spent a lot of time on her own, would that contribute at
11 all in your opinion to Morgan's vulnerability in a
12 situation like this?

13 A. Yes.

14 Q. There were questions about food and hotels and
15 offers of rehab. You haven't been in here for this trial,
16 correct?

17 A. I have not.

18 Q. So when Ms. McNeill asked you, isn't it true
19 you would do all those things to gain someone's trust,
20 remember those things?

21 A. Yes.

22 Q. And you said, well, it depends on the
23 context?

24 A. Yes.

25 Q. You are unaware of the efforts that were taken

1 by the district office --

2 MS. MCNEILL: Objection, leading.

3 MS. KOLLINS: She asked questions during --

4 THE COURT: Overruled.

5 MS. MCNEILL: It dDoesn't change her obligations
6 to direct and not lead.

7 THE COURT: I don't disagree, Ms. McNeill.
8 However, I'm going to allow foundation to be laid for this
9 line of questioning that's necessary here.

10 You may proceed, Ms. Kollins.

11 MS. KOLLINS: Thank you.

12 BY MS. KOLLINS:

13 Q. You are unaware what's transpired in the
14 courtroom regarding efforts to get Morgan to court. You
15 don't have anything to do with that?

16 A. Absolutely nothing.

17 Q. So the questions that were directed to you
18 regarding the hotel room and providing a meal at
19 Jack-in-the-Box and an offer of a hotel room, that never
20 came to fruition, and an offer of rehab that never came to
21 fruition, you can't really comments on why those things
22 were offered out of context, can you really?

23 A. No. That is essentially what I testified to
24 that every situation is unique and has its own merits.
25 And obviously, the term grooming, it's a very -- the

1 beauty of the English language, grooming can be taken in
2 terms of hygiene, in terms of sexual abuse, in terms of
3 grooming an athlete to -- what have you.

4 So, yeah, there is a lot of different contexts to
5 it.

6 Q. I guess my question is those things that we
7 talked about getting a hotel, buying a meal, those could
8 be grooming in the context we're speaking of today, if the
9 ultimate nature or goal was to sexually abuse a kid,
10 right?

11 A. Yes. I wouldn't classify that as grooming.

12 Q. Okay.

13 MS. KOLLINS: Nothing further for Mr. Pacult.

14 THE COURT: Ms. McNeill.

15 MS. MCNEILL: Yes.

16 RECROSS-EXAMINATION

17 BY MS. MCNEILL:

18 Q. Mr. Pacult, you indicated that prior to Mr.
19 Wolfson becoming the district attorney Ms. Kollins pointed
20 to you he was a district attorney, correct?

21 A. Yes.

22 Q. But his job has nothing to do with your
23 relationship, right?

24 A. That is how we met.

25 Q. But his job doesn't have anything to do with

1 how you feel about him, right? Your relationship with him
2 as friends?

3 A. Yeah. It's two different things.

4 Q. And you are aware that prior to becoming a
5 defense attorney he was actually a federal prosecutor,
6 correct?

7 A. Not off the top, yeah, I don't know his CV.

8 Q. If I told you you would have no reason to
9 think I was lying?

10 A. None.

11 Q. Were you aware he was not only appointed, but
12 had to run for election since being appointed?

13 A. At present, yes.

14 Q. You indicated that you can't -- the questions
15 I asked about you couldn't offer context, but you offered
16 context for the State and that context was purely from
17 information provided by the State?

18 A. In relationship to clear allegations of sexual
19 abuse.

20 Q. Well, clear allegations is your
21 opinion, right?

22 A. Yes.

23 Q. You can't be certain about that, right?

24 A. One hundred percent certain, no.

25 Q. That's what certain means, one hundred

1 percent, right?

2 A. Based on my clinical judgment and experience
3 of 20-plus years of doing this type of work, rather
4 certain things took place that were inappropriate that
5 were grooming.

6 Q. You ever been wrong when you testified, get it
7 wrong?

8 A. Concerning my opinion and judgment of a case?

9 Q. Yeah.

10 A. I don't think my opinion has been wrong.

11 Q. Isn't it fair to say that one of the cases you
12 listed on your curriculum vitae --

13 MS. KOLLINS: Your Honor, I'm going object.

14 THE COURT: The basis of your objection.

15 MS. KOLLINS: Hearsay.

16 THE COURT: May I have counsel at the bench.

17 (Discussion held at the bench.)

18 THE COURT: The objection is sustained. But
19 with our discussion, if you wish to further inquire, you
20 may.

21 MS. MCNEILL: Thank you, your Honor. I'll move
22 on.

23 BY MS. MCNEILL:

24 Q. Ms. Kollins asked you if you were aware of
25 what transpired to get Morgan to court?

1 A. Yes.

2 Q. You indicated you were unaware of that?

3 A. Correct.

4 Q. Were you aware the State had a material
5 witness warrant issued and Morgan testified from jail?

6 A. No.

7 Q. Were you aware that Morgan's testimony took 5
8 days?

9 A. I knew it took a long time. I wasn't certain
10 how many days. It took a long time.

11 Q. Were you aware that despite putting her in
12 jail when questioned on the stands for 5 days, she still
13 admitted that what she said previously was a lie?

14 MS. KOLLINS: Your Honor, I object. We've laid
15 the foundation he wasn't here.

16 MS. MCNEILL: Your Honor, it's expert testimony.
17 I'm allowed a hypothetical.

18 THE COURT: There's been a significant amount of
19 questioning about what he knows or doesn't know about her
20 testimony. Overruled. I'll allow it.

21 BY MS. MCNEILL:

22 Q. Were you aware of that?

23 A. The outcome, in generality it wasn't discussed
24 in any detail, so I wasn't told that there was a change
25 in -- a recantation.

1 Q. You indicated that sometimes a recantations is
2 done because it's easier. They don't want to have to deal
3 with it?

4 A. Yes.

5 Q. Is it easier to be put in a jail cell then to
6 be put out on the street?

7 A. I would take the street.

8 Q. Do you think it's easy to be questioned by the
9 State for 5 days?

10 A. Absolutely, not.

11 Q. So, again, just to be clear. When Mr. Honea
12 bought Morgan food that was grooming?

13 A. In the entire context of 4 years, I would
14 qualify that as grooming.

15 Q. When Ms. Kollins did it it was not grooming?

16 A. That is correct.

17 Q. You indicated Ms. Kollins asked you that
18 grooming is done with the goal to get someone to have sex
19 with you, right?

20 A. Well, in the terms of why I'm here, what I do
21 professionally, what my knowledge base is concerning
22 grooming, then that is what we're talking about. It's not
23 necessarily sexual intercourse, it can be a variety of
24 different sexual acts. There hands-on and hands-off.
25 There's a variety of things that can occur.

1 Q. But that's what she asked you, was that
2 grooming. The reason it was grooming was because he could
3 have sex with her, right?

4 A. Yes.

5 Q. But it's fair to say -- and by your answer --
6 by you saying that's your job is to testify about grooming
7 whether there's been sex or not?

8 A. Yes.

9 Q. There are all kinds of grooming that people do
10 in their daily lives to achieve results?

11 A. Yes.

12 Q. Parents have to groom their children?

13 A. Right.

14 Q. So fair to say that perhaps Ms. Kollins'
15 behavior was grooming to get Morgan to testify?

16 A. I think that's probably the State's job, I
17 would assume.

18 Q. There's getting her to testify and there's
19 getting her to say what they want, right?

20 A. That I don't know.

21 MS. MCNEILL: Nothing further.

22 THE COURT: Ms. Kollins, anything further.

23 MS. KOLLINS: No, your Honor.

24 THE COURT: Thank you. May I see by a show of
25 hands if the jurors have any questions. I see no hands

1 from the jurors.

2 Mr. Pacult, you are excused. Don't forget your
3 bag.

4 THE WITNESS: Thank you, your Honor.

5 THE COURT: Now that we've concluded --

6 MS. KOLLINS: Your Honor, we have -- we
7 didn't -- we weren't sure --

8 THE COURT: I'll explain to the jurors.

9 It's difficult to predict how long testimony will
10 take. We are a little short of where we thought we'd
11 finish, but there's not enough time to get another witness
12 for the day, so what we are going to do is take our
13 evening recess.

14 We'll convene tomorrow, as it is Friday. We'll be
15 able to provide a full day. The court does not have a
16 calendar.

17 So we do appreciate the jurors returning tomorrow at
18 9:00.

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 See you tomorrow at 9:00. Have a good night.

8 (Jurors excused for the evening.)

9 THE COURT: I have a bench to put in the record.

10 During the testimony of Mr. Pacult there was an
11 objection regarding questions -- objection posed by Ms.
12 Kollins to Ms. McNeill's questioning with regard to
13 whether the witness had been wrong in his response in his
14 assessment of whether someone had been, I assume, guilty
15 of a crime, but it wasn't phrased that way. It was whether
16 his opinions regarding whether he was wrong. The witness'
17 answer was he's not aware that his opinion had been
18 wrong.

19 The follow up then was appeared to be an effort
20 impeach with asking about not guilty verdicts, one or
21 more, in cases in which Mr. Pacult testified. There was
22 some discussion at the bench whether that could be deemed
23 to be a causal connection between whether he was wrong and
24 the outcome of trials based on trial outcomes being based
25 on a number of factors and no way to tie it into being

1 certain that his opinion was in fact wrong.

2 I allowed Ms. McNeill to proceed with the line of
3 questioning.

4 Ms. Kollins, anything to add.

5 MS. KOLLINS: Just briefly, your Honor. When I
6 posed the objection I said hearsay. That was the wrong
7 thing to come out of my mouth. It was relevant because
8 when we got to the bench that was my issue, the causal
9 connection between him rendering an opinion and the
10 outcome and other factors that led to that verdict. So
11 to the extent I misspoke, I apologize. The objection was
12 lodged timely.

13 THE COURT: Ms. McNeill, anything to add.

14 MS. MCNEILL: No, your Honor.

15 THE COURT: Thank you. See you all at 9:00.

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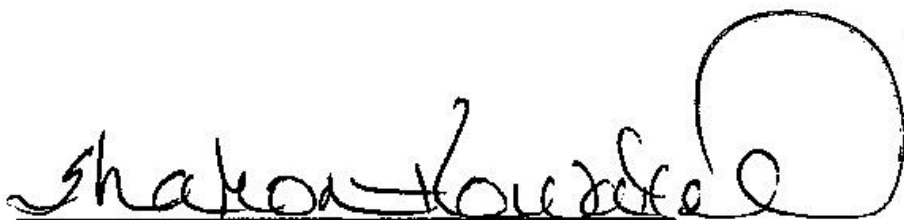
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CERTIFICATE
OF
CERTIFIED COURT REPORTER

* * * * *

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, circular flourish at the end.

Sharon Howard
C.C.R. #745

< Dates >.	.	111:18.
April 1, 2015	.	2006 5:18.
18:14.	< 1 >.	2014 105:23.
April 15, 2015	1 4:10, 19:16,	2015 6:2,
22:12.	19:17, 20:8,	105:23.
April 1st, 2015	20:10, 46:14.	21 9:13, 21:14,
15:23, 20:2.	1-A 20:8, 20:10.	21:17.
April 2015	10 16:25, 31:12,	215 10:12.
23:14.	80:9.	24 115:11.
December 14,	10th 10:2.	25 1:2.
january 2015	11 121:16.	25. 115:11.
107:5.	110 3:15.	27 41:1, 41:10,
DECEMBER 7, 2017	12 121:16.	41:21, 41:24.
1:27, 4:6.	127 3:16.	27. 42:8.
February 2012	12:30 31:14.	28 42:11.
128:9.	13 100:8.	29 42:14.
January 2006	131 3:17.	.
5:19.	14 100:8.	.
January 2015	141 3:20.	< 3 >.
107:2.	15 9:11, 21:14,	3 13:1, 39:13,
July 2015 24:10,	21:17, 111:11,	128:1.
24:11.	111:13,	3,000 83:9.
July 22 25:10.	111:15.	30 42:17.
July 23 41:16.	15033012777	30th 13:20.
July 23, 2015	26:8.	32 42:22.
35:6.	16 8:7, 13:15,	35 42:25.
March 2015 6:13,	63:14, 63:16,	35-year-old
6:17, 6:20,	63:18, 63:22,	60:24.
16:24.	64:3, 64:19,	35. 47:3.
March 29, 2015	65:15.	36 43:2, 83:11.
6:23, 7:14.	1708 29:21.	37 43:23.
March 30, 2015	18 115:7.	38 44:1.
10:18.	1991 109:24.	39 44:6.
May 4th, '93	1992 110:5,	3:00 79:20.
54:24.	110:9.	.
September 6, 2015	1999. 129:1.	.
51:24.	1:45. 31:13,	< 4 >.
September 6th	32:3.	4 9:2, 21:13,
53:25.	.	26:17, 26:19,
#745 140:28.	.	135:18.
\$200.00 111:18,	< 2 >.	4. 128:1.
129:5.	2 26:19, 29:4,	40 44:24.
'98 128:24.	46:13, 83:11,	40. 47:11.
--essentially	128:1.	41 45:3.
94:10.	20 82:13, 83:14,	42 45:7.
--i'm 123:22.	109:22,	45 41:10, 41:22,
.	109:23.	41:24.
.	20-plus 133:8.	45. 41:1.
< 0 >.	2000s 129:5.	46 42:3.
0001 26:21.	2002 110:25,	48 49:12, 49:17,

50:2, 50:5.	ability 71:7,	acquainted
49 50:10.	79:2, 114:7.	129:1.
.	able 17:25, 51:23,	acronym 6:9,
.	57:6, 89:25,	38:19.
< 5 >.	96:13, 97:11,	act 34:10, 117:17,
5 3:7, 109:4,	100:11, 100:24,	123:20, 124:2.
126:5, 128:20,	104:6, 104:17,	acting 117:13,
134:12, 134:17,	104:18, 106:17,	124:5.
135:14.	115:20,	action 4:25,
50 49:12, 49:17,	137:20.	81:19.
50:2, 50:17.	abreast 115:3.	actions 18:1,
50. 73:11.	Absolutely 24:8,	70:22, 98:11.
55 3:8.	66:4, 86:8,	acts 136:4.
.	90:9, 92:9,	actual 40:14,
.	98:7, 99:7,	115:23.
< 6 >.	103:5, 104:5,	actually 33:2,
6 21:18, 26:16,	105:18, 107:25,	63:10, 74:5,
46:12, 126:5.	108:3, 112:21,	112:9, 116:18,
64 54:22.	114:12, 117:11,	132:10.
64. 54:18, 55:6.	127:21, 130:21,	add 33:14, 33:15,
65 54:9, 54:10.	135:15.	81:2, 139:9,
674 57:3.	abuse 92:25,	139:18.
.	101:20, 102:4,	address 11:16,
.	102:11, 104:9,	29:19, 38:13,
< 7 >.	109:9, 110:7,	109:9.
7 21:16, 58:19.	110:8, 116:23,	addressing
73 49:12, 49:17,	125:21, 126:11,	96:25.
50:2, 50:13.	131:7, 131:14,	Adidas 45:6,
745 1:34.	132:24.	45:7.
75 3:9, 49:17,	abused 117:17.	administrative
50:2.	academy 66:1.	23:3, 23:8.
75. 49:13.	acceptable	admission 20:8,
76 27:23, 27:25.	60:25.	27:22, 27:24,
76-A 27:23,	access 24:7, 25:2,	41:21, 49:24,
27:25.	25:4, 27:15,	54:2, 55:3,
77 3:10.	51:8, 51:11,	112:22.
.	51:23, 104:6.	admissions
.	accomplished	80:19.
< 8 >.	97:21.	admitted 20:10,
82 3:14.	accurate 66:16,	41:25, 50:3,
.	83:16, 97:2,	54:8, 54:10,
.	118:2.	81:1, 112:24,
< 9 >.	accurately 20:5,	134:18.
9 16:25.	41:18, 49:21.	admonished 31:17,
9:00 137:23.	accusations	31:25, 79:23,
9:00. 138:12,	69:20.	80:6, 138:1,
139:20.	accused 23:12,	138:9.
.	37:3.	ADMONITION 31:15,
.	accuser 102:19.	79:21, 137:24.
< A >.	achieve 136:15.	adolescent

115:10.	99:24, 102:10.	answering 58:8,
adoptive 80:19.	akin 95:13, 96:8,	58:13, 67:18,
adult 82:17,	98:24, 106:20.	77:24.
106:18,	album 27:2, 27:10,	answers 18:17,
108:19.	28:1, 28:3.	18:20, 58:17,
adulthood 115:9.	alcoholic 69:15.	62:21, 127:9.
adults 117:12,	alignment	Anybody 104:15,
117:15.	107:12.	111:2.
advice 106:18.	allegation 11:8,	apologize 21:18,
advise 15:10,	22:15, 23:13,	53:5, 139:16.
37:20.	117:4.	apparently
advised 24:5,	allegations 13:6,	97:11.
24:11.	23:2, 69:12,	appear 33:5,
advisors 12:19,	132:23,	86:3.
13:2, 13:4.	132:25.	APPEARANCES 2:1.
advocate 126:4.	allow 27:24,	appeared 18:16,
affairs 22:21,	53:10, 59:17,	29:5, 49:7,
22:24, 23:2,	130:13,	52:13, 57:22,
23:6, 23:9,	134:25.	97:7, 138:24.
23:15, 23:19,	allowed 33:4,	appears 44:14,
24:3, 24:7,	33:21, 61:6,	73:13, 78:20,
25:3, 25:5.	106:12, 120:13,	114:22.
affection 91:3,	134:22, 139:7.	appetite 100:12.
91:8.	almost 100:18.	appointed 84:4,
afternoon 55:20,	already 19:7,	127:19, 127:23,
55:21, 82:8,	34:12, 67:8,	128:11, 128:19,
110:15,	67:12.	132:16,
110:16.	altogether	132:17.
age 8:7, 9:10,	90:18.	appreciate 4:13,
9:12, 13:15,	among 31:17,	106:22,
21:7, 21:12,	79:23, 118:14,	137:22.
54:25, 63:16,	138:1.	apprehension
89:22, 94:15,	amount 78:7,	38:19.
103:1, 106:10,	78:13, 92:24,	Approach 18:6,
106:11, 107:23,	111:5, 134:23.	27:16, 40:21,
108:18, 114:9,	analysis 46:19,	43:9, 54:14,
120:16, 121:8,	79:12.	66:23, 112:15.
121:15, 121:20,	analyst 47:21.	approached
121:25, 122:8,	and/or 102:22.	118:12.
122:14.	anger 94:11.	appropriate 11:10,
ages 114:16.	animal 92:23.	88:24, 106:10,
ago 111:12, 112:7,	animals 91:17.	106:11.
128:1.	Answer 18:10,	Approximately
agree 55:23,	57:25, 58:15,	17:1.
57:23, 70:16,	58:17, 59:18,	April 22:8.
74:19, 114:10,	62:16, 67:16,	Area 5:15, 5:16,
114:20, 115:5,	68:12, 76:9,	7:24, 7:25,
127:8, 127:12.	79:2, 136:10,	29:3, 42:13,
ahead 44:13,	138:22.	83:12, 105:14.
92:16, 94:13,	answered 35:21.	areas 67:23,

<p>90:24. arguing 78:2. argument 33:11, 80:13. argumentative 67:20, 112:11. around 34:11, 40:15, 65:6, 74:9, 104:4, 105:12, 105:13, 115:6, 120:9, 128:23. arranged 30:13, 30:14. arrangements 38:7. arrest 38:15, 38:21, 119:6. arrested 39:4, 51:5, 51:13, 52:4. art 56:11. article 7:5. articulate 33:11. ASE 1:1. aspect 82:23, 85:18, 99:2, 100:18, 102:11. aspects 100:5. assault 6:14, 6:16, 6:20, 11:4, 21:20, 22:8, 22:16, 22:24, 23:1, 24:19, 24:25, 25:6, 26:1, 28:11, 30:24, 35:12, 38:22, 40:2, 51:7, 76:18. assess 82:25, 90:20. assessing 82:17. assessment 138:19. assessments 84:3, 84:12, 89:15. assign 9:3.</p>	<p>assigned 8:22, 9:2, 26:11, 26:20, 52:4. assignment 12:24. assignments 5:19. assist 55:17. associates 83:7. assume 57:16, 114:18, 136:22, 138:19. assumption 121:16. athlete 131:8. Athletic 43:4. attention 87:13, 91:3, 91:7, 92:14, 94:1. Attorney 110:22, 112:3, 112:5, 127:19, 127:22, 127:24, 128:16, 128:19, 128:20, 129:8, 131:24, 131:25, 132:10. attorneys 34:24, 84:8, 110:18. audio 18:24, 71:16. authentication 52:25. authority 104:16. authors 115:23. available 128:6. away 49:8, 97:24, 102:8, 102:22. awhile 107:22. awkward 74:16. . . < B >. baby 120:3. bachelors 83:8. back 30:8, 32:3, 33:11, 35:6, 47:3, 47:11, 50:15, 64:25,</p>	<p>69:12, 80:9, 99:8, 100:25, 103:8, 107:21, 108:14, 109:1, 110:25, 129:5. background 98:20, 114:23. backside 50:14. bad 15:7, 15:9, 70:11, 104:20. bag 27:6, 27:11, 27:12, 27:13, 137:8. base 74:15, 136:1. Based 32:16, 89:9, 106:18, 108:1, 115:1, 115:25, 121:17, 133:7, 139:4. basic 90:24. Basically 8:5, 9:1, 12:8, 13:13, 14:18, 26:13, 27:6, 29:6, 48:6, 126:20. basing 116:17. Basis 12:2, 17:10, 19:10, 33:24, 133:19. battered 95:17. beaten 95:17. beauty 131:6. became 5:22. become 129:1. becomes 33:19, 102:4. becoming 59:11, 127:18, 131:24, 132:9. bedroom 42:22, 42:24, 42:25, 43:22, 43:24, 43:25. began 33:12, 90:5, 98:2, 105:22, 128:15, 129:3. begin 128:22. beginning 24:4,</p>
--	--	--

24:9, 87:4.	108:15.	9:3.
behavior 69:6,	block 106:1.	buddies 124:5.
85:10, 87:24,	Bloom 11:1.	buds 124:2.
92:16, 92:22,	blue 30:3,	build 123:24,
108:20, 110:5,	39:19.	125:25,
136:20.	body 17:25, 39:10,	126:16.
behavioral	48:1, 48:7,	building 16:8.
109:13.	48:9.	bureau 5:23,
behaviors 93:6,	Bolden 5:16.	6:12.
106:1.	Bonanza 10:5.	buy 125:6,
behind 61:9,	booked 52:4.	126:18.
88:12.	bottom 16:15,	buying 94:4,
belief 97:23,	44:6, 74:14.	131:12.
101:23, 103:1.	bought 135:17.	.
believed 64:22,	Boulevard 15:2.	.
72:20, 72:24,	boundaries 85:6,	< C >.
73:8.	90:7, 90:8,	C-15-309548-1
believes 94:19.	91:13, 93:15.	1:1.
belive 11:1,	boundary 87:23.	Cafe 129:3.
98:17, 98:20.	box 113:3.	Calderon 23:20,
Belmonte 12:21,	boyfriend	23:21, 24:11,
12:22, 65:1.	106:11.	24:15.
bench 19:12, 31:5,	boyfriend/girlfrie	calendar 137:21.
32:5, 33:11,	nd 93:23.	called 35:21,
54:5, 78:22,	boyfriends	36:17, 66:6,
80:10, 80:14,	118:15.	83:10, 83:18,
81:2, 133:21,	boys 90:15, 103:5,	83:22.
138:14, 139:2,	114:21, 120:19,	calling 36:18,
139:13.	120:25.	69:23, 70:4.
bench. 18:8, 31:7,	brain 114:19,	calls 37:19, 51:9,
54:6, 78:23,	114:23,	51:11, 51:14,
133:22.	115:10.	51:20, 96:11,
bene 82:16.	brains 115:6.	107:10,
benefit 126:6.	brakes 90:16.	107:11.
best 34:2, 34:3,	Branson 35:9,	camera 40:7.
59:8, 79:2,	35:11.	campaign 110:25,
94:7, 105:4.	Bratt 6:22.	111:2, 111:7,
better 17:13,	break 31:14,	111:18, 129:6.
34:9.	79:19, 96:16.	Campbell 112:5.
Beza 10:25, 11:2,	Brief 55:15,	capable 71:15.
35:9, 35:11.	81:10.	capacity 5:12,
big 29:16,	Briefly 77:12,	6:2, 7:21, 11:2,
82:22.	83:3, 103:22,	12:22, 51:7,
biggest 94:22.	139:10.	83:22, 98:19.
birth 54:20,	broad 82:22,	capture 112:19.
100:1, 100:9,	85:23.	car 56:25, 70:25,
100:16.	broke 12:12.	71:3, 71:8,
birthday 54:24.	brother 14:19,	76:1, 76:7,
bit 94:13, 98:8,	91:18.	77:4.
100:19,	bucket 8:23,	cards 45:22.

care 104:13, 119:24, 120:6.	chain 27:20.	76:17, 76:22,
career 99:5, 99:11, 99:14, 109:22.	challenge 117:1.	77:1, 110:21.
cares 103:17.	chance 90:1.	classes 59:16, 66:2.
Carol 112:4.	change 130:10, 135:4.	classify 131:16.
cases 9:5, 51:18, 89:14, 91:16, 91:23, 94:23, 100:22, 103:20, 133:16, 139:1.	characterizing 19:5.	clean 111:4.
Casino 28:20, 29:14, 50:9.	charge 23:1.	clear 33:21, 116:1, 132:23, 132:25, 135:16.
casual 24:1, 24:3.	charged 82:21.	CLERK 4:23, 4:24, 5:4, 55:15, 55:17, 81:18, 81:23.
CAT 38:15, 38:18, 38:21, 39:3.	chart 54:23, 55:6.	click 113:4.
caught 86:2, 105:15.	check 9:20, 9:21, 9:22, 30:4, 31:9, 120:1.	client 126:9.
causal 139:3, 139:13.	Children 46:25, 82:12, 94:23, 102:8, 104:13, 108:17, 110:5, 114:20, 117:12, 117:17, 120:16, 136:17.	clients 126:4.
CCDC 52:4.	Cho 25:12, 25:13, 25:17, 26:23, 77:5.	clinical 83:4, 89:9, 103:21, 108:1, 126:3, 126:10, 129:3, 133:7.
cell 22:4, 45:21, 46:10, 46:12, 46:14, 135:10.	chosen 87:10.	clip 53:2, 54:2.
Center 51:8, 52:20, 53:17, 54:12.	chronological 26:21.	clock 109:20.
certain 18:16, 32:15, 61:8, 61:25, 100:5, 120:10, 133:3, 133:4, 133:5, 133:9, 134:14, 139:6.	circle 44:23, 50:22.	close 21:21, 21:23, 35:24, 35:25, 42:17, 45:1, 48:12, 50:18, 104:12.
Certainly 82:12, 83:6, 85:1, 87:2, 89:12, 90:22, 93:8, 97:7, 99:20, 102:12, 115:3, 116:7, 122:6.	circumstance 53:6, 116:17, 126:12.	closed 22:10, 22:13, 22:16, 23:14.
CERTIFICATE 140:1.	circumstances 32:18.	closer 91:5.
CERTIFIED 140:3, 140:8.	circumventing 89:20.	closet 43:23, 43:25, 44:3.
certify 140:9.	cite 115:16.	clothes 44:4, 50:5.
cetera 115:4.	Civilians 56:12, 56:13, 56:19, 57:6.	clothing 7:6, 98:15.
Ceus 83:10.	clarification 64:8.	Club 43:4.
	clarify 103:15.	co-worker 12:21, 12:23.
	Clark 1:6, 7:20, 7:21, 8:1, 9:22, 10:17, 13:3, 52:20, 53:17, 54:12, 63:10, 63:23, 64:15, 66:18, 67:7,	coaches 104:14.
		code 57:4.
		codes 56:9, 56:10.
		coercion 95:11.
		coincidence 15:3.
		cold 123:23.

colleague 105:2.	completely 95:3, 105:6.	consents 93:16.
college 83:7.	complicated	consequential 115:12.
colored 73:25.	87:5.	considered 68:23, 80:20, 118:22.
combination	comply 99:25.	consistent 38:25.
91:24.	component 104:25.	constitute 86:6.
coming 86:20, 125:3, 128:24.	computer 22:6, 26:25.	constructs 65:23.
Comiskey 6:19, 8:13, 10:25, 11:6, 13:25, 14:2, 16:11, 17:8, 20:17, 28:12, 29:8, 58:16, 58:22, 59:7, 60:16, 61:24, 76:5.	concept 84:21, 85:2, 96:22, 99:22, 116:21, 116:22.	contacted 15:20, 16:5, 16:6, 16:10, 16:12, 76:18, 96:10.
Command 5:16, 7:24, 7:25.	concern 8:6, 13:13, 36:4, 63:23.	contacting 9:17, 14:24.
commanders	Concerning 133:13, 136:1.	contains 54:4.
105:3.	concerns 6:24, 13:12, 38:23, 64:1.	context 80:17, 80:23, 84:25, 90:23, 100:5, 121:7, 124:6, 125:10, 125:23, 126:21, 127:6, 127:8, 130:3, 131:2, 131:13, 132:20, 132:21, 135:18.
comment 32:12, 33:4, 34:15.	concluded 137:10.	contexts 131:9.
commentary 31:21, 32:24, 33:17, 53:9, 80:2, 105:25, 138:5.	conclusion 19:4, 23:6.	contextual 125:13, 125:22.
commenting 34:8.	Conditioning 108:8, 108:9, 108:22.	continuation 26:1, 26:3.
comments 33:5, 106:2, 124:8, 131:1.	condoms 100:9.	continue 83:11, 90:11, 90:17, 92:16, 92:20, 95:6, 99:14, 99:25, 100:12, 102:23, 106:12, 109:5.
common 90:2, 90:3, 108:24.	conduct 10:21, 21:25, 107:5.	continued 12:12, 87:16, 87:20, 88:1, 94:3, 103:23, 104:23, 106:6.
communicate	conducted 10:23, 16:13, 17:2, 17:7, 17:16, 89:14.	continues 95:8, 98:23.
98:3.	conference 19:13, 32:5, 36:4, 80:10, 81:3.	continuing 109:13.
communicated	confess 61:14, 61:16, 61:19.	contracted 83:25, 84:2, 128:25.
99:4.	confirm 14:23.	
communication	connected 31:19, 31:22, 32:1, 79:25, 80:3, 80:7, 138:3, 138:6, 138:10.	
87:17, 87:20, 88:17, 89:6, 89:8, 89:25, 91:10, 96:1, 99:2.	connection 139:3, 139:14.	
community 83:7.	consent 63:16, 93:17.	
company 117:15.		
comparison		
122:19.		
compensated		
86:19.		
complete 98:25, 104:7, 106:20.		

contribute 92:5, 97:4, 129:15.	correlation 126:12.	23:2, 23:4, 23:5, 23:13,
contributed 110:24.	correspond 54:25.	23:14, 24:16, 24:20, 38:19.
contributes 102:14.	corroborated 75:19.	criteria 8:11.
contributing 95:5, 111:1.	Counsel 4:12, 18:9, 19:10,	critical 104:5, 104:25.
contribution 129:6.	31:4, 31:9, 34:24, 54:5,	Cross-examination 3:8, 3:15.
contributions 111:7.	78:22, 79:3, 81:12, 81:13,	CROSS-EXAMINATION 55:18, 110:13, 112:14.
Control 95:21, 96:25, 97:7,	84:5, 128:15, 133:21.	CSA 48:17.
97:9, 97:14, 98:8, 98:12,	counseled 101:20.	CSI 48:9, 72:14.
98:22, 99:1, 100:1, 100:9,	counseling 109:7, 109:9, 109:11.	culture 55:25.
100:10, 100:16, 100:19, 106:7,	counselor 87:15.	current 115:3, 115:5, 115:8, 115:23, 126:12.
106:14, 106:20, 106:21, 115:12,	counter 80:15.	currently 5:12, 5:23, 82:19, 112:5.
117:9, 120:12.	County 1:6, 9:23, 51:8, 52:20, 53:17, 54:12, 110:21.	curriculum 111:21, 111:25, 133:17.
controlled 100:23, 114:15.	Couple 15:17, 21:21, 75:11, 75:13, 107:3.	custody 27:21, 37:11, 38:8, 39:2.
controlling 100:17.	course 109:21.	cut 106:24.
convene 137:19.	courtroom 32:7, 102:14, 103:7, 130:19.	CV 132:12.
conversation 14:11, 14:20, 15:15, 15:18, 15:19, 35:22, 37:4, 37:7, 37:8, 37:10, 37:16, 37:21, 52:17, 71:19, 72:6, 74:17.	cover 72:13, 72:20, 72:22, 72:23, 73:3, 73:6, 73:9.	CYF 6:10.
converse 31:17, 79:23, 138:1.	covering 49:7.	.
convince 96:13, 97:11, 106:17, 118:9.	create 53:6.	< D >.
convincing 100:8.	credibility 33:16.	D-i-c-a-r-o 5:6.
cooperated 103:2.	credible 33:23, 68:15.	dad 52:16, 53:23.
copy 67:1.	credit 112:4.	daily 136:15.
correctly 10:2, 11:14, 43:21, 45:17.	crime 8:11, 22:15, 37:6, 41:3, 47:21, 63:19, 96:3, 138:20.	danger 104:7.
	crimes 5:22, 6:4, 6:5, 6:7, 6:12, 35:17, 46:25.	dangerous 39:2.
	Criminal 23:1,	Daniel 6:22.
		dark 73:15, 73:23.
		darker 74:1, 74:9, 74:10.
		date 10:14, 13:14, 13:19, 13:20, 22:11, 25:9, 26:16, 27:8, 54:20, 63:14,

63:22, 64:2,	128:16, 128:18,	45:5, 48:13,
64:18, 65:14,	129:8, 132:10.	73:23, 92:4,
90:15, 98:16,	define 90:23.	107:19.
128:5, 128:6,	definition 58:7,	description 48:14,
128:11.	85:24, 92:10.	99:9.
DATED 1:27.	deflecting 18:17,	designated 29:3,
dates 54:22.	57:21, 57:22,	29:4.
dating 63:18,	57:23.	desk 47:5.
120:19,	deflective	despite 95:17,
120:25.	18:19.	106:9, 134:16.
daughter 96:12,	degree 83:7,	detail 48:13,
106:5.	120:10.	72:2, 101:1,
Day 8:24, 9:4,	degrees 104:11.	101:3, 103:7,
9:5, 10:16,	DELANEY 1:24.	135:4.
13:21, 13:22,	delayed 93:2,	detailed 101:4,
15:20, 26:19,	108:24.	101:12.
26:20, 26:21,	demeanor 18:1,	details 48:8,
30:14, 35:7,	32:9, 34:5,	69:17, 125:19.
41:19, 49:20,	34:9, 57:19.	detection
49:22, 50:9,	denial 97:18,	100:13.
51:5, 87:8,	97:21, 97:23,	detectives 9:2,
89:22, 99:23,	98:1, 98:3.	25:23, 26:13,
109:3, 118:3,	denied 14:19.	37:1, 38:8,
121:20, 137:17,	deny 37:14,	96:1.
137:20.	97:18.	Detention 51:8,
days 93:1, 108:10,	denying 100:20.	52:20, 53:17,
134:13, 134:15,	Department 5:11,	54:12.
134:17,	5:15, 35:16,	determinations
135:14.	39:23, 83:25,	32:19.
ddoesn't 130:10.	84:2.	determine 85:7.
deal 102:5,	dependant 95:3.	determined
102:20, 103:12,	Depending 90:2,	32:25.
103:14, 109:13,	114:9, 121:8.	develop 114:11,
135:7.	depends 58:2,	114:21.
dealing 110:8.	83:24, 102:2,	developed 115:6.
decide 34:3, 34:5,	124:6, 124:10,	developing
101:10.	125:10, 126:21,	115:11.
decision 25:15.	127:5, 130:2.	development 114:2,
declaration	depict 20:5,	114:4, 114:19,
119:5.	41:18, 49:21.	114:24,
decrease 85:20.	depicted 42:3,	122:10.
deemed 139:2.	42:14.	devices 46:20,
defendants	DEPT. 1:2.	47:2, 71:11,
82:21.	describe 22:23,	79:6, 79:8.
defender 84:6.	44:10, 73:16,	dialed 36:19.
Defense 82:19,	74:11, 83:3,	Dicaro 3:6, 4:21,
83:20, 84:7,	84:24.	5:6, 35:1.
84:8, 110:17,	described 12:9,	difference 21:7,
112:3, 112:18,	12:10, 12:12,	21:13, 22:23.
127:22, 128:15,	14:18, 15:3,	different 32:15,

33:6, 58:18,	discuss 89:5.	done 13:21, 16:15,
60:10, 75:5,	discussed 33:12,	49:14, 60:25,
79:9, 89:13,	87:21, 105:21,	79:9, 85:3,
89:18, 89:23,	135:3.	85:14, 88:2,
90:21, 91:23,	discussing	89:21, 89:22,
93:3, 95:10,	107:3.	93:4, 95:5,
100:24, 102:18,	Discussion 18:8,	135:7, 135:23.
104:24, 106:24,	19:12, 31:7,	Dose 30:24.
109:16, 114:16,	32:14, 54:6,	down 39:5, 43:15,
117:9, 126:5,	78:23, 80:18,	48:5, 109:4.
131:9, 132:8,	87:20, 91:10,	draft 82:24.
136:4.	133:22, 133:24,	draw 124:20,
differential	139:2.	126:24.
94:15, 94:16.	disintegrate	drawer 44:2,
differently	95:25.	44:6.
114:11,	disseminated	drawers 44:7.
117:13.	118:14.	drinking 94:22.
difficult	distance 105:22.	drive 12:13, 29:7,
137:14.	distinct 107:6.	29:13, 29:17.
difficulty 4:14,	distinguishment	drive-bys 106:5,
67:18.	115:14.	107:10.
digits 26:19.	District 1:5,	driving 28:19,
dining 42:15.	1:25, 9:23,	96:7, 105:13.
dinner 91:3.	84:17, 84:21,	drove 28:12,
DIRECT 3:7, 3:14,	110:22, 112:5,	29:18, 30:9,
5:8, 6:18, 64:1,	127:19, 127:23,	31:2, 70:24,
64:5, 64:17,	128:20, 130:6,	76:2.
82:5, 88:25,	131:24,	due 93:3, 108:24,
126:11, 126:17,	131:25.	111:3.
130:11.	division 6:14.	During 17:7, 18:4,
directed 130:22.	doctor 129:11.	28:15, 29:10,
direction 21:19,	doctors 104:14.	31:16, 31:20,
97:9, 140:15.	document 73:8,	32:9, 34:5,
directly 58:8.	75:25, 76:7,	40:8, 44:18,
disagree 130:12.	76:8.	45:4, 51:4,
disclose 125:17.	documents 24:7,	57:19, 60:10,
disclosed 28:15,	25:3, 26:14,	68:1, 71:18,
28:24.	86:10, 86:20,	71:24, 75:8,
disclosure 22:14,	86:23.	75:13, 79:22,
97:1, 97:17,	doing 36:3, 48:16,	80:1, 130:8,
98:9, 101:1,	81:7, 82:18,	137:25, 138:4,
118:2.	82:19, 110:18,	138:15.
disclosures 93:2,	126:9, 126:15,	dynamic 88:5,
108:24.	129:3, 133:8.	94:8, 94:17,
discover 30:7.	domestic 95:14,	95:21, 98:23,
discovery 90:1,	96:8, 98:24,	98:24, 100:10,
96:5, 100:16,	106:20.	108:24, 110:8,
120:20, 121:2.	domination 97:1.	124:11.
discretion	don'ts 126:24.	dynamics 102:1,
56:24.	donated 111:18.	102:11, 116:23,

117:9.	elicit 32:20, 33:16, 33:22.	entirely 120:10.
.	eliminate 95:1.	entrusted 95:23, 104:13.
.	embarrassed	entry 91:10.
< E >.	118:14.	environment
ear 35:24.	embarrassing	105:10, 105:14.
earlier 39:20, 84:7, 91:25, 92:10, 99:21, 103:25, 106:3, 126:22.	103:7.	equipment 4:14, 47:1.
early 88:13, 89:6, 105:23, 122:8, 129:5.	embarrassment	equipped 108:18, 108:19.
easier 102:6, 135:7, 135:10.	102:21, 118:18.	erect 75:5, 75:6.
easy 29:5, 135:13.	emerging 115:9.	especially
education 83:4, 83:11.	emotional 86:7, 108:20, 109:13, 114:2.	123:12.
effect 37:2, 37:5, 57:3.	emotionally	ESQ 2:2, 2:3, 2:5, 2:6.
effectively	114:21.	Essentially 86:3, 89:24, 93:16, 93:21, 96:2, 96:7, 97:6, 97:15, 98:21, 99:8, 101:3, 102:9, 102:22, 106:13, 107:18, 131:3.
93:4.	empathy 115:13.	establish 124:14, 126:8.
effects 107:24, 108:6, 115:11.	employed 5:10, 5:12.	established
effort 106:1, 138:24.	employee 6:24, 7:1, 7:16, 11:9, 23:4, 23:10, 23:12, 65:4.	92:12.
efforts 103:24, 106:6, 106:9, 130:5, 130:19.	encounter 28:25, 29:25, 101:3.	et 115:4.
Eighth 84:16.	end 14:20, 36:12, 37:13, 59:6, 61:24, 87:8, 99:23, 107:1, 107:4, 118:3.	evaluated
either 33:14.	endear 91:5.	109:21.
election 132:17.	ended 14:25, 37:7, 37:11, 73:7.	evaluating
electronic 46:16, 47:1, 79:6, 79:8.	ends 58:23.	114:6.
Electronics 40:6, 45:12.	enforcement	evaluations 84:1, 84:5, 84:10, 110:2.
element 87:11, 93:12, 94:19, 97:24, 100:17, 102:3, 104:5, 107:20, 119:25.	104:14.	evaluative
elements 93:3, 94:23, 95:10, 96:4, 96:5, 98:13, 98:14, 103:8, 109:14, 115:12.	engage 89:25, 108:19.	101:17.
	English 131:6.	evaluator
	enough 31:10, 53:11, 58:3, 137:16.	128:25.
	ensure 4:14, 11:10, 97:16.	Evasive 18:17, 18:19, 33:17, 33:24, 58:3, 58:5, 58:12, 58:17, 77:25, 78:8.
	entered 36:5.	evening 137:18.
	Enterprise 7:25.	evening. 138:13.
	entire 17:23, 18:1, 20:25, 94:18, 107:14, 135:18.	

event 26:5, 26:6, 26:7, 26:9, 26:11, 28:5.	experienced 109:8, 109:9.	Fair 58:3, 58:19, 68:11, 72:4,
everybody 52:4.	expert 33:19, 33:20, 84:4,	73:14, 75:4,
everyone 64:1.	84:20, 111:21,	110:20, 111:20,
Everything 45:25, 91:4, 95:1,	134:21.	113:7, 122:21,
95:24, 99:11,	explain 82:21, 137:13.	125:25, 133:16,
101:1, 103:16,	explained 101:17.	136:10,
107:2, 107:19, 113:23.	explaining 96:23.	136:19.
evidence 27:3, 27:5, 27:6,	explanation 11:24, 11:25.	fairly 20:5, 29:5, 41:18, 49:21,
34:4, 72:21, 118:2.	explicit 24:1.	110:20, 113:3.
evident 98:11.	explicitly 37:15.	fall 8:11.
evidentiary 40:4, 46:22, 48:10,	Explore 105:3, 105:8.	false 117:4.
72:25, 73:3.	explored 64:8.	familiar 10:5, 10:6, 29:15,
exact 17:21, 29:19, 45:13.	Explorer 12:19, 13:2, 13:4,	124:17.
exactly 76:10, 128:2.	94:17, 98:19.	family 5:22, 6:6, 6:8, 35:17,
exam 81:8.	exposed 108:17.	68:20, 68:23,
EXAMINATION 3:7, 3:9, 3:14, 3:16,	express 13:12, 31:25, 80:6,	68:25, 69:2,
5:8, 75:2, 79:8,	89:1, 138:9.	75:16, 75:20,
82:5, 83:9, 127:16.	expressed 8:6, 63:23.	82:18, 91:18,
exception 104:8.	extent 139:16.	91:20, 99:2,
exchange 24:2.	exterior 41:14, 42:10.	101:21, 102:1,
exchanged 87:18.	extreme 101:1, 101:3.	104:10, 104:12,
excite 88:11.	.	110:2, 113:21,
excused 79:16, 137:7, 138:13.	.	120:7, 120:9.
execute 47:25.	< F >.	fancy 111:23.
executed 41:4, 47:5.	face 19:22, 102:19.	far 110:25.
executing 40:16.	Facebook 124:15, 124:16, 125:1.	Fargo 10:12.
execution 40:9, 43:19, 44:19.	fact 38:24, 68:7, 68:22, 69:15,	faster 114:21.
exhibited 69:6.	70:13, 71:24,	father 52:14, 52:23, 53:3,
exhibits 55:16.	94:16, 118:9,	53:4, 80:12,
existed 96:4.	118:17, 129:13, 139:6.	80:15, 80:16,
expect 62:18.	factor 121:5.	80:20, 80:25,
experience 32:17, 83:4, 87:9,	factors 139:5, 139:15.	88:4, 121:25.
89:9, 101:16, 102:14, 108:2, 133:7.		fault 109:12.
		fear 92:21, 94:12, 95:7, 96:9,
		98:23, 102:20.
		feasible 37:23.
		federal 132:10.
		feel 15:4, 70:13, 85:9, 85:10,
		85:12, 85:13,
		85:15, 92:21,
		92:22, 95:4,
		99:9, 103:9,
		103:10, 132:6.

feeling 14:19, 93:25, 99:22, 103:8.	food 91:3, 94:4, 125:6, 126:18, 129:19, 135:17.	63:8, 65:2, 68:13, 68:17, 75:9, 77:16, 94:8, 95:12, 99:1, 105:4, 105:9, 113:14, 120:13, 123:7, 123:8, 124:9, 124:19, 132:7.
feels 99:24.	football 118:15.	friendship 12:12, 94:8, 123:24, 124:14.
felt 15:7, 15:9, 15:21, 70:11, 87:3, 93:21, 122:14, 122:16, 122:23.	Ford 30:3, 42:5.	friendships 98:14, 106:11.
female 8:7, 115:14.	foregoing 140:11, 140:15.	front 30:1.
few 45:12, 84:8, 112:7.	forensic 46:19, 79:8, 101:18.	frontal 50:10, 115:10.
field 109:24.	forget 137:7.	fruition 130:25, 131:1.
file 15:22, 15:25, 16:1.	form 31:25, 80:6, 89:19, 97:17, 104:10, 138:9.	full 50:10, 101:1, 137:20.
finally 32:2, 80:8, 138:11.	Formal 114:25.	fully 115:11.
find 107:17.	forth 121:15, 140:12.	functions 68:25. . .
finger 50:21.	forward 92:6, 93:9, 93:10, 94:6, 94:9, 101:10, 101:12.	< G >.
fingers 49:7, 49:8, 49:10, 72:23.	forwarded 46:24.	gain 104:6, 129:24.
finish 96:22, 137:16.	found 46:1, 46:9, 68:15, 79:5.	gang 7:16, 12:25.
firearms 39:1.	Foundation 17:11, 17:13, 32:16, 33:7, 34:7, 34:15, 36:11, 36:13, 48:20, 48:23, 130:13, 134:20.	garage 28:20, 28:21, 28:23, 29:11, 29:16.
first 8:1, 9:16, 11:13, 23:5, 26:16, 52:5, 53:3, 69:25, 70:1, 128:25.	foundational 88:22.	gave 11:23, 15:10, 26:25, 59:2, 69:17, 117:8.
firsthand 109:8, 109:17.	fourth 16:9.	general 17:6, 18:3, 18:15, 19:8, 32:8, 34:14, 34:17, 58:8, 83:13, 85:23, 87:7, 91:13, 95:16, 117:8, 124:13.
fit 8:10, 27:13.	frame 57:1, 57:3, 57:12, 108:10.	generalities 55:23.
flesh 73:25, 74:8, 74:9.	frames 106:24.	generality 135:3.
flip 92:18.	Francisco 11:21, 12:14, 14:8.	Generally 13:7, 13:8, 26:10,
floor 16:8, 16:9, 16:15, 28:21, 29:1, 29:12.	freedom 94:25, 98:16, 100:24.	
focus 82:15, 82:16, 110:3.	frequency 57:4.	
focused 83:12.	Friday 137:19.	
follow 51:12, 51:13, 69:20, 79:3, 79:10, 138:24.	friend 67:25, 104:12, 124:15.	
follow-up 96:19.	friended 124:25.	
following 15:19, 30:14.	Friending 124:4.	
	friends 13:9,	

41:7, 43:14, 64:6, 85:7, 86:25, 114:22. generated 82:25. genitalia 93:14. gentlemen 31:8, 31:16, 79:22, 82:10, 137:25. genuinely 94:19, 126:7. gets 23:9, 108:15. getting 87:9, 88:23, 91:6, 91:7, 92:13, 92:17, 97:24, 99:9, 100:24, 131:12, 136:23, 136:24. gifts 91:6, 92:14. girls 114:17, 114:21, 115:6, 122:14. give 4:25, 17:6, 24:13, 24:17, 31:12, 48:23, 49:15, 54:19, 60:20, 61:3, 65:12, 68:9, 70:17, 75:8, 77:15, 78:14, 79:2, 81:19, 86:25, 92:8, 92:15, 112:4, 125:22. given 61:25, 69:7, 69:10, 91:6, 119:1. gives 31:14, 91:2. giving 58:25, 61:9, 77:21, 81:8, 82:21, 112:9. Glass 111:8, 129:2. Glasses 111:18. global 116:22. goal 85:6, 131:14,	135:23. God 5:2, 81:21. gotten 44:11. grade 10:1, 10:2. grandparents 29:18, 38:12, 39:9, 41:4. granted 87:25. gray 7:7. great 112:9, 112:12. green 7:8, 113:3. groom 90:17, 125:6, 126:18, 136:17. groomed 95:22, 99:17, 102:17. ground 96:18. group 110:1. grown 123:8. guess 17:22, 57:15, 58:2, 74:15, 107:4, 107:8, 109:25, 114:7, 131:11. guessing 72:19. guidance 87:15. guilt 99:18, 99:24, 102:21. guilty 61:13, 85:16, 99:12, 138:19, 138:25. guy 127:24. guys 28:18, 30:10. . . < H >. hand 21:11, 48:8. hands 78:19, 137:5. hands-off 136:4. hands-on 136:4. happen 89:21, 93:18, 93:20, 97:18, 101:25,	102:6, 108:16, 108:25. happened 15:18, 22:8, 28:16, 28:18, 29:11, 29:23, 35:20, 38:6, 39:4, 66:19, 71:25, 76:7, 101:12, 106:19, 108:17. happening 85:17, 92:13. happens 117:6. happy 88:10, 104:21. harassed 14:19, 15:4, 15:22, 70:13. harassment 15:22. hard 17:4, 57:25, 74:4, 81:8. harmed 95:8. head 10:4, 29:20, 74:14, 74:15, 74:19, 103:19, 107:6, 127:24. headquarters 16:16, 19:21, 31:3, 35:8, 39:6, 47:17, 47:18. health 83:13, 109:24. hear 18:18, 35:25, 36:8, 36:22, 37:13, 86:13, 121:20. heard 35:19, 36:6, 36:10, 53:14, 53:20, 98:21. hearing 20:16, 101:5, 101:21, 105:21. Hearsay 12:1, 52:23, 54:4, 80:14, 133:20, 139:11. held 18:8, 31:7,
---	---	--

54:6, 78:23, 133:22.	I-g-o-r 5:6.	included 39:13, 42:6.
help 5:1, 66:21, 81:20, 96:16.	ID 52:3.	including 31:18, 31:23, 64:10, 79:24, 80:4, 105:20, 138:2, 138:7.
helpful 93:10, 126:1.	idea 34:9, 87:21, 88:3, 93:19, 104:23, 116:12, 125:4.	incoming 9:5.
Hendricks 40:1.	identification	inconsistencies
hereby 140:9.	7:9, 51:20, 53:8, 53:11.	72:5, 75:22.
herself 22:15, 105:22, 119:8.	identified	increase 26:22, 85:19.
highlighted	80:13.	incredibly 90:3, 101:4.
113:4.	identify 7:5, 56:23, 57:2.	Index 3:20, 50:21.
home 30:11, 88:4, 96:7.	identifying	indicate 13:11, 16:21, 35:2, 67:7, 73:6, 111:17, 115:24.
homeless 125:9.	56:19.	indicated 15:12, 36:19, 44:13, 44:18, 57:21, 64:22, 69:4, 69:7, 69:15, 70:6, 72:12, 73:12, 76:23, 80:22, 87:22, 95:12, 110:17, 118:21, 119:3, 120:11, 121:22, 125:5, 131:23, 132:19, 134:7, 135:6, 135:22.
homicide 5:22.	Igor 3:6, 5:6.	indicates 32:24, 103:21.
homosexual	illegal 62:6.	individual 82:18, 85:19, 86:2, 87:11, 88:9, 88:11, 90:11, 90:16, 90:18, 93:16, 93:24, 94:19, 95:15, 96:11, 98:25, 99:3, 99:14, 100:11, 104:19, 126:2, 126:5, 126:11.
105:5.	imagine 87:21.	individually
HONORABLE 1:24.	immense 99:12.	
hoping 59:8.	immensely 92:24.	
hormones 114:15, 114:16.	impeach 138:25.	
hotel 125:11, 130:23, 130:24, 131:12.	important 66:3, 66:5, 66:15, 114:6.	
hotels 129:19.	impound 27:3, 27:9, 45:14.	
hour 17:22, 31:12.	impounded 26:24, 28:9, 42:20, 44:18, 44:21, 45:10, 47:12, 51:3.	
hour-and-a-half	impounding 27:7.	
17:22, 34:16.	impression 17:6, 18:3, 18:15, 19:8, 32:8, 34:14, 34:17, 72:17.	
hours 83:9, 83:11, 87:19, 88:14.	improper 32:12, 32:20, 33:16, 34:2, 34:11.	
House 29:18, 29:24, 31:2, 38:12, 129:3.	impulse 115:12.	
household 88:6.	inaccurate	
Howard 1:34, 140:27.	116:10.	
humans 114:24.	inappropriate	
hundred 17:4, 17:5, 17:16, 133:4, 133:5.	53:6, 62:24, 65:7, 65:10, 133:9.	
hundreds 89:17.	incidence 26:12.	
hurt 91:17.	incident 23:8, 29:11, 30:19.	
hygiene 131:7.		
hypothetical		
134:22.		
.		
.		
< I >.		

<p>41:7. individuals 13:16, 105:2, 105:8. Indulge 105:17. indulgence 33:25, 55:15, 61:20, 74:22, 127:1. inform 69:22, 119:23. informal 115:1. informed 70:1. ingratiate 104:3. inherent 107:19. initial 10:16, 88:21, 96:5, 97:20, 98:1. initially 11:20, 93:17, 100:20. initials 27:8. injected 119:16. injecting 103:24. innuendo 91:11. inquire 133:24. inside 44:2. instances 23:11. instill 123:12, 124:13. integrate 59:22. intention 104:20. interaction 13:10, 48:5, 53:4, 71:2, 71:8. intercourse 104:22, 136:3. interest 30:18, 88:9. interior 41:14, 42:12. Internal 22:20, 22:24, 23:2, 23:6, 23:9, 23:15, 23:19, 24:3, 24:7, 25:2, 25:4. internet 31:24, 80:5, 138:8. internship 83:9.</p>	<p>interpret 79:1. interrogate 59:14. interrogated 67:23. interrogation 59:16, 59:24. interviewed 25:8, 25:11, 25:14, 25:18, 26:23, 28:10, 54:19, 103:18, 113:7. interviewer 21:10. interviewing 62:22. interviews 17:2, 17:17. intimidation 98:22. introducing 91:12. invade 33:19. invades 33:18. investigate 23:3, 23:11, 68:18. investigated 30:19. investigation 8:12, 11:10, 12:3, 16:4, 21:20, 22:21, 23:5, 23:7, 24:16, 24:20, 24:25, 26:2, 26:4, 26:12, 26:15, 28:11, 32:20, 36:7, 50:24, 75:19, 97:20, 105:1. investigations 23:2, 23:4, 24:3, 25:5. investigative 30:17, 51:12, 98:4. involve 89:7. involved 8:6, 11:10, 23:9, 23:10, 89:13,</p>	<p>94:7, 102:2, 102:3, 103:20, 117:3. involvement 90:2, 98:19. involving 11:9, 94:23. Ipad 40:6, 42:15, 42:18, 45:9, 45:20, 46:10. Iphone 27:9, 40:6, 46:12. Ipod 40:6, 45:20. Ipods 46:14. isolated 98:25. issue 21:11, 36:25, 139:13. issued 134:10. issues 83:13. item 27:5, 27:15. items 27:3, 27:12, 27:13, 27:21, 28:9, 46:16, 46:22. . . < J >. J-o-h-n 81:25. Jack-in-the-box 130:24. Jackie 111:8, 111:18, 129:2. jail 51:9, 51:14, 134:10, 134:17, 135:10. January 5:18. Jason 30:23. jazz 124:19. Jeff 8:2. Jeffrey 8:2. jeopardize 36:7. job 32:17, 132:2, 132:5, 136:11, 136:21. Joel 12:21, 12:22. John 3:13, 81:15, 81:25.</p>
--	--	--

joke 91:10.	kicks 109:1.	lap 27:9.
JONATHAN 2:6.	kid 99:17, 101:9,	lapse 96:17.
Joseph 65:1.	102:15,	large 73:15,
Joshes 35:21,	131:14.	73:23.
42:24, 42:25,	Kids 70:16, 70:19,	larger 27:13.
43:22, 43:23,	101:11, 114:10,	Las 4:6, 5:11,
52:18, 57:19,	117:9, 121:19.	11:21, 14:21,
65:2, 68:11.	Kind 22:24, 44:2,	15:2, 43:4,
Joshua 1:17, 4:11,	56:15, 61:17,	51:8.
11:23, 34:23.	84:10, 94:1,	last 15:16, 17:19,
Judge 1:25,	95:25, 103:13,	26:16, 26:19,
19:3.	103:15, 103:24,	52:5, 83:14,
judgment 103:21,	103:25, 107:1,	101:3, 107:24,
133:7, 133:13.	107:5, 108:11,	109:18, 128:20,
Judicial 84:17,	108:14, 115:8,	129:6.
128:5, 128:7,	124:17.	later 105:23.
128:10.	kinds 58:25,	law 32:24, 33:13,
July 24:4, 24:5.	102:22, 126:15,	104:14.
jurisdiction	136:14.	lawyers 31:18,
83:19, 83:20.	kiss 87:23, 87:25,	79:24, 138:2.
juror 4:13,	90:5, 93:5.	Lay 17:12,
78:21.	kissing 98:18,	36:13.
Jurors 28:1,	120:22.	lead 48:21, 48:23,
34:24, 78:20,	kitchen 42:12.	100:3, 100:15,
137:5, 137:6,	knowing 126:10.	103:15,
137:13, 137:22,	knowledge 7:13,	130:11.
138:13.	13:5, 115:4,	Leading 24:21,
JURY 1:14, 19:5,	122:4, 136:1.	44:9, 44:14,
20:14, 20:23,	known 6:12, 104:9,	88:19, 88:20,
21:4, 26:9,	110:23.	89:3, 130:7.
31:15, 33:18,	knows 94:21,	learn 11:18, 13:7,
33:19, 34:3,	134:24.	66:1, 66:3.
34:4, 74:4,	KOM 57:3.	learned 24:14.
79:21, 116:4,	KRISTINA 2:3.	least 86:5, 98:9,
137:24.	.	111:14.
jury. 52:21,	.	leave 93:13,
53:18, 54:13.	< L >.	95:18.
Justice 84:2.	lacking 88:10.	led 100:25,
Juvenile 82:17,	Ladies 31:8,	139:15.
84:2, 84:3,	31:16, 79:22,	leeway 48:23.
89:15, 110:6.	82:10, 137:25.	left 20:21,
.	lady 87:8.	50:21.
.	Lafreniere	length 110:1.
< K >.	30:23.	lengthy 58:21,
KATHLEEN 1:24.	laid 32:16, 33:7,	77:5, 110:20,
keep 19:10, 48:24,	34:7, 34:15,	111:13.
105:15, 107:14,	130:13,	less 68:15.
109:2, 111:4.	134:19.	letter 29:5.
key 107:19.	language 17:25,	letting 57:13.
kick 108:11.	56:8, 131:6.	level 88:6, 90:2,

97:6, 99:24.	52:9.	Lunch 31:11, 32:4,
levels 83:1.	listening 35:22.	34:21.
liberty 79:1.	literally 89:14.	LVMPD 25:8, 30:15,
license 30:4,	little 31:13,	31:2, 47:17.
56:22, 57:1,	36:16, 55:22,	LVNPD 23:3,
57:10, 57:11.	74:1, 90:1,	39:5.
licensed 82:12,	98:8, 99:19,	lying 62:16,
126:3.	100:19, 108:15,	62:17, 132:14.
lie 61:7, 70:19,	121:8, 137:15.	.
116:9, 116:11,	lives 136:15.	.
116:25,	living 42:13,	< M >.
134:18.	127:20.	ma'am 10:19,
lieu 92:17.	lobe 115:10.	79:4.
Lieutenant 6:20,	located 43:21.	Macarthur 2:6,
6:22.	location 28:17,	12:1, 17:9,
life 82:22, 88:11,	28:24, 29:2,	17:11, 18:5,
94:25, 99:3,	29:23.	19:3, 20:9,
99:10, 100:19,	locations 101:4,	81:7.
103:4, 103:25,	105:11.	Macauthur 33:12.
108:14, 109:3,	lodged 139:17.	Macdonald
109:14, 119:17,	long 5:17, 15:15,	104:20.
126:12.	15:17, 17:19,	magical 102:8,
lifted 49:6.	58:20, 87:5,	103:4.
likelihood 85:19,	134:14, 134:15,	magnitude 102:9.
85:20.	137:14.	main 82:23,
likened 95:13.	longer 109:12.	85:6.
liking 124:7.	Look 41:1, 41:6,	maintain 85:21,
limitation 31:18,	41:7, 45:13,	85:22, 97:16,
31:24, 79:24,	47:4, 49:13,	99:13.
80:5, 138:2,	55:15, 66:21,	maintaining
138:8.	74:5, 75:5,	107:13,
limited 99:2.	95:2, 97:22,	107:20.
line 36:20, 68:7,	115:9.	majority 51:18.
68:12, 88:22,	looked 27:18,	male 115:14.
121:14, 124:20,	49:22.	man 60:24, 95:17,
126:25, 130:14,	looking 42:12,	98:18, 98:19,
139:7.	42:23, 43:2,	120:21.
lines 90:15,	43:14, 44:24,	managed 118:9.
91:18, 91:21,	49:6, 73:18,	manipulate 100:11,
95:18, 102:25,	92:1, 95:15,	121:6, 123:19.
107:18, 115:13,	111:6.	March 13:20.
121:14,	looks 44:2, 74:1,	marijuana 94:22.
121:22.	95:2.	marital 82:18.
Lisa 25:12.	lot 59:2, 60:4,	mark 49:5, 49:7.
list 84:4, 112:1,	60:6, 68:25,	marked 19:17,
112:9.	76:16, 77:21,	40:25, 112:18.
listed 133:17.	87:6, 88:20,	market 57:7.
listen 31:21,	94:2, 101:17,	marriage 102:25,
80:2, 138:5.	103:20, 110:2,	118:22, 119:3.
listened 52:7,	129:15, 131:9.	master 83:8.

match 48:14.	44:12, 84:6,	103:24, 105:5.
material 134:9.	106:20, 121:3.	moment 105:17.
matter 80:21.	mentor 105:9.	money 110:24,
mature 93:25,	mentorship 65:8.	111:1, 120:3.
122:14, 122:16,	merits 92:1,	MONIQUE 2:5.
122:24.	104:25, 126:23,	monitor 25:21,
meal 104:21,	126:24, 131:4.	50:19, 51:13.
130:23,	met 34:13, 68:5,	monitored 25:22,
131:12.	76:17, 76:20,	53:22.
mean 8:25, 53:6,	101:2, 116:12,	monologue 20:25.
55:9, 56:21,	129:3, 132:4.	month 26:19,
59:10, 84:13,	Metro 5:13, 5:17,	109:4.
92:19, 123:13,	6:3, 6:24, 7:1,	months 66:9, 93:1,
126:7, 127:24.	11:9, 16:16,	101:21, 102:18,
Meaning 76:2,	16:25, 17:3,	107:3, 108:10,
123:12.	17:17, 19:20,	112:7.
means 9:1, 58:4,	20:6, 23:10,	morning 4:14,
82:20, 85:2,	23:12, 65:4,	30:14.
85:4, 106:13,	94:16, 98:19.	mother 9:18, 10:7,
133:5.	Metropolitan	10:15, 14:23,
meant 77:7.	5:11.	63:4, 88:3,
meantime 94:3.	micro-management	96:9, 97:8,
media 89:23,	99:3.	97:11, 106:4,
98:15, 124:4,	middle 101:2,	106:17, 113:12,
124:8, 124:21.	121:20.	118:10, 118:13,
medical 129:11.	mind 70:9.	119:1, 119:17,
medium 31:23,	minimal 21:7.	119:18, 119:21,
80:4, 138:7.	minimize 21:11,	120:6.
meet 37:10, 37:12,	60:17, 60:19.	mouth 139:12.
38:1, 38:3,	Minnesota 25:10.	Move 20:8, 41:21,
47:19, 57:9,	minutes 15:17,	49:8, 49:10,
94:10.	31:12, 80:9.	49:24, 54:2,
meeting 30:12,	Miranda 16:19.	55:3, 90:18,
30:13.	mischaracterizes	93:9, 94:9,
member 104:12.	64:4, 122:15.	99:14, 112:22,
members 38:15,	misconduct	134:1.
39:22, 69:2.	23:13.	moves 93:10, 94:1,
memory 45:22,	misspoke 139:16.	94:6, 95:10.
45:25, 46:7,	mitigation 82:19,	multiple 52:2,
46:11.	84:7, 110:18.	64:10, 71:25,
menstruated	mixed 122:21.	120:19,
122:8.	mole 49:9, 50:19,	120:25.
menstruating	72:13, 72:23,	myself 39:2.
114:13.	72:24, 73:6,	.
mental 83:13,	73:7, 73:12,	.
109:24.	73:13, 73:15,	< N >.
mention 75:11,	73:17, 73:23,	naked 93:13.
86:5.	73:25.	NAME 3:6, 3:13,
mentioned 21:12,	mom 9:17, 90:14,	5:5, 8:1, 9:7,
39:14, 39:19,	91:16, 94:21,	9:18, 11:1,

28:7, 43:6, 43:11, 43:16, 52:5, 75:9, 81:23, 104:14, 127:24. names 75:11, 75:13, 115:17, 115:23. narrative 96:15, 96:17. nature 32:17, 33:8, 94:4, 114:8, 131:14. near 39:10. necessarily 56:17, 57:2, 61:16, 61:18, 91:8, 108:5, 136:3. necessary 19:11, 47:1, 106:13, 130:14. need 18:11, 57:14, 60:8, 126:2. needed 41:25, 75:19, 80:23. needs 64:7, 100:8. Negative 90:21, 91:1, 91:15, 92:5, 92:18. neglectful 69:18, 119:21, 129:14. Nevada 1:6, 1:9, 4:6, 4:11, 34:23, 63:16, 81:12, 86:10, 140:9. new 115:8. newspapers 31:24, 80:5, 138:8. next 4:17, 12:3, 81:14. nice 72:5, 75:22, 90:24, 94:5, 123:12. night 138:12. No. 1:1, 1:2, 1:34, 16:1, 29:4, 35:24,	58:7, 108:7, 111:10, 115:21, 116:19, 117:1, 131:3. nobody 105:12, 107:16. non-sexual 91:9. None 13:9, 132:15. Normally 104:9, 111:3. note 32:22. noted 19:9. Nothing 5:1, 8:20, 77:10, 78:16, 81:20, 97:18, 97:19, 100:20, 103:5, 121:4, 121:10, 127:14, 130:21, 131:18, 132:2, 137:1. notice 128:7, 128:10. noticed 33:20. notion 84:18, 84:21, 89:5, 96:25, 97:4, 98:4, 99:18, 100:1, 102:13, 103:16, 104:2, 107:8, 107:12, 107:22. nude 50:10, 118:14. number 11:15, 11:16, 17:4, 26:5, 26:6, 26:7, 26:9, 26:11, 26:14, 26:20, 28:5, 28:7, 35:21, 36:19, 52:3, 52:5, 139:5. numbers 26:16, 26:22, 49:15, 87:18. . . < O >. o'clock 79:20.	oath 35:3. object 36:11, 52:22, 64:4, 88:19, 112:11, 133:18, 134:19. objections 19:10, 32:16, 33:10, 140:13, 140:16. objective 111:4. obligations 130:10. observation 55:4. observe 17:25, 25:23. observed 13:10, 32:14. obsessive 12:9, 12:10, 12:11, 69:5, 69:6. obtain 22:4, 37:25, 39:11, 46:15, 46:22, 51:23, 57:7. obtained 42:6, 53:24, 75:18. obvious 38:23, 106:9. Obviously 27:12, 37:21, 89:24, 92:18, 97:21, 100:14, 100:15, 103:18, 131:5. occasions 69:25, 107:16. occur 38:9, 38:11, 38:13, 93:3, 136:5. occurred 25:7, 28:22, 33:7, 35:8, 38:12, 62:6, 77:4, 101:24, 102:9. occurring 100:21, 109:14. occurs 85:25, 86:1, 107:6. odd 78:11,
--	---	--

78:12.	102:22,	outside 95:15.
offences 23:3.	108:11.	overheard 36:24.
offender 88:17,	older 90:15,	overrule 48:24.
104:3, 108:5.	100:20,	Overruled 12:5,
offenders 82:18,	100:24.	18:10, 33:9,
83:15, 84:22,	Once 13:14, 15:2,	54:7, 64:7,
89:15, 89:17,	15:3, 25:6,	78:4, 80:22,
110:4, 110:6.	51:13, 97:22,	96:18, 112:13,
offending 84:25.	102:19, 105:1.	130:9, 134:25.
offer 130:24,	ongoing 63:24.	overview 91:2,
130:25,	open 29:16, 44:6,	91:13.
132:20.	44:13.	overwhelming
offered 15:21,	open-ended 48:24,	102:4.
53:9, 80:16,	88:23.	own 55:24, 56:8,
80:24, 131:2,	opening 27:14.	70:22, 92:1,
132:20.	opinion 32:1,	104:25, 126:23,
Offering 80:20,	80:7, 86:21,	126:24, 129:15,
125:8, 125:11,	89:1, 89:9,	131:4.
125:20.	90:8, 92:4,	.
offers 129:20.	92:8, 93:6,	.
office 14:1, 84:4,	98:21, 99:6,	< P >.
84:6, 110:22,	99:8, 106:18,	P-a-c-u-l-t
112:6, 130:6.	108:4, 109:6,	82:1.
Officer 11:1,	129:16, 133:1,	packet 41:8.
12:19, 12:20,	133:13, 133:15,	Pacult 3:13,
13:25, 46:3,	138:10, 138:22,	81:15, 81:16,
55:23, 55:24,	139:6, 139:14.	81:25, 88:20,
56:2, 56:23,	opinions 115:1,	100:7, 102:13,
57:14, 57:17,	138:21.	105:17, 110:10,
63:11.	opportunity	127:18, 131:18,
officers 26:13,	79:3.	131:23, 137:7,
56:15, 56:19,	oral 121:18,	138:15, 139:1.
56:24, 57:2,	121:21,	Page 3:6, 3:13,
57:4, 57:13,	121:23.	3:19, 4:10,
64:10, 65:17.	order 26:21,	112:19, 113:1.
official 57:10,	34:10, 46:19,	pages 58:19.
57:11.	60:7, 82:25,	Pam 15:25, 43:5,
often 89:21, 93:1,	89:20, 93:9,	43:16, 64:21,
101:15, 102:1.	97:15, 104:17,	69:4, 69:7,
Oftentimes 88:5,	119:17.	69:10, 69:13,
88:8, 108:13,	ordinary 48:17,	69:17, 69:22,
108:23.	49:1.	70:1.
Okay 53:13, 74:16,	original 99:8.	Pamela 9:19,
79:16, 96:23,	others 107:11,	10:22, 11:7,
100:22, 107:2,	114:13,	11:13, 11:15,
107:21, 111:19,	117:13.	11:18, 11:20,
112:8, 120:11,	otherwise 33:3.	12:16, 12:18,
125:14,	outcome 135:3,	15:20, 43:11,
131:17.	139:4, 139:15.	129:14.
old 55:6, 100:8,	outcomes 139:4.	paper 127:24.

paperwork 40:7, 43:4, 43:17, 45:21, 46:14.	Patrick 50:9.	53:3, 53:22,
parent 9:24, 69:18, 88:6, 88:8, 88:10, 90:2, 92:23, 94:6, 95:3, 95:7, 104:19, 104:23, 129:14.	patrol 5:21, 5:23, 5:25, 7:17, 7:23, 56:6.	57:16, 60:19, 61:13, 61:15, 61:18, 64:6, 80:3, 90:12, 91:4, 95:16, 103:2, 109:3, 124:4, 124:7, 124:15, 125:20, 138:6.
parenting 69:13.	pause 59:19.	personally
Parents 70:19, 85:25, 94:24, 105:10, 136:17.	Pausing 20:15.	76:20.
parked 30:1, 39:10.	penis 48:12, 48:13, 49:2, 49:4, 49:5, 49:6, 50:18, 72:12, 73:17, 74:11, 74:14, 74:17, 74:20.	pest 108:8.
parking 28:20, 28:21, 28:23, 29:11, 29:16, 72:8.	penises 75:4, 75:5.	phenomenon
parole 26:12.	People 60:4, 86:4, 95:15, 97:22, 104:12, 117:22, 136:14.	104:2.
Part 6:7, 28:10, 28:15, 50:24, 56:16, 59:14, 68:23, 83:2, 83:18, 84:16, 85:9, 85:14, 89:10, 97:1, 101:16, 105:19, 121:1, 123:18, 123:21, 128:7.	per 126:8.	photo 27:2, 27:10, 28:1, 28:2, 40:14, 44:10, 44:11, 44:12.
part-time 7:16.	per-text 30:15, 38:7.	Photograph 40:10, 40:12, 42:9, 44:18, 44:21, 44:25, 45:10, 46:13, 47:12, 49:9.
participate	perceived 91:19.	photographed
124:21.	perceiving	45:3.
participation	93:23.	photographing
22:17.	percent 133:4, 133:6.	73:7.
particular 13:1, 116:21.	perception 11:22, 105:4.	photographs 40:8, 47:4, 47:5, 48:1, 48:2, 48:9, 48:11, 48:12, 49:2, 49:3, 49:4, 49:19, 50:23, 51:1, 71:15, 72:8, 72:11, 72:14.
parties 31:18, 79:24, 138:2.	perfect 78:13.	photos 40:6, 40:16, 41:6, 41:10, 47:8, 73:6, 118:14, 120:15, 120:18.
party 37:20.	perform 83:5, 121:18.	phrased 138:20.
pass 55:11, 74:24.	performed 46:20, 121:23.	Physical 40:12, 85:4, 85:8, 89:7, 89:20, 90:4, 114:4,
past 17:3.	perhaps 17:12, 136:19.	
path 99:14.	perimeters 52:2.	
patience 4:13.	period 116:14.	
patient 110:1.	permission 18:5, 19:1.	
patients 109:21.	permitting	
	32:23.	
	perpetrator 99:1, 104:9.	
	perpetrators	
	110:7.	
	person 9:7, 14:9, 30:17, 30:18, 31:22, 34:10, 36:20, 51:13,	

118:2.	67:17, 88:23,	post-entry
pick 30:3, 30:14,	90:19, 94:20,	84:14.
30:20.	95:22, 97:25,	potential 80:19.
picks 87:11.	98:15, 102:17,	potentially 95:8,
picture 50:14,	116:24,	100:15.
50:17, 91:11,	121:11.	power 94:15,
93:14, 119:12,	point. 89:1, 91:9,	94:18, 95:21,
120:22.	103:17.	97:7, 98:22,
pictures 48:18,	pointed 128:15,	100:10, 104:15,
85:5, 89:23,	131:24.	106:7, 106:14,
93:11, 93:13,	Police 5:11,	120:12.
120:21, 124:7.	55:23, 55:24,	powerful 108:22,
piece 96:8,	56:2, 56:8,	108:23.
115:10, 120:8.	56:15, 56:23,	practice 82:13,
pieces 118:4,	57:2, 57:4,	82:15, 82:16,
118:6.	57:17, 60:5,	83:10, 83:12,
pillars 29:4.	66:1, 86:14,	83:14, 83:18,
place 10:10, 16:7,	98:20, 105:20,	101:11, 109:23,
23:5, 30:5,	119:7.	110:3, 111:3,
95:21, 96:6,	pornography	128:24.
103:10, 133:9,	85:5.	practiced 129:4.
140:12.	portion 51:19,	praise 91:3,
placed 27:6.	52:9, 74:11.	92:14.
places 27:14,	portions 19:2,	pre-adjudication
101:4.	62:2.	84:13.
Plaintiff 1:11.	posed 32:6, 32:11,	pre-guilt 84:14.
plan 30:12.	33:10, 58:9,	pre-sentencing
plate 56:22, 57:1,	58:13, 138:16,	84:13.
57:10, 57:12.	139:11.	pre-teen 107:23.
play 19:4, 34:2,	position 104:15.	Pre-text 30:16,
52:25, 54:11,	positioned	35:6, 35:18,
80:11, 80:12,	72:23.	36:3, 37:19,
106:16,	positive 90:20,	37:22, 38:6.
108:12.	90:25, 91:2,	precedent 32:23.
played 20:13,	91:13, 92:5,	predict 137:14.
20:22, 21:3,	92:14, 94:5.	prefer 117:15.
34:1, 52:21,	possession 39:1,	pregnancy
53:18, 54:8,	39:8, 40:12.	100:14.
54:13.	possibility 32:15,	prelim 123:3.
playing 52:24.	96:4, 100:13,	preliminary 14:15,
plea 84:14.	105:6.	86:13, 101:5,
Please 53:15,	Possible 62:23,	105:21.
59:19, 81:17,	67:9, 67:11,	preparing 82:20,
93:24, 96:12,	67:13, 76:23,	85:3.
105:17.	85:23, 87:7,	present 4:11,
plus 46:12.	89:2, 111:3.	25:17, 33:1,
point 4:17, 7:5,	possibly 62:21,	34:23, 34:25,
8:16, 14:15,	90:18, 97:12,	35:1, 35:8,
16:3, 58:25,	103:1, 116:11.	40:19, 72:15,
63:21, 64:25,	post 98:17.	81:13, 116:13,

116:16,	140:17.	116:8, 120:2,
132:18.	process 31:9,	120:20, 129:5,
pressure 92:25,	60:1, 60:3,	129:6, 132:22.
93:21, 94:2,	85:9, 85:15,	providing 76:15,
94:11, 94:14,	87:5, 88:16,	130:23.
99:12.	89:6, 89:10,	province 33:19.
presumably	89:11, 92:2,	psychological
60:21.	94:20, 95:4,	108:21,
Pretty 58:21,	98:4, 107:14,	109:14.
62:16, 82:23.	107:20.	psychology
prevent 27:14.	profession 82:11,	128:25.
previous 36:21.	83:5.	psychosexual
previously 27:18,	professional	84:1.
52:7, 52:10,	112:1, 126:13.	Public 83:25,
84:17, 127:5,	professionally	84:5, 128:7.
134:18.	136:1.	publish 19:1,
Prichard 40:1.	program 94:17,	20:11, 41:25,
Primary 82:15,	105:3, 105:8.	74:3, 112:24.
82:16.	progress 95:9.	pulled 56:23.
print 40:14.	progressed	pulling 57:16.
prior 26:1, 26:3,	87:22.	purely 132:21.
68:5, 68:6,	progresses 88:1,	purpose 37:8,
111:20, 121:11,	94:3.	37:22, 37:24,
127:18, 131:23,	promise 102:24,	47:24, 47:25.
132:9.	109:18, 118:21,	purposes 51:21,
private 82:13,	118:22, 118:25,	52:25, 53:8,
83:10, 109:23,	119:3.	53:11, 86:19.
127:22,	promised 103:4,	pursue 106:13.
128:24.	109:1, 109:2.	put 15:10, 17:4,
privy 24:2,	proper 34:7,	27:7, 27:10,
24:6.	34:14, 109:10.	27:12, 36:4,
Probably 66:6,	properly 4:15.	56:22, 89:24,
90:1, 93:10,	property 26:24,	90:16, 96:6,
103:21, 106:15,	27:7, 51:3.	125:11, 125:20,
108:7, 109:25,	Proposed 41:1,	135:10, 135:11,
111:5, 111:11,	41:11, 41:24,	138:14.
121:13, 128:1,	112:18.	put-downs 91:15.
128:23, 129:6,	prosecution 83:20,	putting 134:16.
136:21.	84:9.	.
problem 125:21,	prosecutor	.
126:11.	132:10.	< Q >.
procedure 11:8.	provence 33:18,	Q. 112:19.
proceed 4:17,	34:4.	qualification
19:14, 53:10,	Provide 60:22,	109:20.
96:20, 130:15,	61:8, 75:12,	qualifies 83:5.
139:7.	111:21, 115:21,	qualify 135:19.
proceeding	115:22, 126:2,	question 17:13,
32:19.	137:20.	18:11, 18:12,
PROCEEDINGS 4:7,	provided 113:24,	21:1, 32:6,
140:11, 140:13,	116:1, 116:4,	32:21, 33:8,

34:13, 58:9, 58:15, 58:18, 59:18, 61:2, 67:16, 76:9, 78:21, 78:25, 79:1, 89:3, 96:15, 96:18, 96:19, 96:22, 100:15, 107:9, 109:18, 125:3, 131:11. questioned 134:17, 135:13. questioning 37:1, 68:7, 68:12, 88:21, 88:22, 96:20, 130:14, 134:24, 138:17, 139:8. questions 57:25, 58:13, 58:17, 58:23, 59:4, 59:7, 59:18, 65:19, 67:19, 75:21, 76:11, 76:12, 76:13, 77:21, 77:24, 78:20, 88:23, 95:20, 100:5, 118:5, 122:21, 129:10, 129:19, 130:8, 130:22, 132:19, 137:5, 138:16. quick 80:10, 91:2. quite 45:12, 56:2, 84:7, 102:1, 103:19, 110:23. . . < R >. Rachel 23:21. radar 105:6. radio 31:24, 56:9, 56:10, 57:4, 80:5, 138:8. Rainbow 10:12. Ramirez 79:13.	ramp 29:6. Rampart 29:9, 29:11, 29:14, 50:9. ran 4:13, 15:1. rapport 126:1. rather 102:11, 106:18, 133:8. Ray 35:9, 35:14. reach 13:1, 21:24. reached 11:12, 12:18, 12:20, 98:18. reaching 106:4. Read 16:18, 31:20, 67:3, 78:25, 80:1, 89:15, 107:15, 115:15, 115:25, 138:4. ready 82:3, 110:12. realization 100:22. realize 90:12, 90:16. realized 98:17, 100:20. realizes 101:9. really 20:19, 87:3, 91:25, 102:1, 115:10, 124:10, 124:17, 124:19, 126:21, 126:23, 131:1, 131:2. reason 11:12, 15:7, 25:16, 53:10, 59:25, 62:22, 107:7, 123:18, 132:13, 136:7. reassigned 25:25. rebuilding 109:15. recall 21:6, 23:23, 29:19, 47:10, 48:7, 72:2, 73:16,	111:1, 121:13. recalling 120:8. recant 101:12, 102:10, 103:12. recantation 102:3, 102:10, 109:17, 116:22, 116:25, 135:5. recantations 135:6. recanted 101:24, 116:16. receive 6:23, 7:18, 8:3, 8:9, 59:11. received 7:15, 8:5, 8:14, 9:6, 9:14, 9:23, 10:16, 38:24, 59:22, 62:23, 63:11, 65:16, 116:5, 116:9. receiving 9:5, 9:16. recently 128:2. receptive 85:8, 90:10, 90:13. recess 31:11, 31:16, 32:4, 34:21, 79:22, 81:10, 137:18, 137:25. recitation 66:12, 101:12. recognize 19:19, 41:2, 41:7, 41:10, 41:13, 42:3, 49:18, 52:18, 53:13, 53:20, 54:22. recognized 36:20. recollection 32:24, 67:5, 73:19, 73:21, 111:9, 111:16, 122:18. recommendation 126:13.
---	--	---

<p>Record 5:5, 7:9, 7:11, 14:10, 27:25, 33:14, 34:18, 35:2, 37:16, 47:11, 80:10, 81:24, 129:7, 138:14, 140:16. recorded 10:21, 10:24, 18:22, 18:24, 37:19, 37:21, 140:14. recorder 71:12. recording 32:10, 71:11, 71:16, 72:5, 75:22. records 9:20, 9:22, 30:4, 111:7, 111:17, 128:7. recover 40:5. recovered 45:18, 45:21, 51:3. RECROSS-EXAMINATIO N 3:10, 3:17, 77:13, 131:21. REDIRECT 3:9, 3:16, 74:25, 75:2, 127:16. reduce 100:13. reduces 61:1. reelection 128:2. reference 23:16, 32:22, 112:1. referenced 99:21. referred 31:20, 52:16, 53:22, 80:1, 138:4. referring 106:23, 107:1, 123:1, 124:11. reflect 7:9, 7:11. refresh 45:25, 46:7, 67:5, 73:18, 73:21, 111:8, 111:11, 111:16.</p>	<p>refused 37:11. regain 106:7, 106:13. regard 97:9, 97:14, 99:1, 100:13, 100:16, 101:9, 101:18, 138:17. regarding 30:18, 38:24, 84:17, 86:10, 88:14, 97:1, 130:19, 130:23, 138:16, 138:21. regardless 108:9. regards 98:1, 98:9. registered 30:8. rehab 125:20, 129:20, 130:25. relate 98:14. related 26:15, 32:7, 32:8, 98:13. relates 84:22, 90:8, 107:13. relationships 103:6. relatives 11:22, 97:12. relay 83:1. relevant 139:12. relied 60:12, 60:14. relinquish 100:8. remaining 31:10. remarkable 106:16. Remember 10:2, 10:3, 11:14, 11:16, 17:21, 43:21, 45:16, 45:17, 45:18, 48:8, 57:18, 71:24, 75:23, 109:1, 111:6, 119:25,</p>	<p>129:25. remind 19:9. reminder 27:25. removes 108:5. rendering 86:21, 139:14. renew 19:3, 54:3. renewal 19:11. Reopened 24:16, 24:19, 25:1, 25:6. Repeat 18:11, 53:15, 69:9. repeated 18:11, 107:10, 108:9. Rephrase 44:15, 89:2. report 15:22, 15:25, 16:1, 31:21, 45:24, 46:3, 65:21, 65:23, 65:24, 66:7, 66:20, 66:21, 67:1, 73:5, 73:18, 75:25, 76:8, 76:22, 80:2, 92:12, 95:19, 101:23, 105:20, 119:7, 126:4, 138:5. REPORTED 1:34, 87:19, 101:19. reported. 20:14, 20:23, 21:4. REPORTER 140:3, 140:8. REPORTER'S 1:12. reporting 85:21. reports 66:3, 82:20, 82:24, 83:2, 86:14. representative 7:17. request 86:9, 86:17, 87:22, 93:15. requested 60:22, 84:9, 95:7.</p>
--	---	--

requests 93:11.	review 33:3,	14:8.
research 115:5,	66:20, 86:10,	Satisfy 100:12,
115:8.	86:13, 86:23,	119:24.
residence 12:13,	98:2, 105:19,	saw 35:18, 41:19,
30:2, 39:9,	115:20.	48:14, 75:13,
39:10, 39:17,	reviewed 88:14,	77:1, 81:8,
40:5, 40:15,	90:4, 90:19,	87:1, 87:3,
41:3, 41:5,	97:2, 129:13.	93:6, 97:5,
41:14, 42:10,	reviewing 86:20.	119:12, 120:22,
45:9, 45:14,	rewards 92:14.	121:25.
45:15, 45:23,	ride 77:4.	saying 33:17,
46:9, 106:6.	ride-along 11:1.	36:10, 60:23,
resistant 94:11.	rides 88:1.	68:8, 96:2,
respond 26:13,	rights 16:18,	126:18, 126:20,
62:14, 96:11,	16:21.	126:21,
96:12, 117:8,	ring 102:24,	136:11.
117:12.	118:21, 118:25,	says 37:2, 50:8,
responded 47:16,	119:12.	52:23, 57:3,
47:18, 69:12.	risk 82:25, 84:3,	62:19.
responds 26:13.	89:15, 109:12.	scanner 98:20.
response 20:25,	risks 99:5.	scene 47:21.
53:4, 53:5,	risky 107:17.	scenes 88:12.
59:3, 121:14,	road 109:4.	School 9:21, 9:23,
138:18.	role 87:16.	9:25, 10:3,
responsibilities	romantically	15:3, 87:9,
8:11.	8:7.	87:14, 87:16,
responsibility	romanticized	87:17, 97:10,
99:12, 99:22,	103:16.	98:10, 101:2,
103:9, 103:10.	room 7:3, 16:15,	117:18,
responsible 9:4,	19:20, 20:18,	121:20.
85:10, 85:16,	25:21, 25:23,	schools 97:12,
92:21, 92:22,	42:13, 42:15,	106:15, 106:17,
95:5, 99:10,	130:23,	118:7, 118:10,
99:22, 103:9.	130:24.	118:13,
responsive 76:12,	rooms 36:4.	118:18.
96:15, 96:18.	roses 103:17.	screen 19:16,
rest 120:7.	ruining 99:5.	19:23, 20:21,
result 87:24,	rule 104:8.	43:7, 43:8,
100:14.	ruled 19:7.	44:23.
results 136:15.	run 132:17.	se 126:8.
resume 111:23.	.	seal 27:7, 27:8.
Resuming 34:22,	.	sealed 27:6.
81:11.	< S >.	Sean 6:18.
return 14:16,	S-e-b-a-s-t-i-a-n	search 39:8,
14:21, 31:13,	82:1.	39:11, 39:16,
79:19.	Safety 38:23,	40:5, 40:9,
returned 25:10.	83:25, 91:19,	40:10, 40:16,
returning	104:13.	41:4, 41:16,
137:22.	Samples 12:20.	42:6, 43:19,
revert 108:14.	San 11:21, 12:14,	44:19, 45:13,

<p>45:24, 46:4, 46:15, 46:21, 46:23, 46:24, 47:1, 47:5, 47:14, 47:16, 47:25, 48:6, 51:4, 52:3, 52:5. seated 5:4. Sebastian 81:25. secluded 29:5, 105:13. Second 16:8, 26:18, 28:21, 29:1. secrecy 97:16, 107:19. secret 56:16, 85:21, 85:22, 85:23, 88:3, 99:13, 105:15, 107:13, 107:15, 107:16, 109:2. Secretary 111:7, 111:17. section 5:21, 5:24, 5:25, 7:16, 79:9. security 29:15, 105:13. seeing 106:10. seem 54:25, 60:24, 61:10, 73:2, 86:3. seemed 72:13, 72:20, 100:18. Seems 74:21. seen 8:18, 65:7, 89:22, 91:22, 91:23, 91:24, 100:21, 101:11, 104:7, 108:1, 108:13, 109:21, 115:13, 120:15, 120:18. self-esteem 109:16. sent 93:13. separate 25:23, 46:15.</p>	<p>separation 104:11, 108:4. sequential 93:9. serve 39:16, 39:22. served 41:15, 41:16. service 7:17. services 110:6. serving 47:16. set 44:7, 48:23, 140:12. sever 98:23. several 46:10, 107:16. severity 21:11, 61:1. sexually 122:14, 122:23, 131:14. shaft 74:20. shall 4:25, 81:19. shame 102:21. shape 89:18, 104:10. shaped 50:15. share 82:10. Sharon 1:34, 140:27. she'd 14:21. shelter 125:8. shirt 7:8, 50:8. shock 62:15. short 137:15. shot 19:16, 41:3. show 28:17, 53:4, 73:11, 78:19, 95:19, 111:10, 126:1, 137:4. Showing 40:25, 42:8, 42:14, 42:22, 43:2, 43:23, 44:6, 44:24, 45:3, 45:24, 46:3, 47:3, 49:12, 50:17, 54:18, 54:22, 55:6,</p>	<p>112:18. shows 94:4, 115:6. side 19:22, 20:21, 37:20, 49:5, 73:17, 92:18, 101:18. significant 45:4, 94:17, 100:14, 134:23. significantly 33:4, 33:6. single 88:5. singular 91:23. sister 14:19, 120:6. sit 25:23, 120:3. sitting 7:7, 20:20, 103:10, 103:11. situation 32:25, 33:6, 39:3, 58:2, 93:25, 126:23, 129:17, 131:4. situations 34:11. slang 121:21. slightly 86:5. small 111:5. Smaller 27:12. smart 71:13. smoking 94:22. soccer 88:2. social 82:12, 89:22, 98:15, 124:4, 124:8, 124:21, 126:3, 126:10. society 56:16. soft 43:14. solemnly 4:24, 81:18. somebody 36:5, 57:16, 57:25, 62:19, 104:6, 104:17, 104:18. someone 32:25,</p>
---	---	---

34:8, 40:15, 60:1, 62:19, 63:18, 67:24, 67:25, 116:16, 116:25, 121:5, 121:12, 123:11, 123:15, 126:1, 126:16, 126:17, 126:18, 129:24, 135:23, 138:19. Sometimes 70:16, 70:18, 70:23, 101:15, 135:6. somewhat 89:3. somewhere 37:10, 38:2. soon 76:8. Sorry 43:8, 69:9, 123:22. sort 56:8, 57:23, 124:9. sound 10:5, 29:21. sounds 10:6, 29:22. South 10:13. space 29:16, 108:5, 108:14. speaker 35:23, 36:2, 36:5. speaking 88:15, 131:13. special 88:9. specific 22:14, 26:11, 26:12, 26:15, 26:20, 27:14, 29:24, 29:25, 49:5, 49:7, 75:18, 121:9. specifically 28:20, 45:9, 124:12. speculate 25:16. Speculation 17:11, 48:19. spell 5:4, 81:23. Spencer 35:10,	35:14. spend 91:5. spending 129:1. spent 129:15. spoke 12:16, 12:18, 13:16, 15:20, 64:10, 64:21, 65:1, 70:1, 93:5, 98:8, 99:18, 103:23, 106:19. spoken 43:14, 113:12, 113:14, 113:18, 113:20, 125:14. squad 9:2. ss 50:24. St. 50:9. STACEY 2:2. staff 31:14. stages 89:6. stalking 96:7. stand 4:23, 35:1, 38:18, 81:17. standard 11:8, 51:12, 56:10. standing 35:25. standpoint 33:1, 108:21, 114:20. stands 134:17. Start 51:20, 55:22, 58:10, 58:22, 69:25, 88:16, 100:9, 114:13. started 76:15, 87:13, 98:16, 105:1, 110:5, 128:24. starting 97:22. starts 26:18, 26:21, 87:8, 95:24, 107:23. stated 13:14, 19:10, 67:13, 69:19, 91:25, 92:10, 94:7, 107:15, 116:10,	120:23, 121:17. statement 24:13, 24:18, 33:2, 36:25, 37:2, 37:5, 62:2, 71:25, 72:3, 80:20, 86:15, 90:14, 95:11, 97:19, 101:5, 105:20, 123:4. statements 33:3, 62:4, 62:10, 64:5, 64:20, 65:16, 65:20, 68:16, 80:14, 80:16, 80:17, 80:23, 80:25, 89:16. States 42:8. stay 95:17, 97:10, 125:12. stenographically 140:14. step 9:16, 100:25. steps 11:11, 24:14. Steve 110:23, 111:8, 113:5, 127:18. Steven 110:21. sticker 27:11. sticks 46:11. stipulate 27:20. stipulation 27:22. stop 90:17, 106:23. store 26:14. stranger 104:7. strategic 27:14. street 135:11, 135:12. stress 92:25. strictly 58:6. stroke 82:22. structure 72:9. stuck 108:15. studies 115:15,
---	--	---

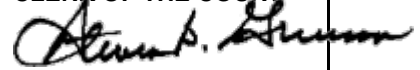
<p>115:23. stuff 91:4, 91:7, 108:12. stunted 108:15. style 45:6, 45:7. subject 31:19, 32:1, 79:25, 80:7, 91:12, 138:3, 138:10. submitted 32:2, 80:8, 138:11. subsequently 32:10. substance 125:21, 126:11. subtle 87:23. suggested 69:17, 121:18. suggesting 124:9. suit 7:7. Summarized 62:17. Suncoast 28:13, 28:16, 28:18, 28:20, 28:22, 70:24, 71:22, 72:1, 76:2. supervision 25:16. supervisor 6:18, 7:23, 11:9. support 101:22. supposed 108:16, 108:17, 124:18. Supreme 32:22, 33:21. surrounding 74:1, 74:10. suspect 17:2, 30:18, 59:8, 59:15, 59:23, 61:7, 78:14. suspected 9:7. sustain 44:13, 101:7. Sustained 24:22, 36:14, 67:21,</p>	<p>133:23. swap 57:9. swear 4:23, 4:24, 81:18. switch 97:12, 106:17, 118:10, 118:18. switching 106:15, 118:6, 118:13. symptomatology 109:15. system 20:6, 103:1. . . < T >. table 42:15. tactics 38:25. tagged 27:13. tags 27:14. taken. 32:4, 34:21, 81:10. talkative 18:16. talked 14:10, 61:24, 62:5, 69:2, 69:23, 90:20, 114:19, 131:12. talks 53:3. Tape 32:10, 71:2, 71:5, 71:8, 71:18. tapes 102:22, 108:11. taught 65:24. teacher 63:6. teachers 104:14, 113:16. team 38:15, 38:20, 38:21, 39:3, 118:15. Teaquin 29:21, 38:13. technic 21:10, 30:17, 51:12, 118:23. technicians 60:16. technics 61:12. technique 60:8.</p>	<p>techniques 60:10, 60:12, 61:6. telephone 14:7, 14:11. telephonic 13:18, 13:23. television 31:24, 80:5, 138:8. tells 62:19. tend 114:21, 126:16. tends 43:15. tens 109:25. term 108:8, 115:8, 131:5. terminology 56:13. terms 32:19, 56:11, 86:1, 89:8, 90:7, 91:10, 94:18, 98:6, 99:17, 100:11, 106:2, 106:4, 109:11, 131:7, 135:25. Terry 112:3. testified 34:16, 60:15, 63:25, 64:17, 84:17, 84:20, 113:23, 121:24, 122:7, 122:13, 122:23, 123:7, 126:17, 126:22, 127:5, 131:3, 133:11, 134:10, 139:1. testify 66:6, 66:10, 101:22, 113:10, 136:11, 136:20, 136:23. testifying 84:16, 111:20, 121:4, 121:10. testimonial 112:10, 113:4. testimonials 112:20. testimony 4:24, 31:10, 32:21,</p>
---	--	---

33:16, 33:20,	4:6.	TRANSCRIPT 1:12,
64:5, 74:8,	tie 139:5.	86:14, 105:21.
81:18, 96:17,	tied 98:22,	transpired 130:18,
101:13, 115:22,	100:4.	134:5.
122:1, 122:16,	ties 93:2,	transpiring
122:25, 124:22,	94:12.	85:11.
134:12, 134:21,	timely 139:17.	transported
134:25, 137:14,	tissue 74:2,	39:5.
138:15, 140:12,	74:10.	treated 109:21,
140:16.	title 6:13.	116:18,
testing 85:6,	Today 5:20, 6:12,	116:20.
87:24, 90:7,	7:3, 79:17,	treating 82:17,
90:8, 91:12,	86:20, 131:13.	109:15.
93:15.	together 129:4.	tremendous
text 12:13.	tomorrow 137:19,	92:24.
texting 89:23.	137:22,	trends 115:4.
texts 96:11.	138:12.	TRIAL 1:14, 31:19,
themselves	took 29:8, 30:11,	31:21, 31:22,
104:3.	40:12, 48:9,	32:1, 34:22,
theory 61:9,	48:12, 49:19,	79:6, 79:25,
61:13, 61:15.	72:12, 105:11,	80:2, 80:3,
therapy 82:18,	133:9, 134:12,	80:7, 81:11,
110:1, 110:2.	134:14,	129:20, 138:3,
thereafter	134:15.	138:5, 138:6,
140:14.	Top 10:4, 27:9,	138:10, 139:4.
therein 140:12.	29:11, 29:15,	trials 139:4.
They'll 124:2.	29:20, 44:4,	tricky 48:22.
they've 85:14,	74:14, 115:16,	tried 15:10, 57:8,
95:4, 95:23,	132:12.	98:12, 106:24.
101:11.	topic 58:18,	trip 104:18.
thinking 102:8,	75:4.	trips 91:3,
115:12.	total 98:25,	92:14.
third 16:9.	106:20.	trouble 87:9,
thorough 66:15.	totally 58:18.	90:14, 94:21,
though 61:17,	touch 44:23.	107:17.
71:24, 77:18.	touched 106:3.	truck 30:3, 39:19,
thousands 89:14,	touching 89:7.	40:5, 42:5,
89:16, 89:17,	toward 42:13,	45:19.
109:25.	58:23.	true 60:6, 61:8,
threat 91:19,	towards 24:4.	62:3, 62:4,
93:18.	town 84:8,	62:11, 70:9,
threatened 14:20,	120:1.	70:18, 70:20,
15:5, 70:14,	trail 4:10.	70:23, 129:23,
94:24, 94:25.	train 59:14.	140:16.
threats 91:16,	training 38:24,	trust 104:15,
94:14.	59:11, 59:22,	104:19, 109:16,
throughout 18:1,	59:24, 114:25,	119:18, 123:12,
24:4, 37:4,	115:2.	123:16, 123:19,
52:16, 99:15.	transcribed	124:14, 126:16,
THURSDAY 1:27,	140:15.	129:24.

trusted 36:24, 96:2.	89:18, 89:23, 99:4.	using 60:16, 60:18, 100:9.
trusting 126:8.	.	usual 89:10.
truth 4:25, 5:1, 53:9, 80:16, 80:21, 80:25, 81:19, 81:20, 116:25.	. < U >.	utilized 39:3.
truthful 33:5.	ultimate 97:24, 131:14.	.
truthfulness 32:13.	Ultimately 12:4, 32:13, 38:1, 85:2, 85:6.	< V >.
try 38:1, 60:1, 60:8, 60:16, 87:7, 90:11, 90:17, 97:16, 107:21, 124:2, 125:25.	unaware 130:5, 130:18, 134:7.	Vague 48:19, 93:19, 100:2.
trying 21:11, 37:9, 48:22, 68:8, 72:13, 72:20, 72:22, 72:23, 73:3, 73:6, 73:8, 85:19, 86:2, 88:25, 94:9, 100:3, 103:14, 103:15, 111:4, 124:13, 126:8.	uncommon 89:19.	vain 121:13.
turned 63:22.	underside 74:13.	value 40:4, 46:22, 48:10, 72:25, 73:3.
turns 13:15.	undersigned 140:8.	variety 85:4, 91:23, 136:3, 136:5.
twice 15:2.	understand 35:3, 56:12, 56:14, 68:8, 102:9, 114:7.	various 71:11, 104:24.
Two 14:5, 22:12, 53:21, 65:6, 67:10, 90:24, 106:23, 107:6, 122:21, 132:8.	understanding 58:5, 88:2, 109:11, 121:15.	Vegas 4:6, 5:11, 11:21, 14:22, 15:2, 43:4, 51:8.
two-fold 103:13.	understandings 88:12.	vehicle 30:1, 39:9, 39:17, 45:14, 45:22, 46:13.
two. 91:24, 122:22.	understood 16:21, 80:24, 109:10.	veracity 32:13.
type 13:10, 13:11, 23:3, 32:23, 65:8, 83:13, 84:5, 87:16, 91:7, 91:23, 93:19, 93:23, 95:14, 102:1, 104:7, 104:15, 106:21, 117:1, 133:8.	underwear 45:7.	verbal 85:5, 88:17, 93:18.
types 84:6, 88:15,	undress 48:9.	verdict 139:15.
	unique 29:2, 52:3, 92:1, 131:4.	verdicts 138:25.
	unit 6:4, 6:6, 6:16, 11:4, 12:25, 30:24, 46:24, 46:25.	verify 75:10.
	units 83:11.	versions 111:25.
	unless 93:19, 104:7, 123:3.	versus 45:14.
	UNLV 83:8.	via 14:6.
	unreported 93:1.	vice 5:21.
	Until 32:1, 58:23, 80:7, 100:19, 115:11, 121:23, 138:10.	victim 37:5, 87:19, 89:16, 93:13, 93:14, 95:12, 96:1, 96:3, 96:7, 96:10, 99:16, 100:17, 101:20, 103:1, 103:19, 104:9, 104:10, 105:4, 105:11, 106:7, 107:15, 108:6, 108:13, 109:7.
	untrue 62:19.	victims 83:15,
	unusual 88:16, 89:10, 98:6, 104:2.	
	useful 79:6.	

87:10, 89:17, 110:4, 110:6. Video 18:22, 19:4, 20:6, 20:7, 20:13, 20:22, 21:3, 25:22, 71:16. videos 25:22. view 86:25. viewed 88:21, 98:10. violence 95:14, 96:8, 98:24, 106:21. virgin 121:17. visiting 11:21. vitae 111:21, 111:25, 133:17. voice 20:15, 20:17, 36:21, 43:15, 52:18, 53:13, 71:12. voices 53:20, 53:21. voluntarily 71:25. voluntary 7:17, 86:14, 101:5, 105:20, 123:4. volunteered 59:3. volunteering 76:12, 76:13. vouching 101:6. vs 1:14, 4:11, 34:23, 81:12, 86:10. vulnerability 87:10, 88:7, 129:16. vulnerable 87:12. . . < W >. waited 21:21. waiting 21:23, 21:24. walked 101:24.	wall 47:4. wanted 16:22, 24:12, 28:16, 31:8, 60:19, 68:9, 75:9, 97:10, 106:10. wanting 93:12. wants 93:24. warrant 39:8, 39:11, 39:16, 39:22, 40:9, 40:11, 40:17, 41:4, 41:15, 41:16, 43:20, 44:19, 45:13, 45:25, 46:4, 46:15, 46:21, 46:23, 46:24, 47:6, 47:14, 47:16, 47:25, 48:6, 51:4, 134:10. watch 31:20, 80:1, 113:10, 138:4. watched 21:7, 32:10. watching 109:20. ways 56:16, 56:18, 57:13, 57:15, 104:24, 119:15, 120:11, 124:14, 125:5. wear 45:6. wearing 7:6, 7:7, 20:2, 45:5. website 112:9, 112:19, 113:1. week 109:4. weeks 21:21, 22:12, 93:1, 108:10. weird 126:14. welcome 110:11. welfare 91:20. well-being 91:20, 92:23, 92:24, 126:5. well-known 102:11, 116:22. Wells 10:12.	whatever 60:24, 95:6, 99:25, 104:21. Whether 33:4, 89:9, 92:4, 92:13, 108:4, 109:6, 136:12, 138:18, 138:19, 138:20, 138:21, 139:2, 139:3. Whoever 27:7. whole 5:1, 36:25, 81:20, 127:24. whom 7:18. wife 110:24, 111:8, 129:2. willing 14:16, 24:17, 60:21, 61:3. willingness 92:6. winter 107:3. Wirey 12:20, 64:13. wish 133:24. Within 35:17, 65:23, 83:14. without 19:5, 31:18, 31:23, 74:8, 79:24, 80:4, 103:18, 118:2, 118:3, 138:2, 138:7. witnessed 109:17. witnesses 31:19, 37:3, 79:25, 138:3. Wolfson 110:21, 111:8, 112:1, 112:8, 113:5, 127:18, 127:23, 128:14, 128:18, 129:2, 129:8, 131:24. woman 95:16. wonder 95:16. Word 3:20, 105:3, 108:8, 111:23. words 73:16,
--	--	--

78:8. work 10:10, 16:7, 29:14, 30:24, 78:25, 82:19, 83:15, 84:7, 110:17, 117:2, 129:3, 129:4, 133:8. worked 4:16, 5:21, 10:12, 11:15, 16:7, 89:16, 101:19. worker 82:13, 126:4, 126:10. working 4:15, 6:2, 6:4, 7:13, 7:16, 7:22, 11:3, 109:24. works 112:5. worried 70:21. write 65:24, 66:6. written 33:3, 65:23, 79:1. wrote 65:21. . . < Y >. year 26:18, 87:5, 100:8, 109:22, 127:23. years 16:25, 21:13, 21:14, 55:1, 55:7, 66:9, 82:14, 83:12, 83:15, 93:1, 102:18, 103:20, 107:3, 107:24, 108:10, 109:4, 109:23, 111:11, 111:13, 111:15, 128:1, 128:19, 133:8, 135:18. young 87:8, 98:18, 101:19, 103:5, 106:18, 107:23, 120:21, 121:25. yourself 67:3.	yourselves 31:17, 79:23, 138:1. youth 6:5, 6:7, 35:17. . . < Z >. Zafiris 12:19, 63:11, 64:11.
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CASE NO. C-15-309548-1
DEPT. NO. 25

DISTRICT COURT
CLARK COUNTY, NEVADA

* * * * *

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

REPORTER'S TRANSCRIPT
OF
JURY TRIAL

BEFORE THE HONORABLE KATHLEEN DELANEY
DISTRICT COURT JUDGE

DATED: FRIDAY, DECEMBER 8, 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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23
24
25

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

NAME: VINCE RAMIREZ	PAGE
Direct Examination By Ms. Rhoades	31
Cross-Examianation By Mr. MacArthur	83
Redirect Examination By Ms. Rhoades	137
Recross-Examination By Mr. MacArthur	145
NAME: LUANN SACCHETTI	PAGE
Direct Examination By Ms. Rhoades	161
Cross-Examianation By Mr. MacArthur	173
Redirect Examination By Ms. Rhoades	177
NAME: ANTHONY WIREY	PAGE
Direct Examination By Ms. Rhoades	179
Cross-Examianation By Mr. MacArthur	198
	PAGE
Word Index	112

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1 LAS VEGAS, NEVADA; FRIDAY, DECEMBER 8, 2017

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

3 * * * * *

4
5 MS. MCNEILL: Good morning. The State provided
6 us with exhibits to attempt to admit from the computer
7 forensic examiner. I don't believe some are admissible.
8 I need to make a record of them.

9 THE COURT: Do I need to see them.

10 MS. MCNEILL: I think there is only one copy.

11 MS. RHOADES: These or all exhibits I intend to
12 use with the next witness. I provided them to defense so
13 they could go through them all before --

14 THE COURT: What is the range of numbers so I
15 have that for my record.

16 MS. MCNEILL: As far as exhibits, they are
17 giving them to clerk. We have to look at them. So this
18 is State's Proposed 55. There are multiple items within
19 it I have objections to. I don't think this is State's
20 Proposed 80 that have multiple items, some of which I
21 don't believe are admissible. State's Proposed 108 and
22 State's Proposed 79.

23 I think 56-A contains the items in 55, so the same
24 things I don't believe are admissible in 55 would also be
25 on 56-A.

1 THE COURT: So let me make sure I understand.
2 At least a couple of these are numbered where they have
3 sub-parts.

4 MS. RHOADES: No. Some of them are packets of
5 information -- of images on the iPad for the jury so we
6 didn't have to worry about putting stuff on the computer
7 going to each individual thing. So I made a document and
8 I printed it out as exhibits.

9 THE COURT: Multiple pages.

10 MS. RHOADES: It does, your Honor.

11 THE COURT: They'll still have to be marked in
12 pages.

13 MS. RHOADES: I think it can be marked as one
14 exhibit because it's a packet.

15 THE COURT: I'll find out.

16 MS. MCNEILL: I'm not sure who is in the
17 courtroom. I don't know if this is appropriate to do in
18 front of a potential witness.

19 MS. KOLLINS: No. That's a civil attorney
20 watching a criminal case. We just introduced ourselves.

21 THE COURT: Should we have an example of what is
22 not admissible, Ms. McNeill, so we can talk about it for a
23 minute before we can get the numbers.

24 MS. MCNEILL: I tagged the things I'm going to
25 have to address. I can do it at the bench.

1 THE COURT: Well, I guess the way to do it is
2 help me understand the general idea so we can take a
3 sampling so to speak. If it turns out my ultimate
4 determination is to let things in or not, if we have to
5 make a subsequent record we can do that. But I just want
6 to get feel for what we're talking about. Is it a
7 cumulative objection, relevancy objection.

8 MS. MCNEILL: Some of them are relevance some
9 are hearsay. Some of them potentially have bad acts.
10 Some are collateral. A host of objections.

11 THE COURT: Can you tell me now, if you know,
12 how many actual documents you have objections to.

13 MS. MCNEILL: 14.

14 THE COURT: What exhibit was that.

15 MS. MCNEILL: That was total.

16 In Exhibit 80, I have an objection to 1 of the
17 items.

18 THE COURT: Let's do that so I have an idea of
19 what we are talking about.

20 What is Exhibit 80.

21 MS. MCNEILL: Exhibit 80 is images from Morgan's
22 phone. I understand these all came from Morgan's iPhone.
23 Just the fact that they are going to have to lay a
24 foundation where they came from doesn't make the
25 individual photo admissible.

1 THE COURT: What is objectionable about this
2 photo.

3 MS. MCNEILL: The State has made a lot of
4 objections to our evidence saying, well, you're trying to
5 make a causal connection from nothing. So they introduce
6 this photo and I see there's a promise ring. There's no
7 foundation for that. They didn't ask Morgan about it when
8 Morgan was on the stand. It's just a photo of Morgan with
9 a ring. It's very similar to the objections they've made
10 to us. That they want to draw some sort of causal
11 connection or allow there to be some sort of inference
12 that this is the promise ring when they don't have anyone
13 to come in and say this is the promise ring. So there's a
14 foundation problem or even if they're going to submit it
15 to the jury and allow the jury to make that inference.

16 THE COURT: Ms. Rhoades.

17 MS. RHOADES: The foundation is that came from
18 Morgan's phone. That's the path. That's the photo.
19 There was a question asked yesterday, well, you never saw
20 a picture of a ring. You never saw Morgan with a picture
21 of a ring. So I think it's relevance is a picture of a
22 ring with Morgan. There's no legal basis to preclude that
23 from being admitted.

24 MS. MCNEILL: Just because they lay
25 foundation -- they can lay a foundation as to where the

1 photo came from. They need to lay the foundation that it
2 is what they're saying it is.

3 I would just counter with State's Proposed 108 is
4 this is the ring. So are they saying they're both the
5 promise ring. There's no foundation for what this photo
6 is, but they are going to submit it to the jury to allow
7 them to make a causal connection that doesn't exist. That
8 was literally their objection when I was asking
9 Dr. Pacult, you can't make a causal connection between
10 things when you don't have any evidence of it.

11 THE COURT: Here's the thing. I want to keep
12 the objection to this, not a tit for tat. That's not
13 really how this works.

14 I hear what you're saying, that we have two pictures
15 of her with fancy rings. Is it your intent to argue that
16 one of these is the promise ring. They are different
17 rings.

18 MS. RHOADES: They are photos of a ring, your
19 Honor, and the jury can make reasonable inference from the
20 evidence. We can ask Morgan's mom, as well, to testify is
21 one of these the ring. Is one of these the ring she gave
22 her. There was testimony that Morgan's mom gave her the
23 ring and she gave it to the Defendant and he gave it back
24 to her. Something like that.

25 THE COURT: What else have I got. We've got one

1 ring was 80. Then you showed me pictures of another
2 one.

3 MS. MCNEILL: This picture is 108. I assume
4 this also came from the hard drive. I'm not sure.

5 THE COURT: Is that a packet or single.

6 MS. MCNEILL: Single. Same objection. They're
7 introducing a photo of a ring. There's no foundation that
8 it is what they say it is.

9 THE COURT: What is 79.

10 MS. MCNEILL: 79 is a packet of text messages
11 from Joshes' phone. I understand they can lay foundation
12 they're text messages that came from his phone. However,
13 they are text messages to and from people. I'm not sure
14 why they're admitting some people's text messages. If
15 they're offering some of the messages for the truth of the
16 matter, it's hearsay.

17 MS. RHOADES: They're statements to people.

18 MS. MCNEILL: But they're other people's
19 messages. It's not just to and from. Any message from
20 someone else is hearsay that they're offering for the
21 truth of what is contained in the text.

22 THE COURT: The conversation we had along these
23 lines was related to the phone call with the father was
24 that the circumstances were to have the Defendant's
25 statements be those that were admitted and put them into

1 context. Ms. Rhoades, are there messages from others to
2 Mr. Honea that you are trying to admit for the truth.

3 MS. RHOADES: No, your Honor.

4 MS. MCNEILL: This entire packet is from Breza
5 Perez, to and from. It's not just Mr. Honea's messages.
6 There are arrows that show who sent it and who received
7 it.

8 MS. RHOADES: It's a conversation with all those
9 people the Defendant had.

10 MS. MCNEILL: The other people's words are
11 hearsay, if they're offering those words for the truth of
12 what it is.

13 THE COURT: I understand the nature of the
14 objection, Ms. McNeill. I'm talking through as far as,
15 again, we overruled the objection yesterday in a much
16 shorter version of conversation obviously, but the
17 circumstance of the Defendant's statements and the fact
18 that it put them into context to understand what they are.
19 If they're not being admitted for the truth, we don't have
20 that hearsay problem as an impediment to this exhibit. So
21 I'm asking Ms. Rhoades, does she intend to introduce those
22 comments for the truth.

23 This is a thick packet with a lot of pages, are we
24 intending to go through every one of these text
25 messages.

1 MS. RHOADES: No. I'm going to admit them and
2 these are part of the text messages that were downloaded
3 from Morgan's phone copied from the Defendant's iPhone.

4 THE COURT: Why not admit the pages that's have
5 the conversation on them that we need.

6 MS. RHOADES: That's what I'm doing here. These
7 are not all of the texts that were found on the phone.

8 THE COURT: Every one of these pages -- what is
9 this exhibit again.

10 MS. RHOADES: 79.

11 THE COURT: Every one of these pages in 79,
12 which looks fairly thick, is going to have a conversation
13 on it somewhere that you are going to admit.

14 MS. RHOADES: They are texts from his phone,
15 yes.

16 MS. MCNEILL: And they're texts, as you can see,
17 this is the one sent. The red arrow is received.

18 So each of these messages are from another person. I
19 think they need to tell us why each of these -- I mean,
20 just because they're text messages from his phone and his
21 phone is in evidence they are still statements.

22 THE COURT: They'd still have to be trying to
23 admit them for the truth and they're indicating they're
24 not. I suppose as we go along we have that discussion we
25 can rule on it.

1 MS. MCNEILL: That's the concern. You can see
2 how many statements there are from other people, so what
3 they're trying to do is this. They're trying to get in
4 hearsay statements for the truth of the matter. I can
5 tell you some of these I would imagine they do want the
6 information coming in. So if they're admitting it because
7 they want that text message from Breza Perez (ph) or that
8 text message from Wendy Samples (ph) or that text message
9 from Gloria (ph), whoever it is, they are offering it for
10 the truth of the matter. Just because they are trying to
11 offer it as a packet of information and say there's text
12 messages in there too, there's a problem with each and
13 every text message.

14 MS. RHOADES: None of the other people's
15 statements are offered for the truth of the matter.
16 They're to provide context to the Defendant's statement,
17 which is wholly admissible.

18 MS. MCNEILL: What are the statements that we're
19 trying to admit.

20 THE COURT: Give me an example of the page.

21 MS. RHOADES: Sure.

22 The text messages to Breza, none of this is admitted
23 for the truth of the matter. They talking about, hey, how
24 are you doing. What's going on. His statements to her
25 start at June 30, 2015. There is no prior text before

1 that with her. They are relevant just to show the
2 relationship between those two people, not for the truth
3 of the matter that's in the statement or relationship
4 between him and Breza Perez. That's what they're offered
5 to show.

6 MS. MCNEILL: Some of those would be the truth
7 of the matter. Some of what she's saying is about their
8 relationship.

9 MS. RHOADES: No, because none of them said,
10 hey, I'm your friend only. Hey, we never had sex. Hey, I
11 didn't loose my virginity to you. None of those
12 statements are in there. It's just to show the context of
13 their relationship.

14 MS. MCNEILL: There are statements that say
15 things like do you want to fuck. Are you down to fuck.
16 It's being offered to show they were having sex or not
17 having sex.

18 MS. RHOADES: I don't think they were having
19 sex. That's not a truth of the matter statement, saying
20 are you down to have sex.

21 I'm sorry. Those statement with Breza go on through
22 June 21st. It's to show the context of the
23 relationship.

24 THE COURT: It's pretty much what's in that
25 packet that's of value potentially to the jurors is the

1 communications between the Defendant and Ms. Perez and
2 other people as well.

3 MS. RHOADES: So Chris Swallia --

4 THE COURT: If that's separate we might be in
5 trouble.

6 MS. RHOADES: Sorry.

7 So Chris Swallia, these are only admitted for
8 the Defendant's statements. The others are to show
9 context.

10 So Morgan says, I changed the plans and went to
11 her mom's work yesterday morning and asked her the same
12 questions SA did. It was very inconsistent, so I can't
13 tell if Morgan is lying or not because it doesn't make
14 sense. So there's conversation back and forth about the
15 investigation, about what Morgan is relaying about the
16 investigation.

17 Caterina Babbitt, more comments about what Morgan is
18 saying and his feelings about it. His interpretation of
19 it, and how he's really stressed out about it and how he's
20 really scared about it. That is the what those
21 conversations with Caterina are being admitted for, his
22 statements.

23 THE COURT: Hold on.

24 MS. RHOADES: Lauren -- Larry Samples, Happy
25 Independence Day. Thanks Buddy. You too.

1 Those aren't offered for the truth of the matter.
2 It's offered to show the relationship between him and
3 Larry Samples and how recently. July 4, 2015, they were
4 having friendly conversation because there has been all of
5 these questions about how everybody is so shady and out to
6 get Mr. Honea and everybody wants him to get in trouble
7 with Metro.

8 Lauren, his sister, more conversation about Morgan.
9 More conversation from Josh to Lauren about what Morgan is
10 telling him. Texts from Morgan just showing from June
11 25th, 2015 only through July 6th, 2015 these are all texts
12 between him and Morgan. It's not offered for the truth.
13 Just for conversation and what the conversation was like
14 during that time.

15 MS. MCNEILL: Your Honor, maybe it's me, but if
16 you're telling me I'm offering this person's statement to
17 show the context of your conversations, then that's kind
18 of the truth of the matter. If we want the conversations
19 to be about this thing, we'll introduce this thing to show
20 it's this thing. And that's the truth of the matter.

21 My other objection is this is incomplete. They've
22 curated Caterina Babbitt's text messages. I understand
23 they can pick and choose the evidence, but we don't even
24 know if that is the context of the text messages because
25 these are curated.

1 THE COURT: Was the entirety of whatever text
2 message taken from the phone part of the discovery
3 exchange.

4 MS. RHOADES: Yes. I have the flash drive.
5 It's just difficult to bring everything up on the
6 computer. I can admit the flash drive so the jury can
7 have the entirety of the text. So if we admit, they can
8 have that. I'm happy to do that.

9 THE COURT: My question was whether it was
10 curated before discovery.

11 MS. RHOADES: It was curated after. So as I'm
12 going through them I don't have to look silly up there
13 while the computer is not loading.

14 THE COURT: What is 56-A.

15 MS. RHOADES: 56-A is the disc. 55 is the
16 packet. Within the packet are items that are
17 objectionable.

18 THE COURT: From where.

19 MS. MCNEILL: Mr. Honea's iPad.

20 THE COURT: We have the phone and the iPad.
21 Give me an example of what you find objectionable.

22 MS. MCNEILL: This is extensively text messages
23 between Corrina Moranda and Mr. Honea. And she is
24 indicating to him that someone told her that he was in
25 love with a 15-year-old girl. I understand they are going

1 to say that it is Mr. Honea's statement. His statements
2 don't actually admit that.

3 Here is the problem. It's Corrina Moranda saying
4 what someone else told her, so there is multiple issues.
5 That's double hearsay. It's not to show context. It then
6 becomes almost a bad act. And it's almost -- we don't
7 know what 15-year-old girl. It's almost propensity
8 evidence.

9 So we have this statement where she says, cause she
10 said you are dangerous. Dangerous how. Because you were
11 in love with this 15-year-old girl, something about having
12 issues with the cops because of the girl. Oh, no. I told
13 you what happened. And she's twisting it all around. I
14 have put up with her crazy shit for years and I'm
15 absolutely done this time. If I was so dangerous why
16 would she call me all the time. I'm so angry. I'm sorry
17 if I sound mean.

18 I'm sure they think that's about Morgan because I
19 know Mr. Honea I know who he's speaking about in those
20 messages and it's Diana Serada who they have messages from
21 the next page.

22 Then she says, yeah, I think she's twisting
23 everything to what is convenient to her. And she said
24 she's going to stop talking to you and you're going to be
25 running back to her when you start talking to her in the

1 future.

2 THE COURT: I'm trying to write something.

3 MS. MCNEILL: I'm sorry.

4 She's twisting everything to what is convenient to
5 her, and she said that she's going to stop talking to you
6 and that she bets you're going to come running back to her
7 and want to start talking to her in the future. HaHaHa.
8 Me run to her. That actually makes me laugh.

9 I assume, again, they think these statements are
10 about Morgan. So now what's happening is now I have to
11 try and find Corrina Moranda (ph) and Diana Serada (ph) to
12 come in and explain to the jury that she was actually
13 talking about Diana, when he's saying she thinks he's
14 going to come running back to her.

15 So now we're getting into something that's far
16 afield. That's not relevant. He doesn't adopt anything,
17 any admission that he was in love with a 15-year-old girl.

18 The, well, she didn't tell me -- that to you. She
19 was telling me more stuff about you and it made me more
20 furious because telling me at work and another co-worker
21 was right there listening. Long story short, she was
22 talking bad about you. I need to watch out because you
23 like younger girls and you watch porn and more stuff. All
24 of that is propensity and potentially bad acts.

25 She's jealous and doesn't want you with me. I

1 blocked her on everything, so it's over. I'm just
2 irritated because you put me in the bad position by making
3 it light in the first place and by that I mean with your
4 parent and your sister. It's hard enough getting you to
5 hang out with me now. It will be harder now, I guess.

6 That's Mr. Honea's statement. Again, there is no
7 context other than what is surrounding. They're making it
8 sound like she is also a young girl. He also trying to
9 hang out with without parent's permission. That's not
10 accurate. And it's propensity.

11 She says she's asking me not to talk to you. I told
12 her we were hanging out as a group so they wouldn't freak
13 out, but that was a wrong move. I'm sorry.

14 Who asking you not to talk to me. Diana. She can go
15 fuck herself.

16 So now with these messages I don't understand how
17 they're going to argue they are anything -- they're
18 offering to show anything other than he had a relationship
19 with a 15-year-old girl. He likes girls that are younger
20 than him. Corrina is age appropriate, but that's why
21 they're offering the messages. So they're fairly
22 problematic, your Honor.

23 THE COURT: Ms. Rhoades.

24 MS. RHOADES: They're not offered for the truth
25 of the matter. They're offered to show his mind set and

1 what he's thinking at this time. They're similar to the
2 text messages we talked about earlier.

3 If you turn the page, there is actually a text from
4 Diana about this conversation.

5 MS. MCNEILL: Yes, there is, but that doesn't
6 make this less problematic. Diana says I can't believe
7 you opened up your mouth and told Corrina what I told you.
8 Lol. Who does that.

9 MS. RHOADES: That is Defendant saying that.
10 That's the Defendant saying that.

11 MS. MCNEILL: Our friendship is probably now
12 over because she got caught and is now trying to blame it
13 on me. Whatever though. You had me pissed.

14 About what.

15 How LOL, I was speaking the truth. I wouldn't -- I
16 think it's supposed to be haven't -- I haven't thought you
17 would talk behind my back. I was rolling (sic) you
18 because I was concerned.

19 We are done being friends and doesn't text me
20 anymore. She doesn't understand and she is mad. Okay.
21 Bye.

22 So again this message doesn't offer any other
23 context. They want to say, oh, he must have told Diana
24 the truth about Morgan, or I told you the truth about
25 Morgan. We have no way of knowing that. This is Diana's

1 words. So to show his mind set, again, his mind set being
2 he likes 15-year-old girl. He's making admissions about
3 Morgan. This is propensity, your Honor.

4 MS. RHOADES: They can draw a reasonable
5 inference from the evidence. This is not propensity, so
6 it's not to argue that he likes all of these 15-year-old
7 girls. Morgan is the only one we're talking about in this
8 case.

9 MS. MCNEILL: But they don't know that that's
10 what these messages mean, your Honor.

11 MS. RHOADES: They are free to ask about that on
12 cross-examination.

13 MS. MCNEILL: Who.

14 THE COURT: You said you had like 14 pages. I
15 don't want to go over them one by one. Are they all
16 similar issues.

17 MS. MCNEILL: Sort of hit and miss. But the
18 issue is when she asks about cross, cross of who. Are
19 they bringing in Corrina or Diana now. We have to bring
20 in Corrina or Diana to explain these messages.

21 THE COURT: Here's the thing. Of all the stuff
22 we've gone over so far, this is the only one I have issue
23 with. I have to see it. I don't mean like in two seconds
24 here let's skim through them and go yea or nay. I don't
25 know what it is. It looks like much more of a compilation

1 then the text excerpts.

2 MS. RHOADES: They're screen shots from his
3 iPad, your Honor.

4 THE COURT: I understand.

5 Them being in a packet like this and it's sort
6 of just compiled this way and without the context I am
7 concerned with what we're doing here with these. And, you
8 know, the other circumstances of them, you know, well I'll
9 try to articulate it in a moment.

10 I'm a little taken back that we're getting this
11 volume of documentation right now, which I have to believe
12 counsel would anticipate being in dispute. I didn't have
13 the opportunity to look at it and go over it before now.
14 But it is what it is.

15 MS RHOADES: This packet has been marked for a
16 few days. I did see Ms. McNeill looking over it
17 yesterday.

18 MS. MCNEILL: I looked at it yesterday, then got
19 all of these. I told Mr. MacAuthur we needed to make this
20 record before we got to Vince Ramirez. We never know who
21 they're calling. I didn't know he was the first witness,
22 which is why I wanted to do it this morning.

23 I don't know if you want me to go through the rest of
24 these I have problems with. Most of them I tabbed your
25 Honor. We can look at it and figure out.

1 THE COURT: Hand me the packet.

2 MS. MCNEILL: I understand this came from
3 Mr. Honea's iPad, but we have no idea who that girl is so
4 what's the relevance of it. If it's to show that he has
5 pictures of other girls on his iPad, how is that relevant.
6 We have no way of knowing. Is she age appropriate. Are
7 they going to call someone in to way how old she is.

8 THE COURT: Who do we think this girl is.

9 MS. RHOADES: I don't believe that's Morgan.

10 MR. MACAUTHUR: That's not Morgan.

11 MS. MCNEILL: That's not Morgan.

12 MS. RHOADES: There's hundreds of pages of
13 images on his iPad. I went through and picked out the
14 ones I felt were relevant just to make it easier for the
15 jury too.

16 That is a screen shot of his letter to Sheriff
17 Lombardo.

18 THE COURT: One of the issues I think that's
19 been raised in this trial through the testimony and
20 cross-examination is that Mr. Honea was, well, I don't
21 know if I can have this discussion -- can I have counsel
22 in chambers for two seconds.

23 Let's go in chambers. You know what. I've changed
24 my mind and I don't want to go into chambers.

25 Do we have objections with regard to 78 as well, so I

1 know the playing field.

2 MS. RHOADES: I think 78 is the letter to
3 Lombardo.

4 THE COURT: So here's what I'm looking at now.
5 It's 20 to 10:00. I need to complete my review on the
6 objections before we have to break, and I don't see that
7 happening.

8 I told you all yesterday I needed to break here
9 around the mid-day and needed an extra chunk of time to
10 get some where at 11:30. I don't know how the heck we can
11 go through this and make these determinations and make
12 these rulings and still take a witness. Should I tell the
13 jurors to come back this afternoon or keep at this while
14 they're sitting out there cooling their heels and try to
15 do this on the fly, because it's really --

16 MS. RHOADES: Whatever the court wants to do.

17 THE COURT: What I understand right now, maybe
18 we need to do this real quick. 56 is the disc. Is the
19 disc 56-A. And it contains what. All the document, but
20 Morgan. Then what was in 55. Remind me again on 55 and
21 56-A.

22 MS. RHOADES: So this is just the print out. 55
23 is what came out of 56. You can zoom in on there and see
24 things more clear. That's why I did it that way.

25 THE COURT: So it's really one set of objections

1 to those.

2 MS. MCNEILL: Right.

3 THE COURT: But there is approximately 13 pages
4 within that that we need to look at and individually take
5 objections on and individually rule on, correct.

6 MS. MCNEILL: Yes, your Honor.

7 MS. KOLLINS: I don't think it's that many.

8 THE COURT: Exhibit 80 and 108 stands alone. 79
9 is the text. That's the one -- I haven't looked at that.
10 I know we went over that generally as to what's in there,
11 but in order for me to look at this and articulate this I
12 guess the text argument could be made and ruled on all in
13 one sort of group, because it's mainly a hearsay
14 objection. But I haven't seen the documents. I, you
15 know, my assumption of it is it's not being admitted for
16 the truth, but it may change, depending on what comes in.
17 I haven't seen that.

18 MS. MCNEILL: They're all photos of Joshes' so
19 they're the same thing.

20 THE COURT: Those are the physical photos.

21 MS. MCNEILL: Yes. So one objection to multiple
22 photos. Then we've already talked about these, so, you
23 know, I've basically made my objections.

24 THE COURT: Anything we haven't talked about yet
25 you have objections to.