

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 8

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JOSHUA HONEA

By: /S/MONIQUE MCNEILL
MONIQUE A. MCNEILL
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1 MS. MCNEILL: Um.

2 THE COURT: What is in 55, 56-A.

3 MS. MCNEILL: We're not sure what it is. It
4 might have been put in inadvertently in there.

5 THE COURT: How long, once we commence with
6 Mr. Rodriguez.

7 MS. RHOADES: Ramirez.

8 THE COURT: Sorry. How long do we think we have
9 with him.

10 MS. RHOADES: Not too long. I'm not going
11 through every single one of these. I'm going to admit
12 them as the text and talk about them later. So I'm not
13 going to go through every single text. So maybe 30
14 minutes with him.

15 THE COURT: Ms. McNeill, if you can, your cross
16 with him.

17 MS. MCNEILL: Mr. MacArthur is doing the cross.
18 Honestly I don't think it's lengthy. He's just saying I
19 did this, I pulled these. I can't imagine there is a lot
20 of cross. 15 minutes.

21 THE COURT: Give me 55 and 79. Give me a minute
22 with them.

23 MS. RHOADES: Okay.

24 THE COURT: I'll be back. We'll call the
25 witness. I want to look at these for a moment.

1 MS. RHOADES: All right.

2 (Brief recess taken.)

3 THE COURT: I would like to make the full record
4 of my articulation of my thoughts after we complete with
5 the witness and maybe before we return with the jurors or
6 perhaps at the end of the day, only because I'm hoping
7 against all hope we gets through this witness and take
8 that break as I intended. I do have the commitment. I am
9 sorry. I have the commitment. I would like to change it.
10 I think I can do it and try to double book myself.

11 At the end of the day I believe that of all of the
12 items that have bene objected to the two items at this
13 time I'm going to sustain the objection and it's possible
14 that these items may come in in some other context or
15 someone else's testimony such as the individuals who sent
16 the text items that were screen shots of Mr. Honea
17 himself, but I do believe that the items of the screen
18 shot of the dialogue with Caterina Babbitt and the follow
19 up with Diana Serada are just too unclear as to their
20 context and their references and potential for, again,
21 reaching into areas of either bad acts or propensity is
22 going to be persuasive to me that those cannot be admitted
23 through this witness.

24 The other items in here that have been objected to,
25 there is the picture of the person who the State believes

1 is Morgan and defense has proffered is another individual.
2 As well as the pictures of Mr. Honea physically. I am
3 going to allow those to be admitted. The very, very
4 simplified, until we can articulate it further, process is
5 there has been much discussion already in this trial in
6 terms of who was more sexually advanced then the other,
7 when Mr. Honea may have lost his virginity. These are
8 highly sexualized photos and circumstances. They were on
9 his iPad. I think they are relevant to this litigation
10 and the juror can make the call or inferences from those
11 and the time frame especially of those genital torso
12 photos in 2013. And the argument being when he lost his
13 virginity and the circumstances being several years later.
14 I think we have to be fair in this case to the jurors to
15 have them have the opportunity to see this.

16 But the other items as objected to I agree. That is
17 within 55 and 56-A. I'm going to overrule the objection
18 as to one page of the packet, 108 and the text 79, which I
19 believe are not being offered for the truth. And to the
20 extent we are involved in that dialogue and going through
21 them and the questioning comes up otherwise, we may have
22 other rulings. But at this point in time from what I
23 looked at from the circumstances of what I see there this
24 sort of having a better understanding of who these folks
25 are and what kinds of communication was between them to

1 allow this inference to be drawn. I don't believe they
2 are being offered for the truth of their contents, and as
3 such not triggered the hearsay concerns.

4 That is my general short ruling. Beyond that we'll
5 have to make a longer record another time. I do have 55,
6 text, these are the court exhibits.

7 MS. RHOADES: I have 56 over here. Counsel
8 wants to come watch me delete it. I did show it to
9 Mr. Ramirez indicating those were some of the images on
10 the iPad. They are in word format. I can delete the one
11 from that disc you are excluding, if that's okay with the
12 court and counsel.

13 MS. MCNEILL: Fine.

14 THE COURT: We'll delete those items. It can be
15 done. Are you going to just have the disc for them for
16 later.

17 MS. KOLLINS: We're going to show them from the
18 disc to come up clear. Did you exclude the picture of the
19 young lady that is Morgan.

20 THE COURT: No. Just the screen shots of texts
21 messages.

22 MS. RHOADES: I'm withdrawing 56 and 56-A.

23 THE COURT: I don't have a problem as long as we
24 replace 56 later with ones that are deleted.

25 MR. MACAUTHUR: I guess I would renew the

1 objection as prejudicial versus probative, but I
2 appreciate the State --

3 THE COURT: Can we start with the witness.

4 Ladies and gentlemen, thank you for your
5 patience as we reconvene this morning. We did have a
6 number of matters we had to address before you joined us
7 this morning. It may seem hard to believe, but that time
8 creates efficiencies as we go forward. So that is one of
9 the reasons we do take that time.

10 The State may call their next witness.

11 MS. RHOADES: State calls Vince Ramirez.

12 THE COURT: My clerk will swear you in.

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: Be seated. State and spell your
19 name for the record.

20 THE WITNESS: Vincent Ramirez, V-i-n-c-e-n-t,
21 R-a-m-i-r-e-z.

22 THE COURT: Whenever you are ready.

23 MS. RHOADES: Thank you, your Honor.

24 DIRECT EXAMINATION

25 BY MS. RHOADES:

1 Q. Sir, how are you employed?

2 A. I'm employed with the Las Vegas Metropolitan
3 Police Department.

4 Q. In what capacity?

5 A. I am in the internet Crimes Against Children
6 detail.

7 Q. What do you do generally in that detail?

8 A. I do primarily investigations on child
9 exploitation cases and computer forensics.

10 Q. How long have you been working in that
11 capacity with Metro?

12 A. 15 years.

13 Q. Before that were you with Metro?

14 A. Yes.

15 Q. What did you do with Metro before that?

16 A. I was a sexual abuse detective.

17 Q. How long?

18 A. 3 years.

19 Q. How long total with Metro?

20 A. 22 years.

21 Q. Describe how you look into computers, cell
22 phones things of that nature?

23 A. Any time we get a computer that needs to be
24 examined or an analysis done on it, basically I get the
25 computer and I prepare it for examination with my forensic

1 machine. So, say it's just a computer, I take the
2 computer and document the computer information and review
3 the inside of the computer to see how many hard drives.
4 Say it's one hard drive. I document the make and model,
5 size, serial number of the hard drive. Then I connect it
6 to a write blocker. A write blocker makes sure that
7 evidence can only go into my working program, but not
8 touch the evidence I'm reviewing.

9 Once that write blocker is connected to the hard
10 drive, then I connect it to my machine. Once my machine
11 is connected, then I do what is called an acquisition.
12 Basically an acquisition is nothing but a bit-to-bit copy
13 of that drive.

14 So once it copies everything over to my program,
15 then that becomes my working copy. Then the evidence gets
16 removed from my write blocker and gets put back in the
17 computer and that goes back to the evidence vault.

18 Q. So your working copy is a mirror image of what
19 you took from that computer?

20 A. Correct.

21 Q. Were you tasked with an analysis in a case
22 involving Josh Honea?

23 A. Yes.

24 Q. When did you become tasked with that?

25 A. I became tasked with that in September 2015.

1 Q. Had you -- well, as you sit here today have
2 you ever seen Mr. Honea in person?

3 A. No, I have not.

4 Q. How is it you become assigned in September
5 2015?

6 A. My sergeant advised me that this case needed
7 to be examined for digital evidence and needed to be put
8 on a platform so they could view the images.

9 Q. Was that digital evidence coming from devices
10 impounded by Sergeant Dicaro?

11 A. Multiple.

12 Q. What devices?

13 A. There was a Lenovo computer. There was also
14 some iPad -- there was an iPad. There was iPhone devices
15 and an iPod.

16 Q. On the iPod, were you able to find anything of
17 evidentiary value on those?

18 A. No.

19 Q. Was there also a camera?

20 A. Yes.

21 Q. Anything of evidentiary value on the camera?

22 A. No.

23 Q. Were all these items under an event number?

24 A. Yes.

25 Q. That was 150301277?

1 A. Correct.

2 Q. Was there also a tower?

3 A. Yes.

4 Q. Did you analyze that?

5 A. Yes.

6 Q. Did you find anything on that?

7 A. No.

8 Q. What items did you find evidence on?

9 A. The main item I found evidence on was the
10 Lenovo computer. And there was an iPad that was --
11 belonged to Mr. Honea. An iPhone that belonged to Ms.
12 Savage.

13 Q. That was the iPhone 6 plus that belonged to
14 Mr. Honea?

15 A. Yes.

16 MR. MACAUTHUR: Some clarification as to who the
17 Lenovo belonged to.

18 BY MS. RHOADES:

19 Q. The Lenovo lap top, who did that belong to?

20 A. Ms. Savage.

21 Q. So for these items, did you do what you
22 described previously as you would have done for a
23 computer?

24 A. Yes.

25 Q. The same thing for the iPad, the lap top, the

1 iPhones?

2 A. Yes.

3 MS. RHOADES: May I approach the witness.

4 THE COURT: You may.

5 BY MS. RHOADES:

6 Q. Showing you State's 114 A and 114, which is a
7 disc inside. Do you recognize that disc?

8 A. Yes, I do.

9 Q. How do you recognize that?

10 A. That's the disk you showed me from the
11 Lenovo.

12 Q. How do you know it's that disc?

13 A. I put my "P" number and my initials -- B4916
14 and R for my last.

15 Q. When we looked at that disk, what did it
16 contain?

17 A. Images that came from the Lenovo drive.

18 Q. These are some of the images that came from
19 the Lenovo, but not all of them?

20 A. Correct.

21 Q. When we looked at that, did they fairly and
22 accurately depict the images we saw on the Lenovo lap
23 top?

24 A. Yes.

25 MS. RHOADES: I move for the admission of 114 A

1 114, your Honor.

2 MR. MACAUTHUR: If I might, Judge, Ms. McNeill
3 is not here. This is not the disc that was at issue for
4 objections.

5 THE COURT: We did not have the discussion with
6 regard to 114.

7 MR. MACAUTHUR: As long as there were no
8 objections.

9 THE COURT: Would you like to take a quick look
10 at photos here.

11 MR. MACAUTHUR: Sure.

12 THE COURT: That might assist.

13 MR. MACAUTHUR: Thank you.

14 THE COURT: I wanted Mr. MacArthur to see what
15 it is that is going to be shown to the witness.

16 MR. MACAUTHUR: Record reflect in a timely
17 manner, I have no objection for the admission.

18 THE COURT: I'll admit State's 114, 114 A. And
19 to the extent you have anything from that you would like
20 to publish, Ms. Rhoades, you may.

21 MS. RHOADES: 114, 114 A are the ones he just
22 looked through and some are contained on that disc.
23 That's admitted. And also we just saw and looked through
24 82 through 113. I would move for admission of 82 through
25 113.

1 THE COURT: So to be clear, 82 through 113, are
2 photos that were taken from the entirety of what is on
3 that disc. What I'm trying to get at is there may be more
4 photos on that disc that are here or there may be more
5 images on the disk here, but what is 82 through 113 comes
6 from 114.

7 MS. RHOADES: Yes. Thank you, your Honor.

8 THE COURT: They may all be admitted.

9 BY MS. RHOADES:

10 Q. Can you look through 82 through 113. Look at
11 me when you are done.

12 Were all of those able to be obtained from the
13 Lenovo lap top?

14 A. Yes.

15 Q. That's the mirror image you had from that lap
16 top, correct?

17 A. Correct.

18 Q. Showing you 82. Do you recognize who is in
19 that photograph?

20 A. Yes, I do.

21 Q. Who is that?

22 A. Mr. Honea and Ms. Savage.

23 Q. How do you know that's those people?

24 A. Those were explained that's who they were by
25 my sergeant at the time, Detective Dicaro.

1 Q. Dicaro?

2 A. Yes.

3 Q. Had you ever met Ms. Savage?

4 A. No.

5 Q. Showing you State's 83. Is that a college of
6 pictures of them?

7 A. Yes.

8 Q. State's 84.

9 A. Yes.

10 Q. More collage from Carlsbad, California?

11 A. Yes.

12 Q. Showing you 85, does that appear to be another
13 collage?

14 A. Yes.

15 Q. Can you read into the record what it says?

16 A. It says, I'm truly sorry. I hate not loving
17 you. I regret what I have done. I love you.

18 THE COURT: That was misread. Read it again
19 please.

20 THE WITNESS: I hate not having you. I regret
21 what I have done. I love you.

22 BY MS. RHOADES:

23 Q. Showing you 86, is that the same collage but
24 it appears to be a different photo in the middle?

25 A. Yes.

1 Q. 87, is that another collage?
2 A. Yes.
3 Q. 88?
4 A. Yes.
5 Q. Another collage with Mr. Honea and
6 Ms. Savage?
7 A. Yes.
8 Q. Showing you 89, what does that appear to be?
9 A. Appears to be Mr. Honea and Ms. Savage
10 kissing.
11 Q. 90?
12 A. Mr. Honea and Ms. Savage.
13 Q. Are they holding hands?
14 A. Yes.
15 Q. Does this photo in 90, they appear to be
16 wearing the same clothes as in 89, right?
17 A. Yes.
18 Q. 91, same clothes, same people, fair to say?
19 A. Yes.
20 Q. 92, same clothes, same people?
21 A. Yes.
22 Q. Mr. Honea kissing Ms. Savage on the cheek?
23 A. Yes.
24 Q. 93, what does that appear to be?
25 A. Mr. Honea and Ms. Savage.

1 Q. 94, does that appear to be a collage of the
2 photos we previously looked at?

3 A. Yes.

4 Q. 95, is that another collage?

5 A. Yes.

6 Q. Of the same photos where they are wearing the
7 same clothes?

8 A. Yes.

9 Q. Can you read into the record what it says
10 there?

11 A. It says, Merry Christmas, Baby.

12 Q. 96, is that another collage and the one of
13 them kissing is in the middle?

14 A. Yes.

15 Q. 97, is that another collage?

16 A. Yes.

17 Q. 99, different background, but another one of
18 them kissing in the middle?

19 A. Yes.

20 Q. Showing you 101. Can you read what it says in
21 the top left corner?

22 A. Nothing is better than the sound of his
23 laugh.

24 Q. That is a photograph of the same people
25 different location?

1 A. Yes.

2 Q. 102, same people?

3 A. Yes.

4 Q. What does it say on the bottom right corner?

5 A. It says, I heart you. So I love you.

6 Q. These are images you were able to obtain from

7 Morgan's lap top. Could you tell how they got there?

8 A. Most of those images were from an iPhone

9 backup file.

10 Q. So when you plug your phone in you back your

11 phone up to the computer; is that right?

12 A. Yes.

13 Q. 104, describe what we're looking at there?

14 A. That is an image of Mr. Honea and Ms. Savage

15 is kissing Mr. Honea on his cheek.

16 Q. Do they appear to be in a vehicle?

17 A. Yes.

18 Q. 105, same clothes. Appear to be in a vehicle

19 still?

20 A. Yes.

21 Q. 106, another picture of them?

22 A. Yes.

23 Q. 107, same people; is that right?

24 A. Yes.

25 Q. What do they appear to be doing?

1 A. It appears they are looking at the menus in
2 the restaurant.

3 Q. 109, same people?

4 A. Yes.

5 Q. Where does that appear to be at?

6 A. It appears to be in a bathroom.

7 Q. And 110, same people?

8 A. Yes.

9 Q. What do they appear to be doing?

10 A. Kissing, taking a selfie.

11 Q. Is Mr. Honea's hand near Ms. Savage's butt?

12 MR. MACAUTHUR: Objection.

13 THE COURT: Overruled. You may answer.

14 THE WITNESS: Yes, it appears to be over her
15 buttock with his right hand.

16 BY MS. RHOADES:

17 Q. 111, same people?

18 A. Right.

19 Q. Ms. Savage is wearing the same shirt we saw
20 her wearing in 110?

21 A. Yes.

22 Q. Can you tell where they appear to be in this
23 photograph?

24 A. Appears to be a restaurant. Because of the
25 tablecloth I would assume it's a pizza place.

1 Q. Showing you 112, same people different
2 location; is that right?

3 A. Yes.

4 Q. 113, what do they appear to be doing in the
5 picture?

6 A. Appear to be standing on a balcony taking a
7 selfie of themselves.

8 Q. Showing you 108, what is this a picture of?

9 A. It's a picture of a hand with an engagement
10 ring.

11 Q. Was that found on Morgan's lap top as well?

12 A. Yes.

13 Q. Showing you what's marked as State's Proposed
14 81. Can you look through that and tell me if you
15 recognize it.

16 A. Yes, I do.

17 Q. What do you recognize that to be?

18 A. That is the product of one of programs that I
19 use to conduct my investigation.

20 Q. Are there images included in that packet?

21 A. Yes.

22 Q. Where did those images come from?

23 A. They come from the Lenovo.

24 Q. Are there thumbnails of the images and a path
25 where they were found on there?

1 A. Yes.

2 Q. You made that yourself?

3 A. Yes.

4 MS. RHOADES: I move for admission of 81, your
5 Honor.

6 THE COURT: Sure. Also not part of our earlier
7 discussion.

8 MS. RHOADES: For the record, I also provided it
9 to them earlier.

10 MR. MACAUTHUR: I'm familiar. No objection.

11 THE COURT: 81 will be admitted. You may publish
12 as needed.

13 MS. RHOADES: Thank you.

14 THE COURT: For the record, these are packets of
15 information being admitted because of the source of the
16 item in the path. Each item had been separately numbered,
17 so we have packages based on the source, correct.

18 MS. RHOADES: That's true, yes.

19 BY MS. RHOADES:

20 Q. This packet, 81, all these images came from
21 the lap top, right?

22 A. Correct.

23 Q. And you have an electronic file of that lap
24 top?

25 A. Yes.

1 Q. Is it a bit difficult or burdensome to put the
2 entire lap top in and pull it up, take awhile to do
3 that?

4 A. Yes.

5 Q. Did you create this packet for ease of some of
6 the images that were of evidentiary value from the lap
7 top?

8 A. Yes.

9 Q. They are very small.

10 MS. RHOADES: Permission to publish, your
11 Honor.

12 THE COURT: You may.

13 BY MS. RHOADES:

14 Q. Looking through these, I don't even know if we
15 can, does this appear to be Mr. Honea in these images?

16 A. Yes.

17 Q. This is a thumbnail found on the lap top?

18 A. Corrected.

19 Q. This information here is the path where it was
20 found?

21 A. Yes.

22 Q. More photographs of Ms. Savage and Mr. Honea;
23 is that right?

24 A. Yes.

25 Q. Some photographs of them appear to be at Red

1 Rock or somewhere that they are at the mountains?

2 A. Yes.

3 Q. Just looking at this thumbnail, does that
4 appear to be a screen shot of the same call or skype
5 call?

6 A. Yes.

7 Q. Were there multiple of those that you found?

8 A. Yes.

9 Q. Were there also multiple images of Ms. Savage
10 naked?

11 A. Yes.

12 Q. In provocative positions?

13 A. Yes.

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

15 THE COURT: You may.

16 BY MS. RHOADES:

17 Q. Can you see the date on here of this
18 particular naked picture of her?

19 A. That date I can't.

20 Q. Does it look like 2014?

21 MR. MACAUTHUR: Objection.

22 THE COURT: What's the objection.

23 MR. MACAUTHUR: He's testifying not her.

24 THE COURT: Understood.

25 Go ahead, Ms. Rhoades. Help the witness to what

1 you are trying to show the witness. He can confirm.

2 BY MS. RHOADES:

3 Q. That is January 2014; is that right?

4 A. Can you -- yes.

5 MS. RHOADES: They will have the hard copy. You
6 can see the dates on there.

7 THE COURT: The hard copy document will be
8 reviewed.

9 BY MS. RHOADES:

10 Q. The naked pictures of Morgan they range from
11 2013 and 2014?

12 A. Yes.

13 Q. If I could have the computer.

14 114, these are other images you pulled from the lap
15 top?

16 A. Yes.

17 Q. See the dates on the ones we are looking at
18 here?

19 A. Yes.

20 Q. What do those dates mean?

21 A. Typically that is the date that the photo was
22 taken.

23 Q. When you say taken, does that mean up loaded
24 onto a computer or taken on the iPhone or what do you
25 mean?

1 A. It will typically report the date that the
2 picture was taken. Sometimes if it is moved it can change,
3 but the original date will still be there. It will be in
4 the background.

5 Q. Going down, these that we're looking at appear
6 to be the beach. That says DSC02330. What does that
7 mean?

8 A. That would be the label that the camera
9 appoints to it.

10 Q. So why don't these have the date
11 underneath?

12 A. If you don't save them to a different folder
13 and rename them they'll stay in the original name.

14 Q. That is the original name that was copied from
15 Morgan's lap top?

16 A. Yes.

17 Q. Scrolling down, the same thing with this
18 image, 1500?

19 A. Correct.

20 Q. And iPhone 5006?

21 A. Correct.

22 Q. Same thing with that?

23 A. Correct.

24 Q. That is just how they're saved in the
25 computer?

1 A. Right. The one you said image, then there is
2 the underscore with a number.

3 Q. With a number?

4 A. Yes.

5 Q. iPhone 5262, if you right click it and go to
6 properties and go to details, what kind of information do
7 we get from that?

8 A. Typically it gives you the information where
9 it came from. And typically it gives you the date the
10 photo was taken from and where. It came from, for
11 instance, this one came from the iPhone 5.

12 Q. Going down here, where these are labeled new
13 set. Those appear to be the same Valley of Fire pictures.
14 Is that something that Morgan had named them?

15 A. Yes.

16 Q. With each of these each picture on this disc
17 you can go to properties and details and get the details
18 of that picture, right?

19 A. Correct.

20 Q. Did you also -- well, you testified you also
21 looked at Morgan's iPhone; is that right?

22 A. Correct.

23 Q. Were there any texts on that iPhone?

24 A. Yes.

25 Q. There were?

1 A. Yes.

2 Q. On Morgan's iPhone?

3 A. No. They were not on the iPhone itself.

4 Q. Did you also look at Mr. Honea's iPhone?

5 A. Yes.

6 Q. Were there calls on Morgan's iPhone?

7 A. I believe so.

8 Q. Were there contacts listed on Morgan's
9 iPhone?

10 A. Yes.

11 Q. Were there images on there?

12 A. The back-up had images.

13 Q. The back-up you did of Morgan's phone had
14 images?

15 A. Yes.

16 Q. Everything you -- your analysis was all based
17 on the copies that were on a flash drive; is that right?

18 A. Yes.

19 Q. If I approached you with a flash drive and
20 opened up Morgan's phone, would that refresh your memory
21 about calls and texts and things that were on Morgan's
22 phone?

23 A. Yes.

24 MS. RHOADES: Approach the witness.

25 THE COURT: You may.

1 MS. RHOADES: Showing you State's 80, a packet.
2 Could you flip through those.

3 Do you recognize those?

4 A. Yes.

5 Q. Are those some of the images found on Morgan
6 Savage's iPhone?

7 A. Yes.

8 Q. That you were able to pull for this
9 analysis?

10 A. Yes.

11 MS. RHOADES: Move for admission of 80, your
12 Honor.

13 MR. MACAUTHUR: Court's indulgence.

14 MS. RHOADES: For the record, they were
15 previously shown earlier today.

16 MR. MACAUTHUR: Having recognized the images, no
17 objection.

18 THE COURT: 80 is admitted. You may publish.
19 There was previous discussion of objection as to one of
20 those offered in the entirety of 80 admitted.

21 MS. RHOADES: Thank you, your Honor.

22 BY MS. RHOADES:

23 Q. Going back to the calls and text on Morgan's
24 cell phone. Showing you pulled up on this lap top hard
25 drive of Morgan's cell phone, does looking at that flash

1 drive of Morgan's cell phone --

2 A. Yes.

3 Q. Does looking at that refresh your recollection
4 about whether or not there were calls on that cell
5 phone?

6 A. Yes.

7 Q. Were there calls?

8 For the record, he is looking at the tabs. There
9 are no calls listed on Morgan's cell phone?

10 A. No.

11 Q. There's no contacts listed on that?

12 A. Right.

13 Q. There's no text messages found on Morgan's
14 cell phone?

15 A. Correct.

16 Q. I'll publish page 1 of State's 80. These are
17 the images that you were able to pull from Morgan's cell
18 phone; is that right?

19 A. Yes.

20 Q. Is this what we just looked at?

21 A. Yes.

22 Q. Up here, what is all this -- file, time,
23 source?

24 A. It tells you what the file is named. Then the
25 date of that file. And the actual path of that file, also

1 called source.

2 Q. The date of this file that we're looking at
3 here, can you see that?

4 A. Yes.

5 Q. What is that?

6 A. 6262015.

7 Q. Is that necessarily the date the photograph
8 was taken?

9 A. It can be either the date it was taken or the
10 date it was moved to the device.

11 Q. Here it was from the iPhone, the device?

12 A. Yes.

13 Q. That appears to be a screen shot that says
14 Archi's Buffet?

15 A. Yes.

16 Q. Page 3 of 80, is that a picture of Mr. Honea
17 and Ms. Savage?

18 A. Yes.

19 Q. Up here there's more information here. Why is
20 there more information for this photo?

21 A. It reported the file date, file time. Then
22 the SF time is information from the actual camera or
23 device used. In this case it was a camera. So the camera
24 recorded the information of that picture.

25 Q. What's the date of that?

1 A. SF date and time is 1:17 of 2014. The file
2 time is 1:18 of 2014.

3 Q. Then the next page of that same exhibit. Does
4 that appear to be a picture also found on Ms. Savage's lap
5 top?

6 A. Yes.

7 Q. The next page, does that appear to be another
8 picture of a ring Morgan is swearing?

9 A. Yes.

10 Q. Different from the one we just looked at from
11 the lap top?

12 A. Yes.

13 Q. What is the time of this picture?

14 A. SF time is 10:25. Local file time is 10:25
15 Pacific standard time.

16 Q. What date?

17 A. The date is 12/27 of 2013.

18 Q. This is another picture?

19 A. Yes.

20 Q. Same with the last page?

21 A. Yes.

22 Q. Showing you 56 A, 61, 78, 55.

23 THE COURT: So, just to be clear. We have a
24 packet of documents which has been marked a State's
25 Proposed 55. We then have also 61, individual pages or

1 packet of pages.

2 MS. RHOADES: 61 is 4 pages.

3 THE COURT: Okay. What was the other number.

4 MS. RHOADES: 78, which is 2 pages.

5 THE COURT: Are all of these items also then
6 contained on what has been marked as the disc that is 56
7 A.

8 MS. RHOADES: Yes, your Honor.

9 THE COURT: All right.

10 Subject to our earlier discussion and the
11 objection that was sustain in part and overruled in part,
12 we have items to be presented to be admitted for
13 Mr. MacAuthur to confirm.

14 MR. MACAUTHUR: Because the packet --

15 MS. RHOADES: Could we approach.

16 THE COURT: Yes.

17 MS. RHOADES: Let's approach so we don't have
18 this argument before the jury.

19 (Discussion held at the bench.)

20 THE COURT: We resolved the concern.

21 State's 55, which is a multiple page in a packet.
22 State's 61, which is a 4 pages of documents. State's 78
23 is a 2-page document. And the disc which is labeled as
24 State's Proposed 56, 56 A, are all admitted at this time.
25 YYou may publish as needed.

1 MS. RHOADES: Thank you, your Honor.

2 BY MS. RHOADES:

3 Q. Showing you 56, the disc in there, do you
4 recognize the disc?

5 A. Yes.

6 Q. Why?

7 A. I put my initials and "P" number on the
8 disc.

9 Q. The disc, fair to say, are the copy of the
10 images contained in 55?

11 A. Yes.

12 Q. All found on Mr. Honea's iPad?

13 A. Yes.

14 Q. Not all images on the iPad, just some of
15 evidentiary value?

16 A. Yes.

17 Q. Publishing 55, we see information about the
18 photograph above the photograph, fair to say?

19 A. Yes.

20 Q. Similar to what we saw talking about Morgan's
21 phone?

22 A. Yes.

23 Q. The first page is Mr. Honea?

24 A. Yes.

25 Q. The second page, can you see the date of that

1 image on this page?

2 THE COURT: This is 55.

3 THE WITNESS: Yes.

4 BY MS. RHOADES:

5 Q. What's the date?

6 A. 7/6/2015.

7 Q. Is this a screen shot of a text stream between
8 Ms. Savage and Mr. Honea?

9 A. Yes.

10 Q. Page 3 of 55, what is the date?

11 A. 6/23/2015.

12 Q. What is this a screen shot of?

13 A. A Tweet.

14 Q. And whose page?

15 A. Morgan's.

16 Q. Read what it says.

17 A. They're going to catch you so stop running.
18 Don't think I'll stick up for you after what you did to
19 me.

20 Q. What is the date of that post?

21 A. 6/23 of 2015.

22 Q. 6/21?

23 A. The file time was 6:23. The post is -- it's
24 right underneath, you did to me 6/23 of '15 -- comma
25 2015.

1 Q. Sorry. I was unclear.

2 The next page 55, does that appear to be a screen
3 shot of an e-mail conversation between Joseph Lombardo and
4 Joshua Honea?

5 A. Yes.

6 Q. The date on that is what?

7 A. The file time is 5/29 of 2015. And underneath
8 Joseph Lombardo's name is Thursday 5/28/2015, 9:18 a.m.

9 Q. So the file time is when the screen shot was
10 taken?

11 A. Yes.

12 Q. These two pages, what we just talked about in
13 78.

14 MS. RHOADES: Permission to publish the first
15 page of 78.

16 THE COURT: To be clear, we have the screen shot
17 in 55 exhibit, but you have asked to have -- we have
18 admitted two pages as Exhibit 78, which are the, shall we
19 say, a blow-up of 55.

20 MS. RHOADES: Correct. It's a blow-up of the
21 screen shots.

22 THE COURT: You may publish.

23 BY MS. RHOADES:

24 Q. Is this a letter to Joseph Lombardo?

25 A. Yes.

1 Q. The date on that May 23rd, 2015?

2 A. Yes.

3 Q. This page filed in 55 -- packet 55, file time
4 May 18, 2015. What is that a screen shot of?

5 A. Mr. Honea.

6 Q. Can you read what it says above that?

7 A. It says, if Josh Honea comes to NEAC -- all
8 caps -- it appears to be capital NEAC, which is northeast
9 area command, asking to volunteer or do a ride-along, he's
10 no long employed and he's not allowed in the building into
11 the employee areas.

12 Q. What's the date on this one?

13 A. 5/18/2015.

14 Q. The next few pages in 55, what are we looking
15 at here? What is this of?

16 A. That's an actual image of what we call a P-1.
17 That is our file system for all reports.

18 Q. When you say "our" who do you mean?

19 A. Las Vegas Metropolitan Police Department.

20 Q. Looking at -- well, first, what is the file
21 date of that screen shot?

22 A. File date is 6 -- or 5/6/2015, so May 6,
23 2015.

24 Q. State's 61 -- publishing, your Honor -- is
25 that a blow-up of the screen shot?

1 A. Yes.

2 Q. The event number of the screen shot, the case
3 number or the same as the event number we're talking about
4 in this case, right?

5 A. Correct.

6 Q. Then the second page of 61. This was also
7 found on Mr. Honea's iPad, this screen shot; is that
8 correct?

9 A. Correct.

10 Q. Are these the same notes from that Metro
11 system?

12 A. Yes.

13 Q. Down at the bottom -- so this was taken as a
14 screen shot of a computer screen, is that fair to say?

15 A. Yes.

16 Q. At the bottom here there are notes that are
17 stuck to the computer screen?

18 A. Yes.

19 Q. They appear to be to Josh?

20 A. Yes.

21 Q. The other pages on 61, page 3 and 4, these
22 were also screen shots that were found on the Defendant's
23 iPad?

24 A. Yes.

25 Q. Just going back to 55, see that screen shot

1 there, one of the notes. When was this image taken?

2 A. Imagine was taken 5/6/2015.

3 Q. 55 of that packet, can you see when this image
4 was taken from that information above the image?

5 A. File time was 4/18/2015, but the Tweet was
6 12/3 of 2015.

7 Q. Is that from someone's Twitter page named
8 Tae?

9 A. Yes.

10 Q. What does it say?

11 A. That is a strong thing Morgan's thoughts on
12 (inaudible).

13 Q. That's a screen shot on Defendant's iPad?

14 A. Yes.

15 Q. The next image, what is the file date of
16 this?

17 A. File date of 4/17/2015.

18 Q. Does it appear to be a screen shot of an
19 e-mail?

20 A. Yes.

21 Q. Sent from Mr. Honea?

22 MS. RHOADES: May I approach.

23 THE COURT: You may.

24 MS. RHOADES: Thank you.

25 BY MS. RHOADES:

1 Q. To Mr. Honea?

2 A. Yes.

3 Q. The bottom writing that would be an e-mail
4 from Mr. Honea to?

5 A. Reply.

6 Q. This was sent to OK Cupid support?

7 A. Yes.

8 Q. Where he wrote OK Cupid on April 17, 2015, can
9 you read into the record what it says there?

10 A. I came across a user in my matches, Morgan,
11 underscore, hippy_hop, who is 15 years of age that stated
12 she was 19 on the profile. He poses a safety concern for
13 herself and other users. It also violates the terms of
14 use. I did report her profile.

15 Q. Mr. Honea reporting Ms. Savage's OK Cupid
16 profile?

17 A. Yes.

18 Q. The next page on there, is that some sort of
19 internet screen shot of OK Cupid?

20 A. Yes.

21 Q. Here the search where it says results for --
22 he's searching that same name that was mentioned in that
23 e-mail we just read?

24 A. Yes.

25 Q. The next image with the file time of

1 4/13/2015, what does this appear to be?

2 A. Screen shot of someone. It just has their
3 body.

4 Q. Same name, Morgs, under score, hippy hop?

5 A. Yes. Morgs, under score, hippy hop.

6 Q. Page 55, file date 4/11/2015. What does this
7 one appear to be?

8 A. Scroll date is 4/11/2015. A screen shot of
9 Morgan -- Ashley -- and --

10 Q. I guess it's a Twitter?

11 A. Yes, a Twitter account.

12 Q. Some sort of social media account?

13 A. Correct.

14 Q. This is the screen shot of Defendant's iPad?

15 A. Yes.

16 Q. This other image in 55, does that appear to be
17 a card and note to Mr. Honea?

18 A. Yes.

19 Q. Does this note match up with the note that was
20 on the computer where the P-1 shots were taken?

21 A. Looks like part of it.

22 Q. Valley of Fire State park was found on there
23 with him and Morgan?

24 A. Yes.

25 Q. This was also on Defendant's iPad?

1 A. Yes.

2 Q. As was this?

3 A. Yes.

4 Q. What's the file date of this? Can you see
5 that from there?

6 A. Yes, 8/2/2014.

7 Q. Going back to this one with Morgan and her
8 mom, what was the file date there?

9 A. 8/24/2014.

10 Q. Another picture of Morgan on his iPad?

11 A. Yes.

12 Q. This receipt appears to be from the Hilton
13 Garden Inn. What's the date that this image was taken on
14 the iPad?

15 A. The date it was taken was 1/3/2014. The file
16 time on the iPad was 1/8/2014.

17 Q. How about what does this appear to be a
18 picture of?

19 A. Erect penis.

20 Q. This was on Mr. Honea's iPad?

21 A. Yes.

22 Q. When was this?

23 A. 12/8/2013.

24 Q. And what is this a photo of?

25 A. Mr. Honea.

1 Q. Naked?

2 A. From the waist up, yes.

3 Q. What's the date on this image?

4 A. 12/8/2013.

5 Q. How about this one?

6 A. An image of an Erect penis.

7 Q. And a stomach?

8 A. Yes, upper body.

9 Q. It appears to be Mr. Honea?

10 A. Yes.

11 Q. What is the date on this one?

12 A. 12/8/2013.

13 Q. How about this, another chest picture?

14 A. 10/30/2013.

15 Q. Another chest picture, how about that date?

16 A. 10/30/2013.

17 Q. Another chest picture. What's the date on
18 that?

19 A. 10/30/2013.

20 Q. Then images of him and Morgan. Is that fair
21 to say?

22 A. Yes.

23 Q. While we are on there, your Honor, permission
24 to publish a portion of the disc that contained those
25 images for a closer look at them.

1 I want to talk about this. Can you see that on
2 your end?

3 A. Yes.

4 Q. What is the file time of this?

5 A. File time is 4/11/2015.

6 Q. Does the appear to be a screen shot of a text
7 conversation between Mr. Honea and Kevin Zafiris?

8 A. Yes.

9 Q. The green is Mr. Honea and the other one is
10 Zafiris?

11 A. Yes.

12 Q. The date that we can see right here is
13 Thursday, March 26th?

14 A. Correct.

15 Q. Can you read what those say into the record.

16 A. The green I can't. It's too pixilated.

17 Black, great stuff kid.

18 MR. MACAUTHUR: I'd object. We would like a
19 version where both are seen for the jury.

20 THE COURT: Our screens for the monitor are not
21 that good. Can it be seen from the bigger screen here.

22 BY MS. RHOADES:

23 Q. I'm sorry. Honea and Zafiris?

24 A. Honea -- two people ended up being in PSV --
25 PSV charge, 2 counts.

1 Two people ended up taking -- something PSV -- so
2 PSV is for a stolen vehicle charge. So it counts.

3 He says, great stop kid.

4 Q. What does that say on March 26th?

5 A. Would you kill me if I wanted to go back to
6 NAC, which is northeast area command.

7 Q. Mr. Honea is talking to Kevin Zafiris?

8 A. Yes.

9 Q. What does Zafiris say?

10 A. Dude, why would you do that.

11 Q. What does Honea say?

12 A. His response is, I miss the area. I like the
13 officers at Enterprise, but not the area.

14 Q. Then what does Mr. Zafiris say?

15 A. He says, you gave it a month, Bro. It's about
16 to get real busy with summer around the corner. I know
17 you're doing this because we spoke to you the other day,
18 and I saw --

19 Q. And I saw this coming?

20 A. It continues. I saw this coming.

21 Q. What does Honea say?

22 A. Oh, no. That's not why at all. Something
23 wasn't really a big deal -- that wasn't really a big deal.
24 And I even told some people last week that I wanted to go
25 back, but I was just afraid to tell you.

1 Q. Then what does Zafiridis say?

2 A. He says, do whatever you want. They let you
3 bend the rules over there. You'll eventually get hurt or
4 end up in a jackpot and get yourself in trouble for the
5 letter "T".

6 Q. One more. Stay there.

7 This next file time for 4/11/2015. Does it appear
8 to be the continuation of that call we're just reading?

9 A. For the future. They treat you like shit and
10 you go right back to them. We treat you like family over
11 here and you have both me and Wirey here. Whatever, man.

12 Next continues, I stuck my neck out for you how
13 many times. Thanks for making me look like an idiot.

14 Q. This appears to be some discussion about
15 Mr. Honea wants to go back to Northeast Area Command and
16 leave Enterprise?

17 A. Yes.

18 Q. What's his response to that?

19 A. Well, I haven't changed, yet. I just miss
20 working in that area. I also thought about trying EAC
21 swing shift. I will give it more time.

22 Q. What does Zafiridis say?

23 A. Dude, seriously, do what you want. You are a
24 volunteer. I'm not -- I'm done giving you advice.

25 Q. What does Honea say?

1 A. Never mind. I won't change back. On the 29th
2 he says, can I give you a call and talk to you real
3 quick.

4 Q. Looking at that receipt that we saw, the
5 arrival date appears to be August 5th, 2013; is that
6 right?

7 A. Correct.

8 Q. The departure date is August 7, 2013?

9 A. Correct.

10 Q. That's at the Hilton Garden Inn in Carlsbad?

11 A. Yes.

12 Q. Do you recognize what's contained in State's
13 79, which is a packet of information?

14 A. Yes.

15 Q. What is it?

16 A. Messages.

17 Q. Are those text messages that were obtained
18 from Mr. Honea's iPhone?

19 A. Yes.

20 Q. Those are a portion of the text messages, not
21 all the texts you were able to obtain from his phone; is
22 that right?

23 A. Correct.

24 Q. These fairly and accurately depict a portion
25 of the messages?

1 A. Yes.

2 MS. RHOADES: Move for admission of 79.

3 MR. MACAUTHUR: No objection to 79.

4 THE COURT: There was an objection to this that
5 was overruled, but with that understanding you may -- it's
6 admitted, 79. You may publish.

7 BY MS. RHOADES:

8 Q. The text messages in Mr. Honea's iPhone, did
9 those range from about June 22, 2015 to July 23, 2015?

10 A. Yes.

11 Q. No text messages before June 23rd, 2015 were
12 found in his phone, right?

13 A. Correct.

14 Q. Or June 22, around that date, 2015?

15 A. Correct.

16 Q. Any calls listed when you downloaded Mr.
17 Honea's iPhone?

18 A. I would have to look at my report.

19 Q. Would it refresh your recollection to view
20 that on the computer, whether there were any calls on his
21 iPhone?

22 A. Yes.

23 Q. Showing you the report, the full report that's
24 contained in the flash drive. Can you look through there
25 and see if that refreshes your recollection as to if there

1 were any calls on his iPhone?

2 A. I don't see any.

3 Q. No calls but some texts for that month time
4 period?

5 A. Yes.

6 Q. 79, all these texts the jury will have them
7 with them. This first person that some of the texts that
8 were found on his iPhone were from Breza Perez?

9 A. Yes.

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

11 (Discussion held at the bench.)

12 THE COURT: I wanted to check in with counsel
13 for a few more minutes with the State here to complete
14 with this witness. We have, of course, defense and of
15 course any questions the jurors may have. Since we can't
16 complete that, we are going to do lunch now and resume
17 with the witness on the other side of our lunch recess at
18 1:30.

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 at 1:30. Thank you. Have a good lunch.

8 (Lunch recess taken.)

9 THE COURT: Resuming in the trial of State of
10 Nevada vs. Joshua Honea. We are present with counsel for
11 the State and counsel for the Defendant, Mr. Honea.

12 Detective Ramirez is still on the stand. Can I
13 please have you acknowledge for the record you understand
14 you are still under oath.

15 THE WITNESS: Yes, I do.

16 THE COURT: Ms. Rhoades, when you are ready.

17 MS. RHOADES: Thank you. Approach the
18 witness.

19 THE COURT: Yes.

20 BY MS. RHOADES:

21 Q. We left off on the text messages from
22 Mr. Honea, remember that?

23 A. Yes.

24 Q. Just showing you what is admitted. The first
25 16 pages, do they all appear to be text messages between

1 Mr. Honea and Breza Perez?

2 A. Yes.

3 Q. These are all the text messages you were able
4 to recover on that phone from those two individuals?

5 A. Yes.

6 Q. Specifically talking about those, they start
7 on June 23, 2015; is that right?

8 A. Yes.

9 Q. Then they end on July 7th -- sorry July 6th,
10 2015?

11 A. Yes.

12 Q. The next person that we see texting back and
13 forth with Mr. Honea is a Chris Swallia?

14 A. Yes.

15 Q. Do those appear to be all of the text messages
16 between those two individuals?

17 A. Yes.

18 Q. Next, there are some messages from Caterina
19 Babbitt. There are 1, 2, 3 -- 8 pages with Caterina
20 Babbitt, is that fair to say -- 7-and-a-half?

21 A. Yes.

22 Q. There were more text messages on that iPhone
23 between Mr. Honea and Mr. Babbitt, but these were the ones
24 that were pulled for purposes of this exhibit, fair to
25 say?

1 A. Yes.

2 Q. The date range with her June 23, 2015 through
3 July 1, 2015?

4 A. Yes.

5 Q. Next there's a message with Larry Samples.
6 There's just one back and forth message on there and that
7 was the only messages on there from him, correct?

8 A. Correct.

9 Q. Next, we're going to go to Lauren. There's a
10 few messages from June 25th through -- they're all
11 conversations from June 25th, right?

12 A. Yes.

13 Q. 2015?

14 A. Yes.

15 Q. There were more text messages on that iPhone.
16 These were the ones pulled for purposes of this exhibit,
17 right?

18 A. Correct.

19 Q. Lastly we have texts with Morgan Savage.
20 Those are from dates June 25, 2015 through July 6, 2015;
21 is that fair?

22 A. Yes.

23 Q. These were all the text messages between
24 Mr. Honea and Ms. Savage that was recovered from
25 Mr. Honea's iPhone; is that right?

1 A. Yes.

2 Q. I'm not going to go through every single text
3 right now, but I do want to go through the first ones with
4 Briza Perez?

5 Throughout we see a green arrow and red arrow,
6 right?

7 A. Correct.

8 Q. The green arrow are messages that Mr. Honea
9 would be sending to that person, right?

10 A. Yes.

11 Q. The red arrow would be incoming from that
12 person?

13 A. Correct.

14 Q. Then the information that we have on each text
15 is the date, the time, the person, the phone number, and
16 then what the text was, right?

17 A. Yes.

18 Q. So the first one is on June 23, 2015, right?

19 A. Yes.

20 Q. To Breza from Mr. Honea. He says, hi.

21 She say, hey.

22 A. Yes.

23 Q. Then he says, what up home girl.

24 A. Yes.

25 Q. Then their conversation continues until July

1 6th?

2 A. Right.

3 THE COURT: What year.

4 MS. RHOADES: 2015.

5 THE COURT: Thank you.

6 BY MS. RHOADES:

7 Q. So these are the messages that we're looking
8 at now, Chris Swallia. So that first one that would be
9 one that he sent to Mr. Honea, right?

10 A. Correct.

11 Q. The date on that one?

12 A. 6/26/2015.

13 Q. And Mr. Swallia says, well.

14 Then, Mr. Honea, the outgoing text on June 26,
15 2015, at 11:33, can you read that into the record or do
16 you need me to approach with that?

17 A. I can read it.

18 So Morgan said IA -- which stands for internal
19 affairs -- change in plans and went to her mom's work
20 yesterday morning and asked her the same questions that SA
21 did. SA, sexual assault. It's very inconsistent so I
22 can't tell if Morgan is lying or not because it --
23 scroll -- it doesn't make sense.

24 Q. Then the red -- so Mr. Swallia says, um.

25 Josh says what?

1 A. And Morgan said she has to call them and do a
2 phone interview or something. It's weird.

3 Q. Then Mr. Swallia says what?

4 A. I bet she's fucking with you.

5 Q. Mr. Honea says?

6 A. Yeah, the story has changed several times.
7 She says she has the detective's card, but when I asked
8 for the name she said it was Rebecca but didn't know
9 anymore.

10 Q. Then Mr. Swallia says, it sounds like she is
11 making it all up.

12 Mr. Honea says?

13 A. It does. I have been thinking of a way to
14 verify it though. I would rather not call them.

15 Q. Then Mr. Honea says?

16 A. Them being IA and asking.

17 Q. Okay.

18 Moving on to Caterina Babbitt. I guess I want to
19 clarify. The way the report comes out, so when we just
20 went through these text, the bottom one is 6/26/2015. So
21 it goes from bottom to top. Is that fair to say?

22 A. Yes.

23 Q. So Caterina, her start here. Going to the
24 back where they -- the date starts. It might be better if
25 I approach.

1 THE COURT: Yes.

2 BY MS. RHOADES:

3 Q. I do want you to read into the record this
4 conversation between Ms. Babbitt and Mr. Honea going up
5 into about here. So I'm going to have you start at the
6 bottom where the conversation starts.

7 So tell us who starts the conversation. The
8 date -- so this conversation is going to be June 23,
9 2015?

10 MR. MACAUTHUR: Is it possible to have this on
11 the overhead. Even though there's sent and received, it's
12 not always alternating. I'd rather not have any mistakes
13 where a send is read as received.

14 THE COURT: Do we have a copy set to read along
15 with. Here is why I asked. I understand that it is very
16 cumbersome to zoom out far enough to see the screen. I
17 don't believe the witness will be able to read it, but if
18 we zoom in enough to see it then Ms. Rhoades is going to
19 be forced to go back and forth. Obviously, it's going to
20 be available to the jurors.

21 MS. RHOADES: He's going to read outgoing or
22 incoming.

23 THE COURT: We'll start with the witness the way
24 it was asked. And you've got a copy to read along with.

25 MR. MACAUTHUR: I do.

1 THE COURT: If we have any misreadings we'll go
2 ahead and correct it. In the meantime the witness can
3 indicate for the record -- and, of course, you're reading,
4 so be a little more slow so my reporter can write it down.
5 But indicate incoming and outgoing or recipient and
6 sender. However you think so we know who is talking to
7 who and what they're saying when.

8 THE WITNESS: Okay. It starts with Caterina
9 Babbitt, 6/23 of 2015, incoming. States, I haven't felt
10 good lately. I think it's just the stress.

11 MS. RHOADES: That's a green arrow. That means
12 that's outgoing.

13 THE WITNESS: Sorry. Going in.

14 MS. RHOADES: Josh is sending it to Caterina.

15 THE COURT: Mr. MacAuthur, I note you are
16 indicating concern because others may have observed it.
17 I'm just trying to clarify we're going try this. Here is
18 one of the problems. The two of you standing there
19 doesn't help the witness keep his voice up. So I'm going
20 to ask the witness keep your voice up so everybody can
21 hear it. Thank you.

22 If there is a further difficulty in doing it this way
23 we'll put it on the Elmo.

24 MR. MACAUTHUR: Thank you.

25 THE WITNESS: So, this one is 6/23/2015 at 13:45

1 hours Pacific time to Caterina Babbitt.

2 It says, I haven't felt good lately. I think it's
3 just the stress.

4 BY MS. RHOADES:

5 Q. That's Josh to Caterina.

6 A. Correct.

7 Q. I don't need you to read the time. Fair to
8 say these are all conversations from June 23rd and appear
9 to be the same conversation?

10 A. Correct.

11 This is a reply -- like physically -- question
12 mark.

13 Then the response is, yeah.

14 Then another response is, just yesterday and today
15 mostly.

16 THE COURT: I know it will be cumbersome, but
17 response, response, response we're going to lose the
18 thread of who's saying what. If you can use the name
19 Babbitt and Honea or something to help us understand who
20 is talking to whom.

21 I know it's the same people, but when you are reading
22 the response, response at some point you potentially lose
23 the thread of who is speaking.

24 THE WITNESS: Caterina says, if it continues you
25 should go see a doctor.

1 Honea states, like the tingly stuff. And sometimes I
2 feel like I need to throw up and just, yeah, I feel like
3 shit.

4 Caterina, it's probably stress. You should still get
5 it checked out.

6 Honea, if I get through this, we're going on a beach
7 vacation. I don't care what it costs. I have a credit
8 card. You and me will be beached whales for a week.

9 Caterina, LOL. It's a plan doll.

10 Caterina, you are -- in capitals -- getting through
11 this.

12 Caterina, it's not even an option.

13 Honea, yeah. I know.

14 Honea, I get mixed emotions though. One minute I'm
15 okay and the next I get scared.

16 Caterina, it's because you are stressed. It's
17 normal. This is a scary situation. You are going to be
18 fine. I know it.

19 Honea, yeah, I hope. Ha, ha, ha. Sorry.

20 It seems so stupid. It's like you just leave me
21 alone -- leave me alone already. It's been months i've
22 been going through this.

23 Honea, since January.

24 Caterina, I know after this depending on what happens
25 we should make sure they can't ever bring it up again.

1 Honea, yeah. I don't know how though.

2 Honea, because I technically -- because I think
3 technically Morgan can like change her mind until she is
4 36 or some shit.

5 Caterina, what -- exclamation point, exclamation
6 point, exclamation point.

7 Caterina, we need to do information because that's
8 bullshit.

9 Honea, I know.

10 Honea, the statute of limitations for sex crimes are
11 ridiculous.

12 Caterina, well, it will all get figured out --
13 exclamation point.

14 Honea, yeah. One way or another. Ha, ha, ha.

15 Honea, if she really wanted to though, she could hang
16 it over my head for years though.

17 BY MS. RHOADES:

18 Q. I'll have you stop there. The rest of the
19 conversation included in this packet that's evidence; is
20 that right?

21 A. Yes.

22 Q. There is also another conversation between --
23 and all of that conversation occurred June 23, 2015,
24 right?

25 A. Correct.

1 Q. There's another conversation between them on
2 June 25, 2015. Is that fair to say?

3 A. Yes.

4 Q. And another one ob June 30th and July 1st?

5 A. Yes.

6 Q. The only text message conversation between
7 Mr. Honea and Larry Samples is Happy Independent Day.

8 Thanks Buddy.

9 Just showing you conversation between Mr. Honea and
10 Lauren. They are discussing Morgan. What is going on
11 with Morgan in that conversation?

12 A. Yes.

13 Q. That's on June 25, 2015?

14 A. Yes.

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

16 THE COURT: Mr. MacArthur, when you are ready.

17 CROSS-EXAMINATION

18 BY MR. MACAUTHUR:

19 Q. Thank you, Judge. Good afternoon,
20 Mr. Ramirez.

21 A. Hello.

22 Q. How are you doing?

23 A. Good. How are do you doing.

24 Q. Excellent.

25 Sometimes it's hard to make forensics fun?

1 A. Correct.

2 Q. You agree?

3 A. Yes.

4 Q. Would you also agree with me when you get a
5 computer or electronic devices, sometimes there is a flood
6 of data you need to look through or obtain?

7 A. Correct.

8 Q. Some human being goes through there and finds
9 things that might be relevant?

10 A. Correct.

11 Q. Is it also true that not everything recovered
12 from these electronic devices has been admitted as an
13 exhibit through you?

14 A. Correct.

15 Q. Some things might be irrelevant or not at all
16 related to the charges herein?

17 A. Yes.

18 Q. Okay. I want to make really clear where the
19 source of the data comes from. I know you covered that
20 with the State, but for the jurors' benefit it's correct
21 that you reviewed a Lenovo lap top, iPad, two iPhones and
22 a camera and iPod?

23 A. Correct.

24 Q. And just to make it simple, the iPod and
25 camera had nothing on it of evidentiary value. That left

1 you with 4 devices?

2 A. Correct.

3 Q. That Lenovo lap top?

4 A. Yes.

5 Q. That belonged to Morgan Savage?

6 A. Correct.

7 Q. You also retrieved an iPad and that belonged
8 to Joshua Honea?

9 A. Correct.

10 Q. You had two iPhones. One from him. One from
11 her?

12 A. Yes.

13 Q. Excellent.

14 Now, you are aware that Mr. Honea is charged with
15 having had sex with an under age girl?

16 MS. RHOADES: Objection, relevance.

17 THE COURT: Mr. MacAuthur, I'm assuming
18 foundation for this line of questioning, but --

19 MR. MACAUTHUR: I'm not sure why it's
20 objectionable.

21 THE COURT: You didn't put it in the time frame
22 when he was aware in conjunction to the circumstances
23 here.

24 MR. MACAUTHUR: You were asked to perform
25 certain investigations forensically on electronic devices

1 association with this criminal case.

2 THE WITNESS: Correct.

3 BY MR. MACAUTHUR:

4 Q. You knew that the criminal allegations were
5 that a defendant had had sex with an under age girl?

6 A. Yes.

7 Q. So did that information guide you to some
8 extent as to what kind of pictures or audio or data that
9 you might have been looking for?

10 A. It does help us -- guide us a little better,
11 so we're not -- our scope is smaller. So we don't have to
12 look at every single thing.

13 Q. Right. If the person is charged with animal
14 cruelty, you might look for pictures of injured animals?

15 A. Correct.

16 Q. So you were looking for pictures that might
17 relate directly or tangentially with sexual relationships.
18 Is that fair?

19 A. Yes.

20 Q. So the jury is not confused, were there
21 pictures of Joshua Honea and Morgan Savage having sex
22 together?

23 A. No.

24 Q. Never saw anything like that?

25 A. No.

1 Q. You did see pictures of Morgan Savage naked?

2 A. Yes.

3 Q. Did you also see picture of her dressed?

4 A. Yes.

5 Q. You saw other things from her lap top that
6 might include books she'd read?

7 A. Yes.

8 Q. Things she thought were cute?

9 A. Yes.

10 Q. Memes she thought were funny?

11 A. Yes.

12 Q. People she knew?

13 A. Yes.

14 Q. Places she'd been?

15 A. Yes.

16 Q. But isn't it true that you didn't see naked
17 pictures of Joshua on her hard drive?

18 A. Yes.

19 Q. Let's talk by the iPad. The iPad belonged to
20 Joshua; is that correct?

21 A. Correct.

22 Q. Again, not everything on Joshes' iPad was
23 relevant to this inquiry?

24 A. Yes.

25 Q. He too had pictures of places he went, things

1 he had done, people he knew?

2 A. Correct.

3 Q. In fact, we also saw some pictures of Josh
4 naked?

5 A. Yes.

6 Q. We saw pictures of his Erect penis?

7 A. Correct.

8 Q. Isn't it true that none of those pictures
9 where on Morgan Savage's lap top?

10 A. Correct.

11 Q. Let's talk about those iPhones a little bit.
12 iPhones have their own operating system?

13 A. Yes.

14 Q. It's a different operating system from an
15 Android or Google or some other proprietary instrument?

16 A. iPhones are strictly Apple.

17 Q. Strictly Apple?

18 A. Yes.

19 Q. You recovered certain data from these iPhones
20 that were in memory or in back-up memory?

21 A. Back-up files.

22 Q. Is that fair?

23 A. Yes.

24 Q. Okay. Now, as you opened these documents, we
25 saw some -- we heard some testimony and we saw some

1 examples of there being file dates?

2 A. Yes.

3 Q. Sometimes we saw more than one date, fair?

4 A. Yes.

5 Q. So let's revisit that for a minute. Depending
6 on the device and how new it is -- let me withdraw.

7 Is there such a thing called metadata?

8 A. Yes.

9 Q. Can you explain what metadata is?

10 A. Metadata is all of the information of that
11 picture. So all the detailed information, just like
12 Except data gives you any and all the information about
13 that image. Just the history of that image, per se.
14 That's the easy way to put it.

15 Q. Is that also the way the computer knows where
16 to put the pixels?

17 A. Yes.

18 Q. How to recreate the pictures?

19 A. Yes.

20 Q. It also contains information about potentially
21 where the photo was taken.

22 A. Yes.

23 Q. So you could even have geographic data if the
24 picture was taken on something that had a GPS
25 capability?

1 A. Yes.

2 Q. Does it also tell you when the picture was
3 taken?

4 A. Yes.

5 Q. Do some applications let you record the
6 information of when a picture was up-loaded to an
7 electronic device?

8 A. Yes.

9 Q. To illustrate the example, I could take a
10 picture of you right now, right. And that would be
11 entered in the metadata?

12 A. Yes.

13 Q. If I hang on to that photo for 6 months, I can
14 up-load it to my MAC at home and it might read I uploaded
15 it on that date?

16 A. Yes.

17 Q. Is it also, in fact, true that some devices
18 don't track both?

19 A. They typically will keep the created date and
20 the last access date. So the picture you took of me,
21 that's going to have a created date. Then when you
22 up-load it 6 months later it will have the last access
23 date of that.

24 Q. So using that information you can look and see
25 when the last time that the picture was accessed by a

1 user, correct?

2 A. Yes.

3 Q. You might look at my computer and say, you
4 have had this picture since 2007, but you haven't looked
5 at it since 2010?

6 A. Or nothing has changed.

7 Q. So might it be useful information to look at
8 when a picture was last accessed?

9 A. Last access could just be that file was not
10 touched since that last time. If nothing changed in the
11 picture, let's say, if a malware was run, malware touched
12 that folder. That last access will change. But if
13 nothing touched that folder, then that last access date,
14 even if you viewed it, does not change. It depends on the
15 system. A lot of different factors go into that part.

16 Max handling date is different, NTSF. So you would
17 have to know what was the operating system of that Max
18 clean up.

19 Q. That's good to know. Thank you. I lost my
20 next question.

21 Now, that metadata, can it be edited.

22 A. No.

23 Q. It cannot be edited?

24 A. When I do the program, whatever is there, that
25 cannot be edited whatsoever.

1 Q. I don't mean to imply you or anybody at Metro
2 could have edited it. I'm saying can a person who
3 understands the technology use a utility to change
4 metadata?

5 A. Yes.

6 Q. I could have taken a pictures of you today and
7 upload it to my MAC and 6 months from now could go into
8 utilities and make it look like I took the picture of you
9 last week?

10 A. Correct.

11 Q. Or I can change that data to make it look as
12 though I had up-loaded it to my computer last year or next
13 year?

14 A. Yes.

15 Q. That's not especially difficult to do?

16 A. No.

17 Q. Okay.

18 When you describe materials you recovered from
19 Morgan Savage's iPhone I noted you said there was no
20 contact information?

21 A. Correct.

22 Q. When we talk about contact information, we're
23 talking about people we know and talk to?

24 A. Address book.

25 Q. If I want to talk to someone, I go into the

1 address book it give me Ramirez and your number and II
2 send you a text. I go, hey, man, thank you for testifying
3 today. That's the contact information.

4 A. That is contact.

5 Q. Morgan didn't have any?

6 A. No.

7 Q. So there was no way to know if she had a
8 friend named Brittany?

9 A. No.

10 Q. No way to know if he had a friend name
11 Paris?

12 A. No.

13 Q. Did you also say there were no text messages.

14 A. Correct.

15 Q. This is a phone that was given to Las Vegas
16 Police Department given to assault detectives by her?

17 A. Yes.

18 Q. She was the person who said she had been a
19 victim?

20 A. Yes.

21 Q. Just so I covered that. I trust that you know
22 you don't know whether she testified in these proceedings
23 or not?

24 A. No.

25 Q. You don't know what she would have testified

1 to if she did?

2 A. Absolutely not.

3 Q. I believe you also said that there was no call
4 records on Morgan's phone?

5 A. Correct.

6 Q. That would tell you who you spoke to, who
7 called you, and who may have called you?

8 A. Yes.

9 Q. Do phones naturally lose that data?

10 A. No.

11 Q. Is it usually a result of a user choice?

12 A. Yes.

13 Q. Did you interview Morgan Savage yourself?

14 A. No.

15 Q. Did you ever interview Josh Honea yourself?

16 A. No.

17 Q. Who was your contact where you received the
18 information or direction as to what it was you were
19 looking for?

20 A. Detective -- I call him by his last name.

21 Q. Dicaro?

22 A. Yes.

23 Q. Eastern European guy?

24 A. Yes.

25 Q. Would you agree with me that materials that

1 you received from the Lenovo lap top appeared to span a
2 period from 2013 to 2015?

3 A. Yes.

4 Q. Did you know when the Lenovo lap top was
5 manufactured? Is that embedded in the serial number, what
6 year that computer was?

7 A. I would have to look at last operating system.
8 I could go back to the registry for the date of the last
9 installation of the last Windows put on there. That would
10 just tell me the last Window -- what operating system was
11 there last.

12 Q. Let me ask you this.

13 By looking at that Lenovo were you able to make at
14 least a gut reference as to approximately what year it
15 was?

16 A. I think I saw a file that was as far back as
17 2010.

18 Q. That file could have migrated from the
19 previous system?

20 A. Yes.

21 Q. If it was native to that lap top, we might
22 assume that the lap top was at least since 2000 -- ten
23 years old?

24 A. Yes.

25 Q. Materials we've seen this afternoon span the

1 date of 2013 to 2015, correct?

2 A. Correct.

3 Q. Now, some pictures appear to have dates under
4 them, fair?

5 A. Yes.

6 Q. But other pictures seem to have digits or
7 letters. Is that also true?

8 A. Yes.

9 Q. Were there things like IMG0046?

10 A. Correct.

11 Q. If you could, please explain to the jury what
12 that might mean when you see IMG0046 if we're going to use
13 a hypothetical. What could they take from that?

14 A. Say it's a picture I took. I named it
15 Ramirez. It would be Ramirez, dot, IMG -- that identifies
16 it's an image -- 0560. So IMG is just telling you this is
17 an image.

18 Q. Thank you, sir.

19 You can take more than one picture?

20 A. Yes.

21 Q. Back in the day maybe you took 12 pictures on
22 a roll of film?

23 A. Yes.

24 Q. You remember a time where a SIM card would
25 fill up after 8 high resolution pictures, you've got to

1 put in another SIM card?

2 A. Correct.

3 Q. Might we expect that if I take consecutive
4 pictures of you and call them Ramirez it might say Ramirez
5 -- well, let me back up. Let's assume I started with a
6 fresh memory card?

7 I take your picture and call it Ramirez. It might
8 say Ramirez, IMG0001, correct?

9 A. Right.

10 Q. What might we expect the next picture to be,
11 as far as a coding?

12 A. 002.

13 Q. So you might find it to be a consecutive
14 series of numbers?

15 A. Yes.

16 Q. Is it also true if I were to take all of the
17 images off of that and up-load them to a computer the
18 number would reset down to zero?

19 A. Yes.

20 Q. Just because I have a Ramirez0001. I up-load
21 it to my computer, then I take your picture again -- cause
22 I'm a really big fan of you -- I've got to say that. It
23 would say Ramirez IMG0001, right?

24 A. Yes.

25 Q. Even though they are two separate pictures?

1 A. Right.

2 Q. When I up-load it to my computer might my
3 computer say, you have a file with this name. Would you
4 like to overwrite it or replace it or make a different
5 file?

6 A. Correct.

7 Q. I can choose whether I do that?

8 A. Yes.

9 Q. But the point being is that your testimony is
10 you can have images that are not close in time, but may
11 have very similar or even identical IMG numbers?

12 A. Yes.

13 Q. You can also have images that have the same
14 IMG number?

15 A. Yes.

16 Q. Now, do you remember the exhibit the State
17 introduced right around said May 18, where Josh was
18 identified as somebody that was no longer allowed inside
19 of Metro?

20 A. The letter.

21 Q. It seems like a weird question. May happens
22 after March?

23 A. Yes.

24 Q. But it happens before June or July?

25 A. Yes.

1 Q. So at some point in May it would appear that
2 his employment is terminated and that all Metro employees
3 are notified he's not supposed to be in the building?

4 A. Correct.

5 Q. You also provided or explained as the exhibit
6 that was provide to you, there was a letter to Josh to
7 Sheriff Joe Lombardo?

8 A. Yes.

9 Q. Joe Lombardo is an elected person?

10 A. Everybody in Metro works for that man.

11 Q. That's May 23rd, 2015, correct?

12 A. Yes.

13 Q. Did that letter reference an Officer Kevin
14 Zafiris?

15 A. Yes.

16 Q. Now since I'm going chronologically through
17 testimony, you remember the State presenting you with an
18 exhibit that appeared to be an Instagram?

19 A. Yes.

20 Q. It said Tae?

21 A. Yes.

22 Q. Did you know that Tae was a Taylor Roberts?

23 A. No.

24 Q. But it did appear that Tae had made a social
25 media post in which she said essentially that Xanax was

1 strong -- with a lot of Os?

2 A. Yes.

3 Q. And she attributed that to Morgan Savage?

4 A. Yes, Morgan Savage.

5 Q. Remember what the date was for that?

6 A. I would have to look at the report to see
7 it.

8 MR. MACAUTHUR: Do you know what exhibit that
9 was, State.

10 MS. RHOADES: It's up there.

11 THE COURT: Should be Exhibit 55, towards the
12 front.

13 BY MR. MACAUTHUR:

14 Q. State's 55, is there any way for us to know
15 when Tae posted that publicly on social media?

16 A. January 23, 2015.

17 Q. January 23, 2015, you'd agree with me January
18 happens before March?

19 A. Yes.

20 Q. Is it Officer or detective?

21 A. Either one.

22 Q. Detective Ramirez, based on your experience as
23 a trained officer and your experience as an adult human
24 being, there could be private messages and public
25 messages?

1 A. Correct.

2 Q. If I send you a message from my cell phone,
3 it's more of a private message?

4 A. Typically.

5 Q. That message is posted on social media, the
6 audience for that is controlled by the user?

7 A. Yes.

8 Q. So you can have a universal audience or an
9 audience of just friends?

10 A. Yes.

11 Q. Or only your family. It's up to the user to
12 determine how big that broadcast is?

13 A. Correct.

14 Q. If you could tell the jury what the date was
15 when Morgan posted this on social media?

16 A. 6/21/2015.

17 Q. June 21, 2015. They said, they're going to
18 catch you, so stop running. Don't think I'll stick up for
19 you after what you did to me?

20 A. Correct.

21 Q. Are you aware Joshua was arrested on July
22 23rd?

23 A. I'm not sure.

24 Q. You don't know when he's arrested?

25 A. No.

1 Q. Do you know when it was that Morgan Savage
2 made the accusations against Josh to Detective Cho?

3 A. No.

4 Q. Does it refresh your recollection if I said
5 July --

6 MS. RHOADES: I'd object.

7 THE COURT: The information is available. I have
8 no problem if it refreshes. Go ahead.

9 BY MR. MACAUTHUR:

10 Q. I think he indicated he didn't personally
11 know?

12 A. Just the event number.

13 Q. Now, Detective, I'll ask you to keep in the
14 back of your mind that June 21, 2015 number that relates
15 to Morgan's social media post.

16 A. Okay.

17 Q. Might take me a little while to get it, but
18 just that one day?

19 A. Okay.

20 Q. Are you familiar with the social media app
21 that's OK Cupid?

22 A. I've heard of it.

23 Q. To the extent you've heard of it, what is
24 that?

25 A. Basically, what's app. Kind of like a Kick

1 basically.

2 Q. Would you characterize it as a dating
3 website?

4 A. Yes.

5 Q. I don't know if there is anything we can see
6 there. Do you see any indication of when that screen shot
7 might have occurred?

8 A. No.

9 Q. Would it refresh your recollection if you
10 could see the metadata?

11 A. Yes -- 4/13/2015.

12 Q. That was screen capture made on April 13,
13 2015?

14 A. Yes.

15 Q. So that would have been after the social media
16 post about Xanax being strong?

17 A. Yes.

18 Q. And before the social media post about, after
19 what you did to me, there is no reason to run -- I'm
20 killing it, but you know what I'm talking about?

21 A. Yes.

22 Q. April 2015. Would you agree with me that she
23 posted Hippy with a peace sign, name is Morgan, message me
24 if you want to know more?

25 A. Correct.

1 Q. Beneath that, does it say, what I'm doing with
2 my life -- living like a wild flower?

3 A. Yes.

4 Q. Doe it say she was looking for straight men?

5 A. Yes.

6 Q. Between the ages of 18 and 26?

7 A. Yes.

8 Q. Was it your understanding, based on your
9 familiarity with this case, that at that time Morgan
10 Savage would have been 15 years of age?

11 A. Knowing her age now, yes.

12 Q. So she was on a dating site looking to make
13 contact with adult men between 18 to 26, yes?

14 A. Yes.

15 Q. She wanted them to live near her. And she
16 wanted them to be single?

17 A. Yes.

18 Q. If you are able, please estimate how many
19 electronic devices you have used your forensic machine to
20 pull data off of?

21 A. Thousands.

22 Q. Thousands. Do they frequently include
23 personal smart phones?

24 A. Smart phones, yes.

25 Q. PCs?

1 A. Yep.

2 Q. Portable recording devices?

3 A. Yes.

4 Q. Anything that carries data, you may have run
5 across; is that fair?

6 A. Yes.

7 Q. In your time doing that I assume that you see
8 nudity?

9 A. Yes.

10 Q. Is it a thing that people take pictures of
11 themselves naked?

12 A. Yes.

13 Q. Is it a thing that people also take selfies
14 where they're appropriately dressed?

15 A. Yes.

16 Q. Is that in any way uncommon?

17 A. No.

18 Q. You have seen men and women do that?

19 A. Yes.

20 Q. You've seen adults and underage people do
21 that?

22 A. Yes.

23 Q. Is it illegal to take pictures of yourself
24 naked, as far as you know?

25 A. If you are of age, no.

1 Q. Are you under the impression it's illegal to
2 take a picture of yourself if you are under age --
3 assuming you are not sharing it with anybody?

4 A. Yes.

5 Q. You think that's illegal?

6 A. Possession of child porn.

7 Q. By the person of whose body it actually is?

8 A. Yes.

9 Q. Have you seen an instance where a child was
10 prosecuted for a crime for taking a picture of
11 themselves?

12 A. Juvenile court they go to mandatory
13 counseling.

14 Q. I don't mean to dicker with you, Detective,
15 but isn't it usually the person in trouble is the next
16 person that receives the picture, not the person who took
17 it of themselves?

18 A. Both.

19 Q. Okay. All right.

20 Now, you described it as having been -- being
21 illegal to be in possession, especially of a sexual
22 depiction, of an under age person?

23 A. Correct.

24 Q. Now, you have children?

25 A. Yes.

1 Q. When they were really little, did you ever
2 have a picture of them in the bath or where you could see
3 their butt?

4 MS. RHOADES: Objection, relevance.

5 THE COURT: Mr. MacAuthur.

6 MR. MACAUTHUR: If I might, not every picture is
7 created the same. He's a law enforcement officer. I
8 believe it's in his purview.

9 THE COURT: Overruled.

10 MR. MACAUTHUR: Thank you, Judge.

11 BY MR. MACAUTHUR:

12 Q. You have any pictures of your own kids fully
13 when they weren't fully clothed?

14 A. In the bath tub, yes.

15 Q. That's not child porn?

16 A. Right.

17 Q. There's also an additional issue of
18 inappropriate photos. Something that's a sexual depiction
19 as opposed to isn't this kid cute?

20 A. Correct.

21 Q. Now, as you stated, being in possession of a
22 sexual depiction of a minor child is a crime?

23 A. Correct.

24 Q. That is contraband?

25 A. Correct.

1 Q. But no naked photos of Morgan Savage were
2 recovered from any electronic device belonging to Joshua
3 Honea, correct?

4 A. Correct.

5 Q. Now, is it also illegal to provide porn to a
6 child?

7 A. Yes.

8 Q. You did see naked picture of Joshua Honea?

9 A. Yes.

10 Q. But none of those pictures were recovered to
11 any electronic device that belonged to Morgan Savage,
12 correct?

13 A. Correct.

14 Q. So we can conclude definitively from your work
15 that both Morgan Savage and Josh Honea at various times
16 had taken pictures of themselves naked?

17 A. Yes.

18 Q. But as far as you're aware there is no
19 evidence that those pictures were shared with each other
20 or anyone else?

21 MS. RHOADES: Objection. That mischaracterizes
22 the prior testimony.

23 THE COURT: I need counsel at the bench briefly.

24 (Discussion held at the bench.)

25 THE COURT: Thank you. I'll sustain the

1 objection as to form of the question. I will allow
2 Mr. MacAuthur to rephrase.

3 BY MR. MACAUTHUR:

4 Q. Let me be more specific, Detective. I'm only
5 asking you about your participation in the investigation.
6 No other person's investigation or testimony from 2015,
7 just you. Is that clear?

8 A. Yes.

9 Q. Is it, in fact, true that based on the data
10 you recovered there is no evidence whatsoever that the
11 naked photos of Josh or of Morgan Savage were shared with
12 each other?

13 A. Yes.

14 Q. Thank you, sir.

15 Now, you did indicate that child porn is
16 contraband?

17 A. Yes.

18 Q. Is it also illegal to disseminate it to other
19 people?

20 A. Yes.

21 Q. If a person were to obtain child pornography
22 and say, give it to all the other members of their high
23 school football team, would take be a crime?

24 A. Yes.

25 Q. All right.

1 At this time the defense is going to ask to admit
2 certain proposed exhibits would appear to be R, S, T, U,
3 and V.

4 I realize I haven't established any foundation,
5 however these are the exact same exhibits that Mr. Rhoades
6 admitted through the detective just rearranged for
7 organization sake.

8 THE COURT: When you say same, it looks like
9 text messages.

10 MR. MACAUTHUR: Yes, ma'am.

11 THE COURT: Only text messages.

12 MR. MACAUTHUR: There are no other exhibits
13 other than text messages.

14 THE COURT: You have them as R through V.

15 MR. MACAUTHUR: The State provided me with an
16 identical copy.

17 THE COURT: Have you broken them down in terms
18 who the conversation was with.

19 MR. MACAUTHUR: Yes. I will explain their
20 differences.

21 THE COURT: Is there any objection too them in
22 this form.

23 MS. RHOADES: No, your Honor.

24 THE COURT: This is 79. That's how it was
25 admitted through the State's exam. Now the texts are

1 being admitted in a separate organization as Defendant's
2 R, S, T, U, and V.

3 BY MR. MACAUTHUR:

4 Q. May I borrow 79.

5 I'm sure you remember State's 79. This is a
6 compendium of certainly curated text messages recovered
7 from Joshua Honea's electronic devices?

8 A. Correct.

9 Q. Now, looking at them -- you can refer to them
10 freely if you like. It's not the easiest thing to read,
11 as we've seen by you trying to go through them. Is that
12 fair?

13 A. Yes.

14 Q. The order of the text messages have to be read
15 from bottom to top?

16 A. Correct.

17 Q. And in the format provided to you by
18 Ms. Rhoades, do they also have to be read from back, as in
19 the last page, to front?

20 A. Yes.

21 Q. If you don't know that, it might be difficult
22 to understand them. Is that fair?

23 A. Yes.

24 Q. Okay. So I'm going approach with my own
25 exhibits, which have been rearranged for ease of

1 understanding.

2 This is State's 79. And I'm working without a
3 prop, but Detective would you agree that in America we
4 have a tendency to read top to bottom, left to right,
5 front to back?

6 A. Correct.

7 Q. I have and I will submit to you for your
8 review shortly, rearranged these so that we still have to
9 read from bottom to top, because that's how they're
10 printed, right?

11 A. Yes.

12 Q. But they will be bottom to top, but then front
13 to back, fair?

14 A. Okay.

15 Q. They've also been organized by person, so we
16 know who the conversation is with, fair?

17 A. Yes.

18 Q. Lastly, chronologically so we know what
19 conversations happened in order, fair?

20 A. Yes.

21 Q. Okay. Based on the way I described it, are
22 you under the impression it might be easier to follow
23 content therein?

24 A. Yes.

25 MS. RHOADES: May I approach to get the

1 exhibit.

2 MR. MACAUTHUR: Sorry. I promised to give it
3 back.

4 BY MR. MACAUTHUR:

5 Q. Would you agree it is no longer in a
6 compendium packet?

7 A. Correct.

8 Q. And there appears to be names at the top of
9 each packet?

10 A. Yes.

11 Q. Okay. Do you recognize these as being the
12 same material that we discussed when they were in the
13 compendium packet?

14 A. Yes.

15 Q. I have added guides and highlights. And we're
16 going to do the same activity that you did with Ms.
17 Rhoades reviewing some of the highlights of these
18 conversations. All right?

19 A. Yes.

20 Q. Now, Mr. Rhoades I believe showed a portion of
21 these texts.

22 THE COURT: Can you identify what is
23 displayed.

24 MR. MACAUTHUR: I'm doing that now, Judge.

25 This is Defendant's Exhibit Z.

1 Detective, would you agree that's Breza Perez.

2 A. Yes.

3 Q. Would you agree with me that -- would you
4 agree with me that the first text in this packet begins
5 June 23, 2015?

6 A. Yes.

7 Q. You read a portion of that with the assistance
8 of Mr. Rhoades. And it starts with, Hi, hey. Correct?

9 A. Yes.

10 Q. Let me move it a little so we can see the up
11 and down arrows. Those are important?

12 A. Yes.

13 Q. Just to refresh the jurors' recollection, a
14 down arrow means a received text by Josh Honea. Is that
15 correct. And an up arrow is a text he send out?

16 A. Correct.

17 Q. This is a conversation with Breza Perez?

18 A. Yes.

19 Q. The State only got about 4 lines into it,
20 which encompass the Hi, what up home girl, just getting
21 some work down?

22 A. Yes.

23 Q. I would like to go deeper into that text
24 exchange.

25 Remembering that we have to start at the bottom and

1 real upwards, are you abler to see the highlighted
2 portions?

3 A. Yes.

4 Q. Does Joshua Honea send to Breza Perez on June
5 23, 2015 -- did you like my snap chat. Why did you add me
6 this morning?

7 A. Yes.

8 Q. Then she replies, because I deleted my old
9 Snap Chat?

10 A. Correct.

11 Q. Now, starting here is it apparent that they
12 speak with each other on more than one -- through more
13 than one medium?

14 A. Yes.

15 Q. Snap Chat is a social media application?

16 A. Yes.

17 Q. You can have direct messages with a person in
18 Snap Chat?

19 A. Yes.

20 Q. You would have access to those messages, based
21 on the work you did here?

22 A. Typically Snap Chats are gone. They usually
23 don't -- they're not historical, unless you save them to
24 your phone they don't save themselves.

25 Q. If you wouldn't mind touching the lower left

1 side of your screen in order to get rid of that green dot.

2 This is still June 23rd, correct?

3 A. Yes.

4 Q. Move up a little bit and zoom out. See the
5 next highlighted line?

6 A. Yes.

7 Q. I put an "S" there to indicate the up arrow
8 which means this is a text sent from Joshua Honea to Briza
9 Perez on June 23rd, 2015, correct?

10 A. Yes.

11 Q. Does he, in fact, say, yup last night in the
12 jacuzzi was great. That's my second purchase after I buy
13 a house. Ha Ha.

14 A. Yes.

15 Q. Moving further back. Still -- there's
16 January -- there's apparently more than two J's. June 23,
17 highlighted from the bottom Joshua says, yeah. You turned
18 me on for sure.

19 And she says, because it's sexy?

20 A. Yes.

21 Q. Moving up, still June 23rd at 2:37 in the
22 afternoon. Looks like Briza Perez says, then sleep?

23 A. Yes.

24 Q. Then Josh says, sleep with me?

25 A. Yes.

1 Q. Then Josh says, but it's hard to sleep next to
2 you with a boner, so --

3 And she says, nope, but I can't. I'm out of town.

4 A. Correct.

5 Q. So based on the chronological order of these
6 texts, we assume that she and Josh had spent time in the
7 jacuzzi --

8 MS. RHOADES: Objection, speculation.

9 MR. MACAUTHUR: Was that your --

10 THE COURT: Did you finish the question, Mr.
11 MacAuthur.

12 MR. MACAUTHUR: She objected before I finishing
13 it.

14 MS. RHOADES: It's calling for speculation.

15 THE COURT: I want him to finish the question
16 for the record. I'll have your objection for the record.
17 The witness knows to wait until the court rules.

18 MR. MACAUTHUR: The question was, based on the
19 chronological order of the text, it would appear that
20 Joshua and Briza Perez had spend an evening in the jacuzzi
21 the night before.

22 THE COURT: The objection Ms. Rhoades is that
23 it's speculation.

24 MS. RHOADES: Yes.

25 THE COURT: Sustained.

1 MR. MACAUTHUR: All right.

2 BY MR. MACAUTHUR:

3 Q. Going forward again, still June 2rd.

4 Would you agree that Josh sends a text at 2:49
5 p.m., that says, my hormones have been raging lately. I
6 don't know what's wrong with me. Puberty I guess. Ha.
7 Ha.

8 A. Yes.

9 Q. Moving to the next page. Would you agree that
10 it appears that it's now June 28th?

11 A. Yes.

12 Q. That is about 5 days after the 23rd,
13 correct?

14 A. Correct.

15 Q. We had seen a text on the 23rd, where the
16 person designated as Briza Perez said, I can't do whatever
17 because I'm out of town?

18 A. Correct.

19 Q. Would you agree that on the 28th, starting
20 about here, Josh says, how come you ignored my Snap Chat
21 yesterday Hahaha.

22 Briza responds, you sent me one yesterday.

23 Josh says, yeah.

24 Briza responds, I didn't see it?

25 Josh says, yeah. I said BTF. And you ignored it.

1 I thought you got mad at me. Haha. I'm sorry?

2 You agree that's what it says?

3 A. Yes.

4 Q. Are you aware of what DTF stands for?

5 A. Yes.

6 Q. If you would please share with the jury what
7 is DTF?

8 A. Down to fuck.

9 Q. When somebody says DTF, question. What is the
10 understanding you would take from that?

11 A. If they want to have sex.

12 Q. So the previous text 5 days previous -- or a
13 text 5 days previous, mentioned something about a good
14 time in the jacuzzi?

15 A. Yes.

16 Q. Then 5 days later Joshua asks Briza Perez,
17 DTF. And apparently -- well, I won't ask for speculation.

18 Now, let me move on to the next text exchange. Do
19 you recognize this one as having Caterina Babbitt in the
20 upper right hand corner?

21 A. Yes.

22 Q. As you sit there now, do you know who Caterina
23 Babbitt is?

24 A. No.

25 Q. That's not been identified to you?

1 A. No.

2 Q. But we're still confident this conversation
3 had by Josh is with another individual?

4 A. Yes.

5 Q. Now, all of these -- before I zoom in, all of
6 these texts would appear to be June 23rd, correct?

7 A. Yes.

8 Q. In the previous text when we saw a message
9 that said, had a great time in the jacuzzi last night,
10 that was also the 23rd, correct?

11 A. Yes.

12 Q. That would have been previous to the 23rd,
13 right?

14 A. 23rd?

15 Q. Let me put it this way. Today is December
16 8th, right. If I say we had a great time last night, were
17 talking about a day previous the 8th?

18 A. Right.

19 Q. Probably the 7th?

20 A. Yes.

21 Q. Okay. Tell me if you agree.

22 Josh says, yeah. I hope it seems so stupid. It's
23 like just leave me alone already. It's been months I have
24 been going through this. Right?

25 A. Yes.

1 Q. This is actually part of the same conversation
2 you read with Ms. Rhoades?

3 A. Yes.

4 Q. I'm going to do the same conversation but
5 we'll keep going longer. Is that all right?

6 A. Yes.

7 Q. I want you to jump in at the point which I say
8 something that is incorrect or you disagree. Right. We'll
9 save a little time.

10 Josh says, since January.

11 Caterina says, I know. After this, depending on
12 what happens, we should make sure they can't ever bring it
13 up again.

14 Josh says, yeah. I don't know how though.

15 Josh says, because I think technically Morgan can
16 like change her mind until she's 36 or some shit.

17 Caterina says, what.

18 Caterina says, we need to do information because
19 that's bullshit.

20 Josh says, I know.

21 Josh says, the statute of limitations for sex
22 crimes are ridiculous.

23 Caterina says, well, it will all get figured out.

24 Good so far?

25 A. Yes.

1 Q. I'll continue forward.

2 Josh says, yeah, one way or another. Haha.

3 Josh says, if she really wanted to, though, she
4 could hang it over my head for years though.

5 Caterina responds, well, let's see what this week
6 brings. We'll figure out the next step from there.

7 Caterina responds, oh, which reminds me. Let me
8 ask my sister for the binoculars. Lol.

9 Josh says, oh, yeah. I told my grandparents we
10 were doing it.

11 Caterina says, what did they say.

12 Josh says, but, you know, that will keep my mind
13 off of it and have some fun. And we'll be able to see if
14 someone really shows up.

15 Josh says, Morgan, for some reason, is extremely
16 smart. Like serious. She can be a genius sometimes.

17 Josh says, it's really weird how smart she is.

18 Josh says, even Joe noticed that.

19 Caterina says, yeah, that will be the best part.

20 Caterina says, hopefully she doesn't try to screw
21 you over.

22 Josh says, I know. I hope not.

23 Caterina says, it's all about staying positive.

24 Josh says, I know. I shouldn't really be that
25 worried, but it's stressful because I just want to move

1 on.

2 Caterina says, I know. Having this over your head
3 isn't fair. Especially since nothing happened. But it's
4 all about dealing with it and moving on.

5 Is that a correct statement of the texts.

6 A. Yes.

7 Q. Before we move to the next one. You are
8 familiar with what phone book is?

9 A. Yes.

10 Q. Ever read a phone book from front to back?

11 A. No.

12 Q. We won't to that. That would be boring and
13 meaningless, right?

14 A. Yes.

15 Q. But that is not to say there is nothing
16 interesting in the phone book, fair?

17 A. Yes.

18 Q. Next. Do you recognize the exhibit? This is
19 going to be Defense Exhibit R, as belonging to Lauren?

20 A. Yes.

21 Q. Do you recognize whether or not Lauren is
22 Joshua Honea's sister?

23 A. I don't know that.

24 Q. You just know there is a person named
25 Lauren?

1 A. Yes.

2 Q. You didn't do any individual investigation or
3 interviews with people, just forensics?

4 A. Yes.

5 Q. The lower half, I've got another reminder that
6 the up arrow is sent. The down arrow is received.

7 Let me go through and you tell me whether or not
8 this is a correct reading of Joshes' exchanges with
9 Lauren.

10 Oh, before we do that, can we agree that this is on
11 June 25, 2015?

12 A. Yes.

13 Q. This is two days after June 23rd?

14 A. Correct.

15 Q. And presumably 3 days after the jacuzzi?

16 A. Yes.

17 Q. Lauren says, didn't anyone ever go to
18 Morgan's, Hahahah.

19 Josh says, not that we saw?

20 Lauren says, she is lying to make you worry?

21 Josh says, possibly?

22 Josh says, or it was her schedule.

23 Lauren says, ask her if they came. See what she
24 says?

25 Josh says, Morgan called and said the detectives

1 went to Pam's work and asked the same questions as the
2 first detectives. They want Morgan to call to tomorrow to
3 be interviewed?

4 Lauren says, why would they ask the same
5 questions?

6 Josh says, I don't know.

7 Is that what it says?

8 A. Yes.

9 Q. Moving on to Exhibit S. Would you agree with
10 me this one appears to be attributable to Chris Swallia?

11 A. Yes.

12 Q. You know who he is?

13 A. No.

14 Q. You don't recognize that as anyone that works
15 for Metro?

16 A. No.

17 Q. Okay.

18 THE COURT: I think it's Swallia.

19 BY MR. MACARTHUR:

20 Q. Does saying it different make it more
21 familiar -- S-w-a-l-l-i-a?

22 A. No.

23 Q. Would you agree with me that the conversation
24 with Chris Swallia appeared to be on June 26th, or at
25 least that is where they begin. And they conclude on July

1 4th.

2 A. I can see the June 26th -- okay July 4th.

3 Q. My highlights stop on a June 26th date,
4 fair?

5 A. Yes.

6 Q. So let's see what happens on June 26th.

7 Chris says, well.

8 Josh says, so Morgan and I -- let me make sure I
9 get all of this on -- that's a long text.

10 Are you a long text sender?

11 A. Yes.

12 Q. Me too?

13 Would you agree that it says, Josh -- so Morgan
14 said IA changed the plans and went to her mom's work
15 yesterday morning and asked her the same questions that SA
16 did. It's very inconsistent, so I can't tell if Morgan is
17 lying or not. Because it doesn't make sense.

18 Chris says, Um.

19 Good so far?

20 A. Yes.

21 Q. Josh says, Morgan says she has to call them,
22 do a phone interview or something. It's weird?

23 Chris says, I bet she's fucking with you?

24 Yes?

25 A. Yes.

1 Q. Josh says, yeah. The story has changed
2 several times. She says she has the detective's card, but
3 when I asked for the name she says it was Rebecca, but
4 they don't know anymore.

5 Yes?

6 A. Yes.

7 Q. It sounds like she's making it all up, says
8 Chris.

9 Lastly, Josh says, it does. I have been thinking
10 of a way to verify, but I would rather not call them.

11 Is that what it says?

12 A. Yes.

13 Q. Now June 26th, is over a month after Josh
14 becomes persona non grata at Metro; is that correct?

15 Because that was back in May 18th, they put out a
16 bulletin saying he's not allowed in the building?

17 A. Yeah. One letter, yes.

18 Q. This is the 26th, so now a month and about 8
19 days.

20 A. Right.

21 Q. So lastly, I would like to get to Defense U.
22 Do you recognize this as Morgan Savage?

23 A. Yes.

24 Q. You recognize that name as being the purported
25 victim in the case, true?

1 A. Yes.

2 Q. Would you agree with me that the
3 communications here begin or appear to begin on the
4 25th?

5 A. Yes.

6 Q. June?

7 A. Yes.

8 Q. 25th of June 2015?

9 A. Yes.

10 Q. You agree this is 2 days after the 23rd?

11 A. Yes.

12 Q. Starting date of many of the other
13 conversations you've reviewed. And it's presumably 3 days
14 after the jacuzzi reference?

15 A. Yes.

16 Q. Morgan says, I'm going to call in the next 20
17 minutes so answer fast. I don't have long to talk.

18 You agree that that's June 25th, 7:25 p.m.

19 A. Yes.

20 Q. Then Josh responds, I left Archi's like 4 or 5
21 minutes ago. Ha Ha Ha.

22 A. Yes.

23 Q. But he responds at 21:56 hours, which is 9:56
24 p.m.

25 A. Yes.

1 Q. So there doesn't appear to have been any
2 interaction for 2 hours and 31 minutes. That's how long
3 it took him to respond to her text?

4 A. Yes.

5 Q. Josh then says, hey I'm sorry. I got off. I
6 hate seeing you hurt your body like that. I'm trying my
7 hardest not to judge.

8 A. Yes.

9 Q. Let's move forward. We're all on the same
10 page; is that correct?

11 A. Yes.

12 Q. So we've moved from June 25th, on the same
13 page, to July 2nd; is that fair?

14 A. Yes.

15 Q. So it appears that there wasn't a lot of text
16 activity between June 25th and July 2nd, right?

17 A. Yes.

18 Q. 25th to the 30th being 5 days. And then 2
19 days into July, looks like they went a week and only
20 exchanged a few texts?

21 A. Yes.

22 Q. Morgan says, why. I need to talk to someone.
23 I did something bad last night?

24 Josh responds, what. What -- and a dot.

25 Correct?

1 A. Correct.

2 Q. There's some discussion about who needs to
3 call who. Would you agree that the next exchange is Josh
4 says, one thing I've learned through this is that I don't
5 take petty stuff like that into a big deal anymore.

6 Correct?

7 A. Can I see the arrow.

8 Q. When it's sent, we know that's Josh, right?

9 A. Yes.

10 Q. The following is also Josh, right?

11 A. Yes.

12 Q. That reads, I've already had that talk with
13 Corrina. I really don't care what she does, as long as
14 she doesn't make the 3 rules -- don't cheat, don't lie,
15 and don't do drugs.

16 Not sure if that's a typo or not. I like, don't
17 get mad about anything anymore. My blood pressure -- I
18 don't get mad about anything anymore. My blood pressure
19 has gone way down. Most of my acne went away. And you
20 used to -- that was a misread on my part.

21 Most of my acne went away. You used to put more
22 stress on me than work. HaHa.

23 A. Correct.

24 Q. That is July 2nd?

25 A. Correct.

1 Q. 9:48 in the morning.

2 A. Yes.

3 Q. Moving up. Same page. So still not a lot of
4 text activity, correct?

5 A. Yes.

6 Q. July 4th, also known as Independence Day,
7 yes?

8 A. Yes.

9 Q. Morgan says, I never talk to you when I'm like
10 this so stop in totally fine -- not sure if that's a
11 typo -- I'm just drunk. Back at my cousins?

12 Josh responds, okay. Be safe.

13 Is that correct?

14 A. Yes.

15 Q. Would you agree with me that this is the after
16 midnight from July 3rd going into July 4th. It's now
17 Independence Day, because it's after midnight?

18 A. Correct.

19 Q. The text from Morgan is very soon after
20 midnight, literally 23 seconds.

21 Josh says to be safe, a minutes and 48 seconds into
22 that day?

23 A. I can't see the time on the second one.

24 Q. Let me put my finger there and find where
25 we're at.

1 A. Correct.

2 Q. She texts and he responds a minute 25 seconds
3 later, by telling her to stay safe?

4 A. Correct.

5 Q. What appears to be 4:50 in the morning, Josh
6 says, well, sorry. I was rude on the phone.

7 Is that correct?

8 A. Yes. The text is correct.

9 Q. For reasons we can't speculate about Josh says
10 to Morgan, sorry, I was rude on the phone at around 4:50
11 a.m.

12 A. Correct.

13 Q. This next text Morgan says, I said, sorry --
14 at almost 11:00 a.m., 10:55?

15 THE COURT: Morgan said that.

16 MR. MACAUTHUR: It was Josh both times.

17 Given that's an up arrow July 4th at 4:50 in the
18 morning.

19 Josh says, well, sorry I was rule on the phone.

20 There's no response from Morgan. At about 11:00
21 a.m., just short of, he said, sorry.

22 Is that correct.

23 A. Correct.

24 Q. Then Morgan responds at 9:23, which would
25 appear to be slightly out of order; is that fair?

1 A. Yes.

2 Q. Does that happen sometimes?

3 A. Yes. If your phone is off, the text message
4 is sent -- if I sent you a text message, but your phone
5 was off, and if you go out of court, it's sitting at that
6 cell tower. So when you turn your phone on, it will come
7 in. So it will register the time that you received it. So
8 the only way to tell the exact time is by doing the call
9 details record.

10 Q. Thank you.

11 So read properly you should go by the time, not by
12 where they are on the page, right?

13 A. Correct.

14 Q. So if we move this around a little bit, this
15 text return from Morgan Savage at 9:23 actually happens
16 between when Josh says, well, sorry, I was rude on the
17 phone. And him saying here, I said, sorry.

18 Correct?

19 A. I would have to have the details in the record
20 to verify it.

21 Q. Based on the report you provided us?

22 A. Yes.

23 Q. The last two at the top of the page should be
24 read in between the two we've already identified are from
25 Josh, right?

1 A. Yes.

2 Q. She says, those are not her natural eye
3 color?

4 A. Right.

5 Q. He said, I know. She has contacts. I told
6 you that. Hahaha.

7 Fair?

8 A. Yes.

9 Q. We don'ts know what female person with
10 contacts we're talking about?

11 A. Fair.

12 Q. Starting at the beginning of the next page,
13 still July 4th and still 9:25 in the.

14 A. Yes.

15 Q. So the remainder of the texts are still before
16 the 10:00 a.m. text by Josh?

17 A. Yes.

18 Q. We have to read these in between as well?

19 A. Yes.

20 Q. So we see the direction. Morgan says, okay.
21 But you tried telling me they were natural.

22 And she appears to send some kind of emoji or
23 script. Do you recognize the three boxes after the text
24 indicating there was some sort of image there.

25 A. I don't know what those three boxes meant.

1 Q. Have you ever seen texts with emoji with them?

2 A. Yes.

3 Q. Emojis don't show up in the reports you
4 make?

5 A. Correct.

6 Q. You know there's an emoji but you can't see it
7 so it's consistent with having appeared with boxes?

8 A. Yes.

9 Q. But you don't know what those emojis may have
10 been?

11 A. Right.

12 Q. Morgan had no text messages available for you
13 to review on her phone, did she?

14 A. No.

15 Q. They were absent?

16 A. Correct.

17 Q. That was a result of user input?

18 A. Yes.

19 Q. Then lastly, Josh says, no. I told you I
20 asked her the minute I saw. Haha.

21 Is that fair?

22 A. Yes.

23 Q. Lastly, I would like take us to what appears
24 to be July 5th, at the end.

25 You agree?

1 A. Yes.

2 Q. Then would you agree with me that my highlight
3 starts July 6th at 9:26 a.m.

4 A. Yes.

5 Q. Josh says, if you are going to be mean every
6 time you talk to me, don't call anymore.

7 Morgan says, there is just some things I want to
8 explain to you, but I can never find the right time to do
9 it.

10 Josh says, like what.

11 Morgan says, when you have the time to call just
12 call.

13 Josh says, why you hang up?

14 Morgan says, I'll call in a minutes.

15 Lastly Josh says, please don't call me anymore. I
16 know you really don't care about any of it. You want to
17 use it against me to be negative. I know what I'm doing.
18 So stop.

19 Is that what he says?

20 A. Can you move the -- I can see the back and
21 forth.

22 Q. I couldn't fit it all?

23 A. Correct.

24 MR. MACAUTHUR: Court's indulgence. I sincerely
25 appreciate your assistance. I have no other questions.

1 THE COURT: Any other questions, Ms. Rhoades.

2 REDIRECT EXAMINATION

3 BY MS. RHOADES:

4 Q. The way the text came up in the exhibit in
5 State's admitted 79, that's how they come up on the
6 analysis; fair to say?

7 A. Correct.

8 Q. There were a lot of questions about the June
9 2015 conversation with Caterina Babbitt, remember those?

10 A. Yes.

11 Q. In June, the Defendant is expressing concern
12 about the statute of limitations on sex crimes, remember
13 that?

14 A. Yes.

15 Q. June 23rd is before July 22?

16 A. Yes.

17 Q. I want to go back to that conversation where
18 Mr. MacAuthur stopped. I'm going to read into the record
19 similarly to how Mr. MacAuthur did. We're still on that
20 June 23rd conversation with Mr. Honea and Ms. Babbitt.

21 I will try to do it so that the jury can see. I
22 want to start here at the bottom of 79, your Honor.

23 The bottom, that's from Caterina. She says,
24 scientific fact that when you are happy you don't need as
25 much sleep to survive throughout the day.

1 And she says stop?

2 And then the Defendant says, oh, wow, really?

3 She says, you're not going to go down.

4 She says, and, yeah.

5 Then he says, I am going to go down -- dot, dot,
6 dot, on you.

7 And he says, again, if I make it through this, you
8 deserve it.

9 MR. MACAUTHUR: Objection as to retribution.
10 Back out and check the send or receive, please.

11 THE COURT: I believe it's showing it does
12 appear to be green and be from Mr. Honea.

13 MR. MACAUTHUR: Just checking.

14 BY MS. RHOADES:

15 Q. When you testified you were in IPAC and you
16 were a sexual assault detective?

17 A. Yes.

18 Q. Then there were some questions, were you
19 looking for a sexual relationship. Is that kind of what
20 you are doing in IPAC, what is your purpose IPAC?

21 A. Basically cooperate on whatever the detectives
22 ask me to do.

23 Q. Is it always for sexual assault cases?

24 A. No.

25 Q. What other cases do you investigate?

1 A. Primarily possession of child pornography
2 abuse of a child, child exploitation cases. We also do
3 cases for sexual abuse, which would be any sexual abuse of
4 a minor if they were used in production of child porn.

5 Q. In your experience when someone sending texts
6 about being down to fuck or going down on them, is that
7 consistent with someone just having lost their
8 virginity?

9 A. No.

10 Q. So getting back to talking about going down on
11 Caterina, saying if I make it through this you deserve it.
12 She says, LMAO.

13 And he says, for sticking with my dumb ass.

14 She says, that will be my price. Hahaha.

15 She says again, hey.

16 She says, you are not a dumb ass.

17 He says, kind of. Hahaha.

18 And she says, don't be so hard on yourself.

19 She says, I'm hard on you enough.

20 She says, you're not. You made a mistake.

21 Everyone has.

22 He says, I can't believe a 15 year old is ruining
23 my life right now. Fuck that bitch.

24 Right?

25 A. Move it over.

1 THE COURT: Just one clarification, Ms. Rhoades,
2 you misread one of the words there.

3 MS. RHOADES: Sorry.

4 BY MS. RHOADES:

5 Q. So he says to Caterina, I can't believe a 15
6 year old is running my life right now. Fuck that bitch.

7 A. Correct.

8 Q. She says, you're an amazing, smart, and caring
9 person, Josh. Don't let this make you think you are a bad
10 person because you are not.

11 She says again, Haha, damn. Fuck that bitch?

12 She says, oh, let me find out she's lying about
13 this.

14 He says, I know. I'm not a bad person, but bad
15 people always seem to prevail.

16 She says, if I ever see her, I bitch slap her so
17 hard?

18 He says, you can beat her ass?

19 Continuing that same conversation.

20 Bottom says, Caterina, yeah, I fucking would.

21 She says again, I'd hurt the fuck out of her. She
22 says, again, this loves sucking dick so much, she can suck
23 that dick with a broken jaw.

24 Is that what that says?

25 A. Move so I can see the third one. Yes.

1 Q. Josh says, I would rather do that to her mom.
2 I hate her mom.

3 And she sent something we can't read. Perhaps an
4 emoji, right. She says again, I'd do it to both of them.
5 She says, they can match. LOL.

6 He says, haha, yeah. You wouldn't like her mom
7 from the beginning.

8 She says, I bet I wouldn't. I can tell I wouldn't
9 like either of them?

10 He says, yeah. Old Morgan, you would have liked.
11 Everybody did?

12 He says, again, but she was on that secret shit
13 though.

14 Caterina says, IDK about that. Hahaha.

15 He says, haha. I never expected any of this.

16 Caterina says, I know it's going to be okay though.
17 Was that fair?

18 A. Yes.

19 Q. There were also questions about a night in a
20 jacuzzi. Remember those questions?

21 A. Yes.

22 Q. That was the conversation that Mr. Honea had
23 with Ms. Perez, correct?

24 A. Yes.

25 Q. Going back to those, 79. Green -- Josh says,

1 yep. Last night in the jacuzzi was great. That's my
2 second purchase after I buy a house. Haha.

3 Then Ms. Perez in the red, says, LOL, I see.

4 Then Josh in the green says, used like my swim
5 shorts.

6 And Ms. Perez says, what are they.

7 Josh says, they're red.

8 Ms. Perez says, Ooo.

9 So that gives you the impression that Ms. Perez has
10 never seen Josh in swimming trunks?

11 MS. MACAUTHUR: Objection leading.

12 MR. MCNEILL: Speculation.

13 THE COURT: One -- yeah -- sustained.

14 MS. RHOADES: Thank you, your Honor.

15 BY MS. RHOADES:

16 Q. She is indicating she's never seen Josh in
17 swim trunks?

18 A. Yes.

19 Q. And this text message that was brought up he
20 sent to Ms. Perez, my hormones have been raging lately. I
21 don't know what's going on with me. Puberty, I guess.
22 June 23, 2015, right?

23 A. Yes.

24 Q. The Defendant was 22 years old at that time?

25 A. I'm not sure of his age.

1 Q. Okay.

2 Going to another text on June 23rd that Mr. Honea
3 sent to Ms. Perez.

4 He says, so any ways, I think this is the longest
5 you have ever text me. Normally you would have ignored me
6 by now.

7 Is that what that says?

8 A. Yes.

9 Q. There was talk about Morgan's manipulation of
10 her cell phone and how there were no calls on there. Is
11 that fair to say?

12 A. Yes.

13 Q. There was no calls on Mr. Honea's cell phone;
14 is that right?

15 A. Yes.

16 Q. The text messages were only from June 22, 2015
17 through July -- end of July 2015?

18 A. Yes.

19 Q. No texts before that?

20 A. No.

21 Q. To anybody?

22 A. No.

23 Q. That could be manipulation of the cell phone;
24 is that right?

25 A. Yes.

1 Q. There were either no calls or no text in the
2 beginning or they were deleted?

3 A. Correct.

4 Q. There were questions about the names of the
5 images on that disc with the images from Morgan's lap
6 top?

7 A. Yes.

8 Q. Those are not all the images that were found
9 on the lap top; is that fair to say?

10 A. Yes.

11 Q. The names of the images vary from -- we saw
12 the dates in some of the images and DSC on others?

13 A. Yes.

14 Q. You testified before that means they may have
15 came from different times, different sources and things of
16 that nature?

17 A. Yes.

18 Q. The screen shots on Mr. Honea's iPad of
19 Morgan's Twitter, OK Cupid, all that social media stuff,
20 do you know why he preserved those on his iPad?

21 A. No.

22 MS. RHOADES: Nothing further.

23 THE COURT: Mr. MacAuthur, anything related to
24 Ms. Rhoades redirect.

25 MR. MACAUTHUR: Yes, ma'am. A few things.

1 RE CROSS-EXAMINATION

2 BY MR. MACAUTHUR:

3 Q. Detective, I'm not sure why I should have to
4 ask, but the State just asked you on redirect if something
5 was consistent with being stressed?

6 A. Yes.

7 Q. Would you be stressed if an underage girl went
8 to your job --9 MS. RHOADES: Objection, argumentative. If this
10 man would be stressed, that is not relevant.11 THE COURT: Mr. MacAuthur, the question is
12 improper.

13 MS. MCNEILL: Court's indulgence.

14 MR. MACAUTHUR: Judge, respectfully, the State
15 asked a certain question about the Defendant having lost
16 his virginity.17 THE COURT: If whatever he may or may not be
18 stressed about is irrelevant in this circumstance. I
19 understand the purpose of the question. The objection is
20 sustained. Please, proceed.

21 MR. MACAUTHUR: Okay.

22 BY MR. MACAUTHUR:

23 Q. Moving on.

24 Remember the text about there is a 15 year old
25 running my life right now.

1 A. Yes.

2 Q. In your line of work you're aware that people
3 can be coerced by other people to do things or not do
4 things?

5 A. Yes.

6 Q. That's even a crime, isn't it?

7 A. Yes.

8 Q. If somebody is making you do something you
9 don't want to do, would that be a way of running your
10 life?

11 MS. RHOADES: Objection, relevance and
12 speculation. If he's asking Mr. Ramirez what he would do,
13 that's irrelevant.

14 THE COURT: Sustained.

15 MR. MACARTHUR: I'm just looking for an even
16 playing field, Judge.

17 THE COURT: You didn't object to the State's
18 question. I'm going to admonish you not to try and
19 correct the court in this way. It's improper. Sustained.
20 Move on.

21 MR. MACAUTHUR: Yes, ma'am.

22 BY MR. MACAUTHUR:

23 Q. Detective, would you agree with me that one of
24 the problems with texts is that they lack intonation?

25 A. Yes.

1 Q. Difficult to tell what tone is in a text?

2 A. Correct.

3 Q. Isn't that the fact why we have emojis, to
4 help inform what the tone of the text was, whether it's
5 joking or deadly serious?

6 A. I don't use emojis, so I don't know.

7 Q. You would agree that sometimes tone is
8 difficult to pick up in a transcript?

9 A. Yes.

10 Q. You have seen My Cousin Vinny?

11 A. Yes.

12 Q. Remember that scene --

13 MS. RHOADES: Objection.

14 THE COURT: I don't know what the question is,
15 Mr. MacAuthur.

16 MR. MACAUTHUR: The question was you remember,
17 of course, that scene where Ralph Macchio says, I shot the
18 clerk. I shot the clerk. Then it's read back in court
19 and the Defendant said, I shot the clerk. I shot the
20 clerk.

21 THE COURT: What's the objection, Ms. Rhoades.

22 MS. RHOADES: Relevance.

23 THE COURT: I'm assuming it's foundational.
24 Where are we going with this, Mr. MacAuthur.

25 MR. MACAUTHUR: Back to the text messages,

1 Judge. It was to illustrate an example if Mr. Ramirez
2 understood.

3 THE COURT: Overruled.

4 BY MR. MACAUTHUR:

5 Q. Did you understand?

6 A. Yes.

7 Q. Those two statements are very different?

8 A. Yes.

9 Q. Referring to Defense Exhibit T. It was not my
10 exhibit when Ms. Rhoades -- she read from the State's
11 version, but you recognized this to be a portion of
12 testimony between Josh Honea and Caterina Babbitt?

13 MS. RHOADES: Object, it was not testimony.

14 MR. MACAUTHUR: I apologize.

15 THE COURT: Form of the question. Rephrase.

16 BY MR. MACAUTHUR:

17 Q. There was a test exchange between Joshua Honea
18 and Caterina Babbitt, correct?

19 A. Yes.

20 Q. You heard Ms. Rhoades read those lines?

21 A. Yes.

22 Q. Okay. You already agreed tone is important?

23 A. Yes.

24 Q. Could they also be read, yeah, the old Morgan
25 you would have liked. Everybody did. She was on that

1 secret shit though?

2 Huh, I don't know about that.

3 Is that also a reading of the exact same text?

4 A. Yes.

5 Q. Would you agree with me that different
6 generations use slang or abbreviations differently?

7 A. Yes.

8 Q. Would you agree with me that you're less
9 likely to see somebody over 75 texting somebody, IDK for I
10 don't know then maybe a millennium?

11 A. Correct.

12 Q. You heard any elderly people refer to somebody
13 be on that secret shit?

14 A. No.

15 Q. You are certainly not here to testify as a
16 linguistic expert as what people mean in a dry text
17 format?

18 A. No.

19 Q. All right. Lastly, Detective, you talked
20 about your expertise with electronic devices and pulling
21 data off?

22 A. Correct.

23 Q. We've also had your testimony how things can
24 be deleted, but you can see them or retrieve them?

25 A. Yeah.

1 Q. We've had that conversation as a topic. I
2 know where you are headed and I'm letting you go there.

3 Is it true because a person who deletes a text or a
4 picture -- let's use a picture instead. Isn't it true if
5 a person deletes a picture, doesn't mean you can't find
6 it?

7 A. Correct.

8 Q. Well, if I had deleted and my picture is gone,
9 Detective, how can you still find it. Explain that to the
10 jury.

11 A. If it's a computer you can see what's called
12 logic. So any time you fire up your computer, you see
13 what is there. Whatever is not there or it's deleted goes
14 into an allocated area. That person -- isn't for the
15 user. That is for the hard drive to basically clean up
16 the system a lot better and reserve certain space. If it
17 needs to use more space then it will crunch the allocated
18 direct link.

19 So the normal user cannot see things that are
20 deleted and moved out and things that are gone. But they
21 are not. If I use a software program I can see what was
22 deleted.

23 Q. I'm going to ask you to -- I'll incorporate
24 the same information you gave me for those of us who
25 aren't tech savvy?

1 A. Yes.

2 Q. Interrupt me and tell me if I'm wrong.

3 A. Okay.

4 Q. So we're on a computer and I make a file, a
5 document that says my name is Jonathan. Then I label it
6 Jonathan. The computer knows where to find that, because
7 it gives it an address. And computers are good at keeping
8 a map of the hard drive.

9 A. Correct.

10 Q. They don't care where they put the information
11 on the hard drive. They put it where there's space?

12 A. Yes.

13 Q. And they use a map to go find that file,
14 fair?

15 A. Yes.

16 Q. We could also make a file called my name is
17 Ramirez, right?

18 A. Correct.

19 Q. You can call that Ramirez. Then you have a
20 file called Ramirez and a file called Jonathan. You open
21 them up and it says my name is Ramirez. My name is
22 Jonathan.

23 A. Correct.

24 Q. If I click delete on the Jonathan file, it
25 doesn't actually get removed from the hard drive, does

1 it?

2 A. No.

3 Q. It just loses its allocation?

4 A. Correct.

5 Q. Which is another way of saying it losing its
6 address. The label of it, Jonathan is wiped out, but
7 there's still that image of my name is Jonathan sitting on
8 the drive?

9 A. Correct.

10 Q. Because it's unallocated, because there's no
11 address for it, other information can now be written on
12 top of my name is Jonathan file?

13 A. Correct.

14 Q. If it gets written over you have a hard time
15 seeing it?

16 A. Correct.

17 Q. That is where you lose it?

18 A. Correct.

19 Q. But if nothing else writes over the Jonathan
20 file, it's still there?

21 A. Correct.

22 Q. And still recoverable?

23 A. Yes.

24 Q. So when you do your forensics on an electronic
25 device, if somebody has only deleted the file as opposed

1 to wiping the drive, which is altogether different,
2 right?

3 A. Correct.

4 Q. Wiping, you actually remove the data from the
5 surface of the drive?

6 A. Correct.

7 Q. We're not doing that. We're just talking
8 about hitting delete. If you hit delete, then you turn
9 over that electronic device to you, pretty soon, before
10 that person had opportunities to write new things where
11 they were, you'd still be able to find those deleted
12 photos, wouldn't you?

13 A. If it's computer, yes.

14 Q. Morgan Savage had a computer in this case?

15 A. Yes.

16 Q. You reviewed it?

17 A. Yes.

18 Q. Do you have to do a special search for things
19 that have been deleted or dose it all come up, based on
20 the machine you use?

21 A. I have to do an allocated search.

22 Q. Did you do an allocated search on Morgan's lap
23 top?

24 A. Yes.

25 Q. Did you include any returns on that allocated

1 file in your report?

2 A. None of the images in the unlocated were
3 reported.

4 Q. Were there images?

5 A. Yes.

6 Q. Can I assume that if those unallocated images
7 were uses in child pornography you would have included
8 it?

9 A. Yes.

10 Q. You didn't do that because there wasn't any?

11 A. Not that I saw.

12 Q. Would it be fair for this jury to conclude
13 that not only were there no naked pictures of Josh on
14 Morgan or naked pictures of Morgan on Josh, because when
15 you looked and checked for unallocated information, there
16 wasn't anything there that had been deleted?

17 A. There were old images. Some were the same as
18 the Valley of Fire pictures and stuff like that. But I
19 didn't see anything older or anything I didn't report.

20 Q. Not just what was visible, but also after
21 checking to see if something had been deleted, still no
22 child porn or anything like that?

23 A. Correct.

24 MR. MACAUTHUR: Thank you, sir.

25 Court's indulgence. Nothing further.

1 BY MS. RHOADES:

2 Q. A lap top doesn't take photos?

3 A. No.

4 Q. So all of the photos and image you found on
5 the lap top were uploaded on to the other devices?

6 A. Yes.

7 Q. The other devices that were download to the
8 lap top?

9 A. Yes.

10 MS. RHOADES: Nothing further.

11 THE COURT: Let me see by a show of hands if the
12 jurors have questions for this witness. Seeing no hands
13 at this time, Detective Ramirez, you are excused. Thank
14 you for your time.

15 We'll go ahead and give the jurors a break. We'll be
16 back about quarter to 4:00, please.

17 JURY ADMONITION

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

1 limitation, newspapers, television, internet or radio.

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

5 (Jury released.)

6 THE COURT: Make sure we're complete today. I
7 don't want to be bringing him back Monday.

8 MS. KOLLINS: I want to let the court know I
9 scheduled today --

10 THE COURT: You mentioned 8 or 9.

11 MS. KOLLINS: I had 10 scheduled today, but
12 we're simply not -- that's not the case. I have 3 more to
13 try to rush through this afternoon. I don't know that
14 we'll get through them. I'm holding them. The rest I'm
15 releasing.

16 THE COURT: That's fine.

17 MS. KOLLINS: The people I'm releasing I know
18 their testimony is going to be too long and I would make
19 them have to come back anyway. I would rather --

20 THE COURT: Sure. I appreciate you organizing
21 it. We'll do what we can do.

22 MS. KOLLINS: I can tell the court that the
23 situation with Sergeant Clark still remains the same for
24 Tuesday. Nothing in that regard has changed. I'm just
25 trying to fit people in. Are we still planning on a 1:00

1 start or 1:30 start on Monday.

2 THE COURT: I don't know how to change it at
3 this late date. I have to find someone to take my
4 calendar, have that arranged, then have that calendar
5 heard elsewhere. I don't know how to manage that.

6 I did free up time on Thursday, so we can have all
7 day Thursday and Friday. I know that plays into the
8 discussion I have to have with both sides.

9 MS. KOLLINS: The remainder of witnesses I have,
10 save and except just a couple, are relatively quick I
11 would think for this. I can't anticipate cross. I will
12 try to jam equal amounts into Monday, not the 9 obviously,
13 but I will try to have 5 or 6 here lined up. To the
14 extent I'm not like having people come and wait and sit.
15 I'll have some of them on call.

16 THE COURT: Like I said, some are familiar with
17 the process, others may not be.

18 MS. KOLLINS: Some are. The officers are not,
19 they are like what is happening right now.

20 THE COURT: I would like to get the jurors in
21 shortly. Can we have a brief discussion about scheduling
22 next week.

23 MS. MCNEILL: Yes, your Honor.

24 THE COURT: In talking with the State now we
25 might get 2, 3 in the remainder of the day. Of course, it

1 will be closer to 4:00 before we start. So obviously the
2 original intent was to do double that number of witnesses
3 today, so be it. Depending on how we get through, we'll
4 try to do 5, 6 ready to start at 1:00 o'clock Monday.
5 Right now it's not my intention to try to change trial
6 schedule for Tuesday or Wednesdays because I really don't
7 know how to work that out, although there is a possibility
8 for Tuesday or Wednesdays to look ahead to finding someone
9 to take my calendars, relocating that calendar, and having
10 trial in here. I don't really want to do that.

11 We talked before about the possibility of
12 finishing the State on Tuesday and then them taking
13 approximately needing 3 days, with the understanding that
14 that would not be 3 full days, but close to that. With
15 the Tuesday and Friday situation, maybe that would
16 complete witnesses, but I appreciate the State may not
17 still be on that schedule, assuming they are still looking
18 at 3 days, depending on which days it is where do you
19 think right now your best guess you can complete. I
20 understand with the cross we don't know, but I'm trying
21 the get an estimate.

22 MS. KOLLINS: I'll rest on Thursday, based on
23 how far we did not get today.

24 THE COURT: So then you'd have a full day
25 potentially Thursday, but then a full day Friday and back

1 potentially half days the following week. So that really
2 probably puts the case toward the middle, if not the
3 latter part of the following week; is that correct.

4 MS. MCNEILL: Sounds like it, your Honor. I
5 just told all my witnesses next week -- we've cut our
6 witness list, because the State is calling some of them
7 and some of them we no longer need. So we -- josh will be
8 the longest witness.

9 THE COURT: That reminds me to ask the State, I
10 promise you -- and feel like I need to preface this
11 because I don't have an agenda in asking this question.
12 Is there a chance that when the State sort of digests
13 everything after this week, there might be a change in the
14 number of witnesses next week, or are we certain that all
15 of the witnesses you are calling you are calling.

16 MS. KOLLINS: You know, your Honor, there is
17 always that chance. Here's -- just to be open candid as I
18 can.

19 THE COURT: I don't know these folks in terms of
20 what you are expecting to get through.

21 MS. KOLLINS: So had the defense taken the
22 strategy the recant is the recant and that's extent of how
23 they were going to proceed their strategy, then my witness
24 list would have changed. But we still have the notion of
25 you know some conspiracy action within Metro and that's

1 kind of the remainder of my case.

2 THE COURT: So --

3 MS. KOLLINS: That having been postured in
4 opening statement, that having been addressed by most
5 recently Mr. MacAuthur in cross of Mr. Ramirez about the
6 letter to Joe Lombardo, I don't see how I let that go.
7 It's unfortunate. I have to let it go. It's also
8 circumstantial evident of the existence of the
9 relationship. All of that combined --

10 THE COURT: Like I said, if there was chance. I
11 wasn't sure if some of this was still in the case and
12 chief, or to the extent you call it in your rebuttal case.
13 That's fine.

14 Ms. McNeill, what are you looking at.

15 MS. MCNEILL: The State now is thinking
16 Thursday.

17 MS. MCNEILL: We'll have all day Friday.

18 THE COURT: We have all day Thursday.

19 MS. MCNEILL: We'll have half if not more all
20 day Friday. Then a little bit Monday. Well, that would
21 be 1:30, and Monday closing.

22 THE COURT: I'm not going to rush closings
23 because I'm not going to anticipate they'll be quick.
24 Okay. We have an idea and we'll have time for
25 instructions.

1 Let's get the jury in.

2 THE COURT: Resuming in the State of Nevada vs.
3 Joshua Honea. Mr. Honea is present with counsel. State's
4 counsel is present. Our jurors are present. State can
5 call their next witness.

6 MS. RHOADES: Luann Sacchetti.

7 THE COURT: Come forward.

8 THE CLERK: You do solemnly swear the testimony
9 you are about to give in this action, shall be the truth,
10 the whole truth, and nothing but the truth, so help you
11 God.

12 THE WITNESS: I do.

13 THE CLERK: Be seated. State and spell your
14 name for the record.

15 THE WITNESS: Luann Sacchetti, L-u-a-n-n,
16 S-a-c-c-h-e-t-t-i.

17 DIRECT EXAMINATION

18 BY MS. RHOADES:

19 Q. Are you currently employed?

20 A. No.

21 Q. Retired?

22 A. Retired, yes.

23 Q. Where were you employed before you retired?

24 A. Las Vegas Metropolitan Police Department.

25 Q. How long did you work with Metro?

1 A. 22 years and 3 months.

2 Q. When you retired what department were you
3 working in?

4 A. Major violators, narcotics.

5 Q. What did you do with at Metro?

6 A. Law enforcement support tech supervisor.

7 Q. At some point did you work in the gang unit?

8 A. Yes.

9 Q. Is that different then the major violators,
10 narcotics unit?

11 A. Yes.

12 Q. When did you work in the gang unit?

13 A. I worked in gangs from 2008 to 2015.

14 Q. When did you move to the gang unit?

15 A. Then 2015 was when the department
16 decentralized and I moved to major violators slash
17 narcotics.

18 Q. During your tenure in gangs did you meet Josh
19 Honea?

20 A. Yes.

21 Q. Do you see him court today?

22 A. Yes.

23 Q. Can you point to him and tell me something
24 he's wearing?

25 A. He's wearing a gray suit.

1 MS. RHOADES: May the record reflect
2 identification of the Defendant.

3 THE COURT: The record will so reflect.

4 BY MS. RHOADES:

5 Q. When did you meet Mr. Honea?

6 A. Josh worked for me as a temp. I believe it
7 was in 2014. I'm not sure of the exact date.

8 Q. Do you recall the month he started working for
9 you as a temp?

10 A. No. 2014, but I don't recall a month.

11 Q. When did Josh stop working for you?

12 A. May of 2015.

13 Q. What in your job position, what do you --
14 generally do in your job position?

15 A. I supervise the clerical staff, which included
16 gangs. I had one senior lest and 3 temp support
17 lestees.

18 Q. What is L-e-s-t?

19 A. Law enforcement support technician.

20 Q. What were Joshes' job duties when he worked
21 for you in gangs from 2014, '15?

22 A. Very similar to the Lest. They ran people
23 through the computer systems. They entered reports in our
24 system. It was called a P-1 system to enter reports and
25 field interview cards.

1 Q. Did Josh have access to all P-1 case notes and
2 things of that nature in his capacity in your
3 supervision?

4 A. Yes. All my employees did, yes.

5 Q. Were you aware that Josh had previously worked
6 at the Clark County Detention Center?

7 A. Yes.

8 Q. Were you aware of any other kind of volunteer
9 or employment that he had with Metro?

10 A. Yes. He was an Explorer. He worked with the
11 Explorers. Well, he wasn't an Explorer. He was an
12 advisor for the Explorers.

13 Q. So at the time he was working for you?

14 A. At that time he was working for me.

15 Q. Did you ever meet Morgan Savage?

16 A. Once at a birthday party. At his 21st
17 birthday party I believe it was.

18 Q. Do you remember where that was at?

19 A. It was at a bar. It was a bar restaurant.

20 Q. Is that the only time you ever saw
21 Ms. Savage?

22 A. I believe so. I don't even remember the name
23 of it. It was on West Charleston.

24 Q. Before meeting Ms. Savage had you heard
25 Mr. Honea talk about her?

1 A. Yes.

2 Q. Tell us the first time that you can remember
3 you heard him talking about her?

4 A. He talked about her in the office quite a few
5 times.

6 Q. What kinds of things did he say when he would
7 talk about her?

8 A. We had a couple of conversations about her,
9 but we were under the impression I had asked Josh once
10 about them -- him being friends with her and their age
11 difference, and I was told that they were good family
12 friends.

13 Q. Who told you that?

14 A. Josh.

15 Q. What is it that prompted you to ask him about
16 that relationship?

17 A. Because he had mentioned her age, that she was
18 15.

19 Q. What else did Josh say about her to you?

20 A. We didn't have a lot of conversations about
21 her.

22 Q. Did Joe Belmonte work in the same capacity as
23 Josh did?

24 A. Yes.

25 Q. When did Mr. Belmonte start working in that

1 capacity under you?

2 A. Joe started -- he started in 2014 also, I
3 believe. But it was later in the year.

4 Q. So Mr. Belmonte started after Josh did?

5 A. Yeah. Yeah.

6 Q. Did you ever have any conversations about
7 Morgan where you Joe and Josh were present?

8 A. I don't think so. Well, there were
9 conversations in the office with all of the office
10 staff.

11 Q. About Morgan?

12 A. Not like anything specific.

13 Q. Do you recall some sort of confrontation that
14 occurred between you, Josh, and Joe?

15 A. Oh, yeah. Well, it wasn't a confrontation
16 with the 3 of us.

17 Q. Did this things you are talking about have to
18 do with Morgan?

19 A. No, not really.

20 Q. What did it have to do with?

21 A. Um, I remember there was a time I had told Joe
22 to -- Joe was testing for police officer, and I had told
23 him to back away from his relationship with Josh. And he
24 told Josh. Then the next morning Josh came in and he was
25 very upset with me because Joe told him that I advised Joe

1 to back away from his relationship with Josh.

2 Q. When Josh was upset with you, what kind of
3 things did he say to you that indicated he was upset?

4 A. He was asking why I said that. I said that I
5 didn't want Joe to be -- to be going down the wrong path
6 because I felt that Josh wasn't acting appropriately at
7 that time. And it wasn't -- that wasn't even necessarily
8 about Morgan.

9 Q. Do you remember when that was, what month?

10 A. No.

11 Q. Was it in 2014 or 2015?

12 A. It was in 2015 I believe, but I don't remember
13 the exact date.

14 Q. Did you become aware that Josh was interviewed
15 by sexual assault detectives on April 1st, 2015?

16 A. Yeah, they called me. I don't recall the
17 date, but they called and told me they wanted to talk to
18 him. He was at work that day. They said they wanted me to
19 bring him downstairs for an interview and for me to walk
20 him out to the elevator and meet them. Then after the
21 interview he wasn't coming back up to work.

22 Q. What happened after the interview to your
23 knowledge?

24 A. So after the interview I thought he would be
25 going home, but he came back up to the office -- to our

1 office and I didn't talk to him. I was in my office,
2 which is outside of -- right outside where all the
3 clerical staff sat. So I could observe him talking to
4 other employees.

5 I didn't feel he was acting appropriately, because
6 he was laughing and joking and talking like nothing
7 happened. I thought somebody that was just interview by
8 detectives should be upset. I would be, no matter who the
9 detective was, you know.

10 Q. Did Josh that day stay and work to the end of
11 his shift?

12 A. Yes.

13 Q. This interaction where you told Joe to back
14 away from Josh, was it before or after that interview?

15 A. It was -- I don't even remember. I think it
16 was before actually.

17 Q. The day after that interview, did something
18 happen with Joshes' job position?

19 A. The day after that interview an IAB sergeant,
20 detective came up and spoke to me because Josh was next on
21 the list to go into a PO Academy, and they advised me that
22 they had an investigation against him but that wouldn't
23 prevent him from going into the academy. But we could
24 prevent him from going in if I terminated him, which I
25 already was thinking about doing because of work

1 performance.

2 Q. What about work performance?

3 A. There was a project I had him on that I felt
4 should be done. He was working on it for months, and he
5 it wasn't even close to being finished yet. So I had
6 already been talking to my lieutenant about letting him
7 go. So then we decided to do that, since IA and he were
8 advising me to do it. So we let him go, so he wouldn't
9 get in that academy.

10 Q. Do you recall the name of the detectives from
11 IA?

12 A. I knew you are asking me.

13 Q. Do you recall specifically what they said to
14 you about letting him go?

15 A. That they strongly suggested it.

16 Q. Did they tell you why?

17 A. Just to prevent his getting into the
18 academy.

19 Q. What did you do?

20 A. So I got the paperwork from personal.
21 Temporary employees are just at will employees. Any of
22 them could be terminated any time for any reason. The
23 department doesn't even have to give a reason, they could
24 just say we don't need your services anymore. It's not
25 like full-time employees where there is a process you have

1 to go through.

2 So we had to decided he wasn't the type person we
3 wanted to see as a police officer.

4 Q. Was he terminated?

5 A. No. Because then when we did the paperwork
6 and spoke to Josh, me and Lieutenant Watkey, he asked us
7 if we would let him resign and we did. Then we put all of
8 my paperwork in the shredder and he wrote a resignation
9 letter and we settled that.

10 Q. Did IA say anything to you about what they
11 were investigating with josh?

12 A. Yes. They told me about the investigation
13 with Morgan.

14 Q. Did they interview you?

15 A. No.

16 Q. To your knowledge what did Josh do after he
17 resigned with you?

18 A. After he resigned with me he was still working
19 as a volunteer patrol services representative, so he went
20 to Northeast Area Command is where he was working at that
21 time. And I think they let him go to there from his
22 voluntary assignment.

23 Q. When Josh was working for you in gangs, you
24 said that he did talk to you about Morgan sometimes?

25 A. Yes.

1 Q. Do you remember those specific
2 conversations?

3 A. We had a conversation, Josh and I, when -- I
4 think it was, I want to say it was maybe in March of 2015,
5 February or March when Morgan had blocked him from all her
6 social media and he was trying to -- she told him she was
7 dating somebody in school. And we had a conversation and
8 Josh -- we were in my office with the door closed, just me
9 and him, and he was very upset that she was cutting him
10 out of her life. And I was saying let her go. She is too
11 young. You shouldn't be involved. Again, I questioned
12 him, you know, because he was acting like it was his first
13 heart break, like a break up, when you break with a
14 girlfriend over. I said I thought you were just friends,
15 and he said we were.

16 I said, well, let her go. She has to be with kids
17 her own age.

18 Q. What kinds of things did he do to indicate it
19 was a heart break situation?

20 A. He was just very upset. He was like crying.
21 He was upset that she was cutting him out of her life, and
22 he said it was because they were friends for such a long
23 time and close friends. I was trying to console him, but
24 it seemed like they were closer friends than just family
25 friends. I was starting to get suspicious.

1 Q. After that conversation, did you have any
2 other conversation with him about Morgan?

3 A. No. I think that was the conversation when I
4 had questioned him and asked him are you sure you never
5 touched her or kissed her and he said no, he never did.

6 Q. How many times do you recall asking him if he
7 ever did any of those things with her?

8 A. Twice I believe I asked him that. I always
9 believed him because I believed the story that they were
10 just family friends.

11 Q. Why did you believe that story?

12 A. Probably because I wanted to. I don't know,
13 or he was just really good at lying to me, I don't know.

14 Q. Did he ever say anything to you about marrying
15 Morgan when she turned a certain age?

16 A. Yeah. In that conversation he said they had
17 thought -- he was waiting for her to become -- turn 18 and
18 that when she was old enough they were going to be married
19 and be together. He had explained to me that his family,
20 his grandparents were together like 63 years since they
21 were teenagers. I said that was a whole different
22 generation. It's not like that anymore.

23 Q. That was the same conversation where he was
24 very upset?

25 A. Yes.

1 Q. You remember it being February, March 2015?

2 A. Yeah.

3 Q. Any other specific conversations you remember
4 having with Josh about Morgan?

5 A. No. I think that is it.

6 Q. In that same conversation, did he indicate to
7 you anything that he was trying to do to get Morgan
8 back?

9 A. Oh, yes. He told me that he's -- he had
10 called her and text her several times, but she blocked
11 him. And he said he had his mom and his sister call
12 her.

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

14 THE COURT: Mr. MacAuthur.

15 MR. MACAUTHUR: Thank you, Judge.

16 CROSS-EXAMINATION

17 BY MR. MACARTHUR:

18 Q. Good afternoon.

19 A. Hi.

20 Q. Thank you for waiting patiently outside today.

21 A. Okay.

22 Q. I think I only have 4 or 5 questions for you.

23 First you advised the jury that he was ranked first
24 to get into the LVPD academy?

25 A. Yeah, he was first on the list.

1 Q. Is that a competitive position to allow people
2 to get into the academy?

3 A. Yes.

4 Q. A lot of people don't make it?

5 A. Yes.

6 Q. Thinking back, I think you said for a little
7 while he'd gone to Northeast Area Command over to
8 Enterprise Area Command?

9 A. Yes.

10 Q. For about a month?

11 A. Yeah, at least a month or so. He transferred
12 from Northeast to Enterprise as a patrol services
13 representative.

14 Q. When he was at Enterprise you were no longer
15 able to supervise him?

16 A. Yeah. Well, I supervised him at gang. I
17 didn't supervise him as a patrol services representative
18 at either area command.

19 Q. You had been his supervisor for how long?

20 A. About a year. He transferred to us from the
21 jail.

22 Q. You provided him with advice, supervision,
23 mentorship?

24 A. Yes.

25 Q. When he was doing well, you say, doing well.

1 When he wasn't doing right, you told him how to get it
2 right?

3 A. Yes.

4 Q. Remember a conversation with Josh in which you
5 told him when he got back from Enterprise Area Command
6 that something he done pissed off the wrong people?

7 A. No. Like I didn't know what happened over at
8 Enterprise. I thought he should have stayed at Northeast
9 because he seemed like he loved it over there.

10 Q. Understood. Let me ask the question a
11 different way. He clearly had a different experience over
12 at Enterprise?

13 A. I understand he did.

14 Q. When he got back do you remember if you
15 advised him that something he had done while he was over
16 there pissed off the wrong people?

17 A. I don't recall that because like I said I
18 didn't talk much to the patrol side. Especially not at
19 all about his work as a VPSR.

20 Q. All right. Now you would share with the jury
21 that people from internal affairs give you options on how
22 you might prevent him from getting into the academy?

23 A. Yes.

24 Q. That is back when you were employed?

25 A. When -- July of this year. July, I remember

1 that date.

2 Q. How long were you with Metro?

3 A. 22 years 3 months.

4 Q. Thank you for your service.

5 Isn't it in fact true that internal affairs
6 investigations as a matter of policy are confidential?

7 A. Yes.

8 Q. They don't get discussed among police
9 personnel?

10 A. No.

11 Q. Supervisors, line officers, patrol,
12 lieutenants, captains they are not part of the
13 investigation?

14 A. Right.

15 Q. But they come to you and shared with you
16 details that you already testified to and said what your
17 options were that would prevent him from getting into the
18 academy?

19 A. They do discuss with the employee's
20 supervisor. I wasn't a part of the investigation.

21 Q. Sure.

22 A. I was aware it was going on, but they didn't
23 discuss key details of it with me.

24 Q. But they brought you into it now?

25 A. Right.

1 Q. Then lastly, thinking back to that point in
2 2015, do you recall if Joshes' parents were also going
3 through a divorce?

4 A. Yes, I believe they were.

5 Q. Do you remember him discussing that with
6 you?

7 A. Uh-huh.

8 Q. Was that one of the many things that effected
9 his attitude at work?

10 A. Yeah.

11 MR. MACAUTHUR: Thank you. I don't have any
12 questions for you.

13 THE COURT: Any redirect.

14 REDIRECT EXAMINATION

15 BY MS. RHOADES:

16 Q. When he was working under your supervision
17 when he resigned he was working for VPSR, right?

18 A. No. He was back at Northeast.

19 Q. There were questions about internal affairs.
20 They spoke to you because you were his direct
21 supervisor?

22 A. Yes.

23 Q. You were getting paid as part of the position
24 he was working for?

25 A. For me. That was the only position he was

1 getting paid for was working for me. The Northeast was
2 volunteer work.

3 Q. So still an employee with Metro?

4 A. Right.

5 MS. RHOADES: Nothing further.

6 THE COURT: Mr. MacAuthur.

7 MR. MACAUTHUR: Nothing.

8 THE COURT: Let me see by a show of hands if our
9 jurors have questions for this witness. Seeing none, you
10 are excused. Thank you, ma'am.

11 THE WITNESS: Thank you.

12 THE COURT: State may call their next witness.

13 MS. RHOADES: James Wirey.

14 THE COURT: Come forward to the witness stand.

15 THE CLERK: You do solemnly swear the testimony
16 you are about to give in this action, shall be the truth,
17 the whole truth, and nothing but the truth, so help you
18 God.

19 THE WITNESS: I do.

20 THE CLERK: Be seated. State and spell your
21 name for the record.

22 THE WITNESS: James Anthony Wirey, J-a-m-e-s,
23 A-n-t-h-o-n-y, W-i-r-e-y.

24 DIRECT EXAMINATION

25 BY MS. RHOADES:

1 Q. How are you employed?

2 A. Las Vegas Metropolitan Police Department.

3 Q. How long have you been employed with Las Vegas
4 Metropolitan Police Department?

5 A. 11 years.

6 Q. What different units or capacities have you
7 worked in 11 years?

8 A. Patrol officer, field training officer.
9 Currently I am training counseling officer at the police
10 academy.

11 Q. Have you worked with the Explorer program?

12 A. Yes.

13 Q. What is the Explorer program?

14 A. The Explorer program is part of the Boy Scouts
15 of America. It's basically for kids that want to be
16 police officers eventually, like a peer mentoring group
17 teaching them police tactics and procedures.

18 Q. Did you work with that program as an
19 advisor?

20 A. I did.

21 Q. An Explorer advisor?

22 A. Yes.

23 Q. About how old do you have to be to be an
24 Explorer?

25 A. 15 is minimum age, unless it's changed. But

1 when I was an advisor it was 15, up until the time you
2 turn 21.

3 Q. When were you an Explorer advisor?

4 A. I started in August of 2013, maybe September
5 2013.

6 Q. How long did you work with that program?

7 A. To the end of 2015, November or December.

8 Q. While you were working in that program, did
9 you meet Josh Honea?

10 A. I did.

11 Q. Do you remember when you met him?

12 A. It was probably about the time I started 2013,
13 September, some where in there.

14 Q. Was he already an Explorer when you went there
15 as an Explorer advisor?

16 A. He was actually not in the program at that
17 time as an Explorer. He had moved on to work. I don't
18 know what school. He wasn't currently an active Explorer,
19 and he came back as an assistant advisor to help with the
20 program.

21 Q. So that's the capacity you met him in when you
22 came back -- or when he came to the program in September
23 2013?

24 A. Yes. When I met him he was introduced as an
25 assistant advisor.

1 Q. What do assistant advisors do?

2 A. Assist us with role playing, acting as a
3 suspect, helping with the other Explorers type of the
4 things.

5 Q. Where do you guys do these activities? How
6 often do to do them?

7 A. It was a weekly meeting. I was assign to
8 Enterprise Area Command. I was working with that program
9 at that time. It's now all out of our main headquarters,
10 but when I was part of that it was actually out of the
11 area command you worked at.

12 Q. Are assistant advisors below you guys, the
13 advisors?

14 A. Yes.

15 Q. They take direction from you?

16 A. Yes.

17 Q. Are you their supervisor?

18 A. In a sense, yes.

19 Q. Is it all volunteer?

20 A. Yes.

21 Q. For the advisors and assistant?

22 A. It's all on our own time, yes.

23 Q. Who else, when Josh was an assistant advisor,
24 who else was working as an advisor?

25 A. Kevin Zafiridis and Lawrence Samples -- Larry

1 Samples.

2 Q. So when you came to meet Josh what was -- how
3 did that relationship develop?

4 A. He was introduced to me by Kevin and Larry.
5 They explained to me that he was past Explorer who was
6 coming back to assist with the program, while he was
7 waiting to go into -- or be hired as a police officer with
8 Metro. That was his goal.

9 Q. Were you friends with him?

10 A. We had a, I guess you call it a working
11 relationship. I only saw him at the meetings.

12 Q. Did you ever see him on social occasions?

13 A. The only time I think I saw Josh outside of
14 the meetings was a time we went to the Yard House. There
15 was an Explorer type party at Kevin's house.

16 Q. When you guys were in the program, did Josh
17 bring anyone to the Explorer meetings?

18 A. Yes.

19 Q. Who was that?

20 A. Morgan.

21 Q. Morgan Savage?

22 A. Yes.

23 Q. Did you meet her?

24 A. Yes.

25 Q. How often would Josh bring her to the

1 meetings?

2 A. Looking back, it was 3 years ago. I believe
3 pretty much if Josh was there, Morgan was there.

4 Q. What did Josh tell you their relationship
5 was?

6 A. The way I understood it was he met her at
7 middle school. I believe he was the hall monitor or
8 something to that effect. She had a rough up-bringing and
9 he was more of a mentor or someone like and big brother,
10 if you will, trying to help her out.

11 Q. Who did you get that information from?

12 A. That was pretty much from Kevin and Larry
13 explained that to me and kind of interacting with Josh.
14 It kind of was put out there, I guess, as an explanation
15 of how they met and the relationship.

16 Q. Did you know how old Morgan Savage was?

17 A. Yes. I believe she was possibly 11 or 12 when
18 she started coming to the meetings.

19 Q. Did you observe anything between the two of
20 them that would cause you concern about their relationship
21 knowing her age?

22 A. No.

23 Q. How did they act around each other?

24 A. I guess the best way is brother and sister.

25 Q. They never kissed in front of you?

1 A. No.

2 Q. Never held hands?

3 A. No.

4 Q. Did you ever see Morgan in a social setting
5 not with the Explorers?

6 A. Not that I recall.

7 Q. Was Josh also a volunteer patrol service
8 representative?

9 A. Yes.

10 Q. Do you know when they came into that
11 position?

12 A. I believe it was about the time that I started
13 with the Explorer program. I believe that's the reason he
14 stepped away from the program as an actual Explorer. He
15 was just coming on his time off to be the advisor, so I
16 would say 2013 sometime.

17 Q. So doing two things as once, VPSR and
18 assistant Explorer advisor?

19 A. Yes.

20 Q. When did you become -- you said you were a
21 field training officer. Was that at Enterprise Area
22 Command?

23 A. Yes.

24 Q. When did you do that?

25 A. That was about 2013 as well.

1 Q. So the same time you were in the Explorer?

2 A. Yes.

3 Q. How long were you a field training officer
4 with Enterprise?

5 A. About a year-and-a-half and two years.

6 Q. 2015 -- March 2015 were you there?

7 A. Yes.

8 Q. In March of 2015, who was your sergeant at
9 Enterprise?

10 A. At the time my actual assigned sergeant was
11 Sergeant Erickson.

12 Q. Is there a sister squad that you have in
13 Enterprise Area Command as well?

14 A. Yes.

15 Q. Who was the sergeant over there?

16 A. Jeffrey Clark.

17 Q. Did Lawrence Samples and Kevin Zafiridis also
18 work with you at Enterprise?

19 A. Yes.

20 Q. Were they also field training officers?

21 A. Kevin was on the sister squad with Sergeant
22 Clark. I believe at that time Larry Samples was in one of
23 our investigative units, still assigned to enterprise.

24 Q. At some point did Josh come work at Enterprise
25 as a VPSR?

1 A. Yes.

2 Q. What do people do, what are the job
3 assignments of VPSRs?

4 A. They are supporting patrol officers, field
5 training officers, same idea. Taking reports, doing
6 traffic control accidents, so that way the patrol officer
7 can go handle 911 calls, those type of things. Basically
8 letting -- taking reports so we aren't stuck in a house
9 taking reports that they can handle, letting us again
10 handle more police related, 911, saving lives type of
11 stuff.

12 Q. Are there certain things that VPSRs are not
13 suppose to do?

14 A. Yes.

15 Q. What are those generally?

16 A. They are not supposed to have nay type of
17 suspect contact, any type of -- they should not be
18 apprehending anybody, those type of things.

19 On the type of calls they respond to, if there is a
20 potential for some sort of suspect, a patrol officer,
21 uniformed officer like myself or anybody else arrives to
22 make sure the scene is safe and clear. And at that point
23 patrol service could then take the report and patrol
24 officer would move on with their day?

25 Q. Are they suppose to do vehicle stops?

1 A. No.

2 Q. Do they carry any weapons?

3 A. I think pepper spray is the only weapon they
4 are given.

5 Q. They cannot carry a firearms?

6 A. No.

7 Q. Are a lot of things they're not supposed to do
8 for their own safety?

9 A. Correct. They have no police powers and very
10 limited training.

11 Q. While Josh was a VPSR did you have contact
12 with Morgan?

13 A. While he was a VPSR.

14 Q. Yes.

15 A. The only time I had contact with her was at
16 the Explorer meetings, if that's what you are asking.

17 Q. He didn't bring her in his capacity as VPSR to
18 Enterprise?

19 A. Not that I ever saw.

20 Q. At some point were you concerned about their
21 relationship brought to your attention?

22 A. Brought to my attention?

23 Q. Cause you concern yourself?

24 A. Yes.

25 Q. Tell us about that?

1 A. Josh -- at some point Morgan had basically cut
2 ties from what I understood from Josh. He was coming to
3 the meetings still and on a few occasions he was upset
4 about things that he was hearing Morgan was doing or
5 finding out things that Morgan was doing, and he was
6 expressing that to myself and I think some of the other
7 advisors.

8 Q. What kind of things?

9 A. Stuff about possible drug use, marijuana. I
10 think he heard she wanted to get a tattoo. I'm not sure
11 if she got a tattoo. Different things that he relayed to
12 me, at which point I basically told him try to be a good
13 friend, try -- at some point you need to let her parents
14 or whatever try and be her parents.

15 Q. That is the conversation that you had with
16 him?

17 A. Yes.

18 Q. What was his reaction to what you were telling
19 him?

20 A. He was upset at the situation that he believed
21 she was in or whatever she was doing. He never
22 acknowledged what I was saying as, okay, or not okay, but
23 he sat there and listened. But the next week, the same
24 kind of stuff was happening, where he was still upset with
25 things going on and not having contact with her and

1 stuff.

2 Q. Do you recall when this started?

3 A. When he lost contact with her?

4 Q. Yes.

5 A. I couldn't tell you when. Probably been 2014
6 at some point.

7 Q. Do you recall how many conversations you had
8 with him about him losing contact?

9 A. I would say 3. Again, I wasn't -- I didn't
10 know Josh as long, so I don't know maybe we weren't
11 comfortable talking with each other. There was at least 3
12 separate occasions where I had a conversation with him.

13 Q. When you had that conversation with him was it
14 just you and him?

15 A. I believe those 3 conversations were probably
16 just me and him. I can't recall if anybody else was
17 there.

18 Q. You said you met him socially at Red Rock.
19 When was that?

20 A. Again, that was in 2014. Probably -- I can't
21 tell you the month.

22 Q. Who went to Red Rock?

23 A. Myself, Larry Samples, and Kevin Zafiridis.

24 Q. With Josh?

25 A. Yes.

1 Q. Is that Red Rock Casino?

2 A. Yes.

3 Q. Did you go to a restaurants?

4 A. We went to Yard House.

5 Q. What was the purpose of you all going out
6 together?

7 A. We asked Josh to come basically to have a
8 night out with the guys, if you will. He was spending a
9 lot of time with the Explorers outside of work, outside of
10 meetings I should say. And we were basically telling him
11 that he needed to find people his own age to have a social
12 life with, that he was about to be a police officer in
13 that you need to get people your own age you can talk to
14 and kind of spend time with after you get on the
15 department and not spend time with these younger Explorer
16 kids, is the basis of the meeting.

17 Q. Did Morgan Savage come up?

18 A. Yes.

19 Q. How did that come up?

20 A. I believe Larry Samples asked Josh if he had
21 planned on having a relationship with her in the future,
22 when she becomes 16 or of age, I guess you call it.

23 Q. What was Joshes' response?

24 A. He did mention that they had thought about it
25 or talked about it, and that he was potentially thinking

1 of having a relationship with her.

2 Q. What was your response with that?

3 A. I can't remember if it was myself or Larry,
4 but we conveyed to him that as a 20 -- I guess he would be
5 23 when she was 16 -- a 23-year-old police officer having
6 a relationship with a girl that's 16 is inappropriate, or
7 it would be deemed or perceived as inappropriate from
8 peers or the public.

9 Q. What was his reaction to that?

10 A. I honestly couldn't tell you. It wasn't
11 anything memorable. It wasn't like he exploded. He
12 seemed accepting, understanding.

13 Q. You said there was one other time you recall
14 meeting with him socially?

15 A. I can't remember if he was there but there was
16 an Explorer party after competition we had gone to in
17 Chandler, Arizona.

18 Q. Do you recall what month and year that was?

19 A. It had to be 2014. The competition was
20 January 2014. So I would imagine January, February was
21 the meeting -- party I should say.

22 Q. This meeting gathering at Red Rock was late
23 2014?

24 A. If I had to, I would of the say around April
25 maybe somewhere in there. I can't tell you. It was

1 definitely after that competition.

2 Q. Do you remember having a sit down meeting or
3 being in a sit down meeting between Sergeant Jeffrey Clark
4 you and Officer Zafiris?

5 A. Yes.

6 Q. And Josh?

7 A. Yes.

8 Q. Was Larry Samples there too?

9 A. Yes.

10 Q. Do you remember that being March 29th, 2015?

11 A. Sounds right. I didn't write the date down.
12 We had that meeting.

13 Q. March 29, 2015 how soon before that was the
14 gathering at Red Rock with Josh?

15 A. I would probably have say weeks before that.

16 Q. Red Rock was 2015. In the weeks before March
17 29, 2015 meeting?

18 A. Yes.

19 Q. What was the purpose of that meeting?

20 A. At that point Josh had come over and had
21 begun being a VPSR at Enterprise, working basically on
22 days. Myself and Kevin Zafiris were working patrol. And
23 we had become concerned because Josh was doing some things
24 outside of the scope of his VPSR position.

25 Q. What were the kinds of things?

1 A. He ran -- the specific incident I do remember
2 is he ran a license plate on a vehicle that had come back
3 as a stolen vehicle. He was in very close proximity to
4 that vehicle, calling out to radio traffic and being
5 very -- way to close to suspects and a very dangerous
6 situation, which brought concern by other people and at
7 that point we decided that Josh probably shouldn't be VPSR
8 at Enterprise.

9 Q. When you say concern by other people, who are
10 the other people?

11 A. Other officers on our sift. My actual
12 sergeants at the time, Sergeants Doug Erickson had come to
13 me and asked me -- he wasn't unfamiliar with the volunteer
14 VPSR program, and he basically said I don't know much
15 about the program, but I don't think they should be doing
16 this type of stuff, which I explained to him, no, they
17 should not have any type of close contact with a suspect,
18 suspect vehicles, those types of things.

19 Q. During that meeting were those performance
20 issues discussed?

21 A. Yes.

22 Q. Was anything else discussed?

23 A. The relationship with him and Morgan was
24 brought up by Sergeant Clark.

25 Q. How was it brought up?

1 A. He basically -- after we had explained to Josh
2 all the things he was doing that were not appropriate as a
3 VPSR I think we pointed out the scope of that practice and
4 explained that he wasn't going be allowed to VPSR at
5 Enterprise anymore. At that point Sergeant Clark asked
6 him the questions about Morgan and himself.

7 Q. What kind of things did Josh say in that
8 meeting to you guys?

9 A. I believe, again, the age -- the question
10 about if he wanted a relationship or was thinking about a
11 relationship with Morgan at a later time was asked by
12 Sergeant Clark. Josh acknowledged that they thought about
13 it and I talked about it. Something to that effect.
14 Where, again, it was brought up, the perception of the
15 public, why, yes she's 16 and a legal age, you're going to
16 be a 20-some-year-old police officer, where it's not going
17 to be looked upon as an appropriate relationship.

18 Q. When you said that Josh said they talked about
19 it, did he again say that he planned to date her when she
20 was 16?

21 A. That's the way I understood it.

22 Q. Were there other issues with his performance?
23 So there's the VPSR or the stop on the stolen vehicle --
24 I'm sorry -- the license plate, running of the license
25 plate. What other issues do you remember coming up?

1 A. The other concern was some of the -- Josh was
2 carrying basically the same type of magazines for a glock
3 firearm on his belt. And again a VPSR does not carry a
4 firearm, is not supposed to have access to a firearm.
5 That was a concern, very concerning to people when they
6 saw him walking around with bullets that he hasn't been
7 trained to use through the department.

8 Q. Do you remember anything else specifically
9 about his performance?

10 A. Honestly, I cannot at this point.

11 Q. Why is it that you and Officer Samples and
12 Zafiridis were all in that meeting with Sergeant Clark and
13 Josh?

14 A. Mainly because we were working with Josh as
15 advisors at that time. Also that myself and Kevin had
16 basically asked Josh to come over and work at Enterprise
17 as a VPSR. He said that Northeast treatment was not great
18 at that point. He wasn't really enjoying the work
19 environment, and we said why don't you come over here and
20 work with us. So we all felt it to be appropriate for all
21 3 of us to be there to talk to him and explain why we
22 didn't think he should be a VPSR at Enterprise.

23 Q. Did you have it out for Josh in any way for
24 any reason?

25 A. Absolutely not. We were concerned for really

1 his career as an officer. The other interaction that I
2 had with him was when we heard that Morgan's family or
3 Morgan herself was looking into possibly getting some sort
4 of restraining order or something against Josh. When I
5 heard that I had, again, another conversation at the
6 meeting telling him I understand that you care about this
7 girl. You don't want her to make these bad choices in
8 life, but if the family or someone is looking to get a
9 protection order against you it could really jeopardize
10 your career with the department. He was very close to
11 going into the police academy at that point.

12 Q. After that meeting with Sergeant Clark, did
13 you speak with Detective Igor Dicaro?

14 A. Yes.

15 Q. Did you tell him generally what you told us
16 today about Josh and Morgan's relationship and your
17 concerns with them?

18 A. Yes. He called me and we had a phone
19 conversation where I just relayed that they were having a
20 brother, sister type relationship. I couldn't speak on
21 any actual things I saw that were illegal, but the
22 interaction they were having and the way Josh was acting
23 it was getting concerning about their relationship.

24 Q. Did Josh tell you anything about Morgan going
25 to a different school?

1 A. That I don't recall.

2 Q. Or being taken out of certain school and
3 switched to a different high school?

4 A. I believe he -- I couldn't speak to that at
5 this point. It sounds familiar, but I can't say yes or
6 no.

7 Q. After you spoke with Detective Dicaro, did you
8 have any involvement in the sexual assault
9 investigation?

10 A. No.

11 Q. Did you have any involvement in the internal
12 affairs investigation?

13 A. No.

14 Q. To your recollection did Josh bring anyone
15 else to the Explorer meetings?

16 A. The only other person that he would bring was
17 Joe I believe. I can't remember his name, last name. I
18 would say his name starts with a B.

19 Q. Belmonte?

20 A. Yes, that sounds correct.

21 Q. Did you ever see him with another female
22 besides Morgan?

23 A. Josh?

24 Q. Yes, Josh.

25 A. No.

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

2 THE COURT: Mr. MacAuthur.

3 CROSS-EXAMINATION

4 BY MR. MACAUTHUR:

5 Q. Good afternoon.

6 A. Good afternoon.

7 Q. We've never met?

8 A. No.

9 Q. As part of your job is it fair to say you have
10 to write a lot of reports?

11 A. Yes.

12 Q. Metro kills trees?

13 A. Yes.

14 Q. Everything gets documented?

15 A. Yes.

16 Q. Approved by the supervisor, filed or scanned
17 into the data base?

18 A. Absolutely.

19 Q. All completely searchable?

20 A. Yes.

21 Q. Furthermore, you received training on making
22 sure that not only is it being documented, but it has to
23 be done accurately?

24 A. Yes.

25 Q. Because ultimately you may be in court having

1 to answer questions on something that happened a long time
2 ago and it's good to have facts in fronts of you. Is that
3 fair?

4 A. Yes.

5 Q. You tried to do that as you were trained in
6 your role as an officer with Las Vegas Metropolitan Police
7 Department?

8 A. Correct.

9 Q. Thank you, sir.

10 Thinking back, do you recall whether Josh Honea was
11 ranked first to go into the Las Vegas Police Department
12 Police Academy?

13 A. That sounds correct, yes.

14 Q. Was that before or after he did a month at
15 Enterprise Area Command?

16 A. The ranking?

17 Q. When he was ranked first to get into the
18 academy, do you remember it that was before or after he
19 had been with you for a month at Enterprise Area
20 Command?

21 A. I honestly don't remember when Josh tested.
22 It's a long process so his results -- I couldn't tell you
23 when I was made aware of those. I do remember it. We
24 were happy for him coming out number one.

25 Q. You had known him since he was an Explorer,

1 correct?

2 A. Yes.

3 Q. So he's not just a stranger. You were able to
4 form a rapport with him and his successes were in some way
5 your successes?

6 A. Yes.

7 Q. So is it your recollection that Mr. Honea did
8 approximately one month with you and Officer Kevin Zafiridis
9 at Enterprise Area Command sometime maybe the spring of
10 2015, correct?

11 A. That sounds correct.

12 Q. And in that time was also, what you referred
13 to, as time where as a VPSR he had run plates or had
14 contact where you said was close to a suspect?

15 A. Yes.

16 Q. You already testified about how that and other
17 conduct was concerning?

18 A. Yes.

19 Q. So let me revisit that. At the time in which
20 you had this counseling meeting with Josh -- I'm talking
21 about the one at Enterprise?

22 A. Sure.

23 Q. That's March 29, 2015?

24 A. If that's the date -- that was the date the DA
25 gave me I --

1 Q. You haven't checked it yourself. There's no
2 reason not to trust them?

3 A. Sure.

4 Q. This is after you had had a more informal
5 meeting at the Yard House?

6 A. Yes.

7 Q. If you could once more recount for the jury
8 who was present at the Yard House for that informal
9 consultation?

10 A. Larry Samples, Kevin Zafiris and myself and
11 Josh.

12 Q. Josh. Okay the three of you were there. You
13 expressed what your concerns were to Josh and it was your
14 intention to sort of help keep him in the fold?

15 A. Sure.

16 Q. He graduated out of the Explorers, where these
17 are younger people being modeled to be future ideal police
18 officers, right?

19 A. Yes.

20 Q. And he was approaching the point where he was
21 going to be doing like the more full role, right, in the
22 Academy. Assuming he graduated from the Academy?

23 A. Yes. He was going to be a police officer, at
24 least at that point we thought he was going to be a police
25 officer.

1 Q. I would like to talk about -- now that we've
2 established that you expressed your concerns about. You'd
3 already built a rapport. This is the reason why you have
4 contact with him at the Yard House. I want to move
5 forward to March 29th counseling session that you had.

6 A. Sure.

7 Q. You listed 4, by my count -- and if there's
8 anything I'm leaving out I'd like you to in and go ahead
9 and add it.

10 You said that things he was counseled on were this
11 Morgan Savage situation with the age gap.

12 A. Sure.

13 Q. And the car stop that he had done in a PSV
14 case where he was too close to a suspect?

15 A. Yes.

16 Q. Then he apparently had a deviation from
17 uniform code wearing a clip?

18 A. Yes, sir.

19 Q. He didn't have a firearm?

20 A. Not that we saw, no.

21 Q. But it didn't seem to have a uniform that
22 involved wearing something you would identify as an ammo
23 clip?

24 A. Yes.

25 Q. Then you said that there was also an issue of

1 a restraining order that Morgan's mom sought to press
2 against him, right?

3 A. That wasn't at that meeting.

4 Q. Okay. When might that meeting be?

5 A. That was during an Explorer meeting where Josh
6 had come to the meeting and we'd heard that Morgan's
7 family, I believe it was her family, was looking into that
8 or trying to do that.

9 Q. Do you remember when that was? Was that
10 before the March 29th meeting or after March 29th?

11 A. Probably before March 29th, because after the
12 March 29th, meeting I'm not sure but I think I had limited
13 contact with Josh after that.

14 Q. I see. You said that you didn't have
15 involvement in the investigation into Josh that leads to
16 where he is now, right?

17 A. Yes. I had no involvement.

18 Q. Well, my next question is based on a time
19 line. Obviously, you're here testifying, but it wouldn't
20 surprise you if other people have come in to testify?

21 A. Right.

22 Q. Do you know who Detective Dicaro?

23 A. I know his name.

24 Q. Do you know if he's from sex assault -- a
25 detective in sex assault?

1 A. I believe so. At least at the time I
2 interacted with him.

3 Q. So you're reasonably confident, based on the
4 date the State gave you, you had a counseling session with
5 Josh about those 3 concerning issues?

6 A. Yes.

7 Q. That was March 29th, according to the State.
8 I'm not holding you personally to that.

9 A. That's the date they gave me. I couldn't tell
10 you the date that that transpired, me personally.

11 Q. Officer, do you remember if the incident
12 involving the PSV and traffic stop was on March 22nd?

13 A. Again, I can't speak to that date. I haven't
14 seen that report. I wasn't involved in that actual
15 apprehension. I think I heard the radio traffic at the
16 end of the shift if I remember, but I was not involved.

17 Q. As you sit there now, do you feel like that
18 incident involving the PSV was close in time to your
19 counseling session?

20 A. Most likely because that was the straw that
21 broke the camel's back, because of the -- the other stuff,
22 his uniform and some other things, minor in nature, but
23 the contact or close proximity to what's called violent
24 suspects, stolen vehicles, those type of things is what
25 kind of tipped it to where we needed to have the

1 counseling session and talk with him.

2 Q. Understood. Other people may disagree, but at
3 least in your mind, that was the most significant issue
4 that was addressed in the counseling session?

5 A. I would say so, yes.

6 Q. Thank you.

7 Going back to Detective Dicaro. You are aware that
8 some other personnel in some other division is responsible
9 for having investigated Joshes' alleged conduct?

10 A. Sure.

11 Q. We've received testimony that Officer Dicaro
12 made contact for the first time with Morgan Savage's
13 mother on March 30th. Would you agree with me that that
14 is after March 29th?

15 A. Yes.

16 Q. He also testified that after contacting her
17 she sort of went back and forth, but ultimately she did
18 not say anything about harassment or restraining order
19 until April 1st?

20 MS. RHOADES: Objection. There's no foundation
21 that he knows that. It's all speculation.

22 MR. MACAUTHUR: I'm not asking him to speculate.
23 I'm informing what we learned as evidence and I'm going to
24 ask him questions based on that.

25 THE COURT: It's tricky because if he doesn't

1 have information and the question is based on that
2 information how he's going to answer it. I'll give you
3 some foundation leeway.

4 Go ahead. Overruled.

5 BY MR. MACAUTHUR:

6 Q. When you counseled Josh with regard to the
7 particular issue of the restraining order you felt like
8 that was before March 29th?

9 A. Yes.

10 Q. Is part of reason you felt that way because
11 you had very limited contact with Josh after March 29th,
12 correct?

13 A. Yes.

14 Q. But if nobody actually talked to Pamela Savage
15 before April 1st on that issue, there is no way to have
16 known about that on March 29th, right?

17 MS. RHOADES: Same objection, your Honor. No
18 one has heard from Pam Savage.

19 THE COURT: We don't have in the record
20 foundation for this question.

21 MR. MACAUTHUR: Detective Dicaro provided that
22 foundation.

23 MS. RHOADES: He doesn't know when Pam spoke
24 with Josh.

25 THE COURT: This witness can't answer this

1 question. It doesn't mean it's improper. It doesn't mean
2 it can't be asked of other witnesses forthcoming.

3 Sustained.

4 MR. MACAUTHUR: Understood.

5 MR. MACAUTHUR: Court's indulgence.

6 THE COURT: Yes.

7 BY MR. MACAUTHUR:

8 Q. You were not present on the car stop March
9 22nd, correct?

10 A. I don't think I responded to that. I'm
11 confident I was not out there.

12 Q. To the extent you provided the details and the
13 basis for that, that you would have learned from other
14 officers, correct?

15 A. Yes.

16 Q. In particular Officer Kevin Zafiris?

17 A. Did I learn that from him?

18 Q. Yes.

19 A. I heard the radio traffic at the end of the
20 shift. I was already back at area command. I heard
21 Joshes' radio traffic then the whole thing transpired. I
22 was listening to it but I never responded. So I had
23 knowledge of it through that. Then later on the other
24 officers -- I think Kevin did respond out there. I'm not
25 sure.

1 Q. Did or did not?

2 A. I'm not hundred percent sure.

3 Q. Are you under the impression Officer Kevin
4 Zafiridis was there or was not there?

5 A. I can't speak that he was there. We did talk
6 about that. That's how we ended up in the counseling
7 session.

8 Q. You did have a conversation with Kevin Zafiridis
9 about it but your testimony is not one way or the other
10 that he was actually there?

11 A. I don't know if he responded to the scene of
12 that call.

13 Q. But you recall having a conversation about it
14 in anticipation of this counseling session?

15 A. Yes.

16 MR. MACAUTHUR: Thank you. No further
17 questions.

18 THE COURT: Ms. Rhoades, anything further for
19 this officer.

20 MS. RHOADES: No.

21 THE COURT: May I see by a show of hands if the
22 jurors have questions for this officer.

23 THE COURT: Seeing none, you are excused. Thank
24 you.

25 THE WITNESS: Thank you.

1 THE COURT: Ladies and gentlemen we are going to
2 convene for the day, which is also convening for the
3 weekend. I want to give you an update as I promised.

4 You may or may not recall, you probably have in your
5 minds when we did the qualifying for your time frame for
6 this trial, that we had anticipated possibly going a
7 little into the next week. Sometimes we estimate well,
8 sometimes, you know, we don't. There were certain
9 developments that may mean we spend more time with
10 witnesses then originally planned.

11 We are quite certain we will not finish by Tuesday.
12 And it's likely you'll be in trial with us the remainder
13 of next week. I give you that so if you need to share
14 that with someone on our time frame you can have a better
15 idea. We'll be able to give you a better idea where we
16 sit on Monday for next week.

17 We appreciate your time and patience.

18 JURY ADMONITION

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

1 case by any medium of information including, without
2 limitation, newspapers, television, internet or radio.

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

6 See you Monday at 1:00 o'clock.

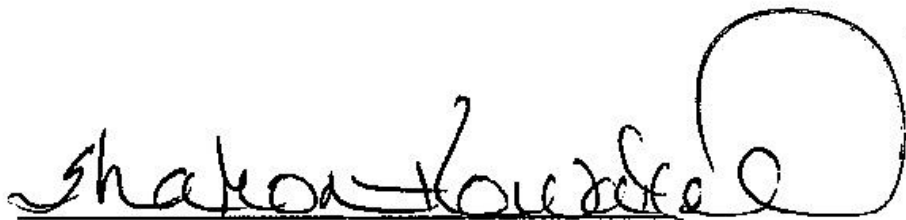
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CERTIFICATE
OF
CERTIFIED COURT REPORTER

* * * * *

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

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

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

Sharon Howard
C.C.R. #745

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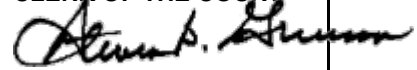
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CASE NO. C-15-309548-1

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: MONDAY, DECEMBER 11, 2017

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

1 APPEARANCES:

2 For the State:

STACEY KOLLINS, ESQ.

3 KRISTINA RHOADES, ESQ.

4
5 For the Defendant:

MONIQUE MCNEILL, ESQ.

6 JONATHAN MACARTHUR, ESQ.

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1 LAS VEGAS, NEVADA; MONDAY, DECEMBER 11, 2017

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

3 * * * * *

4
5 THE COURT: Anything outside the presence before
6 we start with them.

7 MS. KOLLINS: We do have a couple of
8 stipulations we wants to put on the record. State's 117,
9 of State's 58 -- 117 is a visitor log for Morgan Savage on
10 November 28, 2017, a certified copy from the jail. And
11 the other one is a declaration of Detective Malcolm Napier
12 (ph) who is employed with internal affairs regarding
13 Sergeant Jeff Clark and Kevin Zafiris.

14 MR. MACARTHUR: Having been shown those, Judge,
15 I have no opposition and I stipulate to the admission for
16 efficiency.

17 THE COURT: 117 is the visitor log and 58 is an
18 affidavit.

19 MS. KOLLINS: Declaration.

20 THE COURT: Did you need to give it to the
21 clerk. How are we going to deal with them.

22 MS. KOLLINS: I guess --

23 THE COURT: reverence them through testimony.

24 THE COURT: Worst cause, if we need to clean it
25 up at the end, I'm sure it's going to come in somewhere

1 along the line. We can talk scheduling later.

2 Then I did clear out my morning calendar on Thursday
3 so we can have a full day Thursday. We'll come back
4 tomorrow and Wednesday at 1:00, just to get whatever
5 additional time we can.

6 I did see the State's proposed jury instructions.
7 I'm not worried about it at all, just wanted to make sure
8 you knew it was there. We can get some input on those.

9 MS. KOLLINS: With that time frame in mind the
10 State should be prepared to rest on Wednesday. That is
11 how we scheduled our witnesses.

12 THE COURT: We'll see what we can do.

13 Anything else before we get started.

14 MS. KOLLINS: No, ma'am.

15 THE COURT: While the jurors are having their
16 seats, we're resuming in the trial of State of Nevada vs.
17 Joshua Honea. Defense Counsel is present along with
18 Mr. Honea. The State's attorneys are present.

19 The State may call their next witness.

20 MS. KOLLINS: Detective Cho.

21 THE COURT: Detective Cho.

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

1 THE WITNESS: I do.

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

4 THE WITNESS: Liza Salavessa-Cho, L-i-z-a,
5 S-a-l-a-v-e-s-s-a--C-h-o.

6 THE COURT: Whenever you are ready, Ms.
7 Kollins.

8 DIRECT EXAMINATION

9 BY MS. KOLLINS:

10 Q. Good afternoon. How are you.

11 A. Good.

12 Q. How are you employed?

13 A. I work for Las Vegas Metropolitan Police
14 Department.

15 Q. How long have you been employed with Metro?

16 A. About 17 years.

17 Q. What is your current assignment?

18 A. Currently I work in cold case sex assault.

19 Q. How long have you been in cold case?

20 A. Few months.

21 Q. Prior to cold case what was your assignment?

22 A. I worked in sex assault.

23 Q. Sex assault regarding juveniles and adults?

24 A. Yes.

25 Q. How long were you in sex assault prior to

1 joining the force?

2 A. Approximately 7 years.

3 Q. I would like to turn your attention to July
4 22, 2015, the reason that you are here to talk about
5 today. Were you contacted by a set of detectives to
6 interview a young lady by the name of Morgan Savage?

7 A. Yes.

8 Q. Who contacted you?

9 A. Igor Dicaro.

10 Q. Do you know why you were contacted versus
11 another detective that was already present to take the
12 interview?

13 A. I believe I was the only female detective
14 available.

15 Q. Where did you meet Morgan?

16 A. At headquarters, which is 400 Martin Luther
17 King Boulevard.

18 Q. In the 7 years as a sexual assault, sometimes
19 in cold case, have you had occasion to interview victims
20 of sexual assault?

21 A. Yes.

22 Q. Have you had occasion to interview kids or
23 those -- minors?

24 A. Yes.

25 Q. How many how many interviews have you done

1 over the course of your tenure?

2 A. Hundreds.

3 Q. Is there generally a protocol that you try to
4 follow when you are talking to somebody that's less than
5 18?

6 A. Yes.

7 Q. Does that change a little bit -- you know, if
8 they are 4 or 5 you'd speak to them differently than 15 or
9 16?

10 A. Yes.

11 Q. Can you tell me the stages of that interview
12 process?

13 A. You introduce yourself to them. Then you try
14 to build a rapport pour with them. In other words, you
15 talk to them for a little bit, just to see kind of if they
16 are in their older teens you want to see the maturity
17 level, see how they communicate with you. So you don't
18 exactly start the interview right away. So basically
19 that's it.

20 Q. You talk to kids for a little while and try to
21 get them speaking a little bit about any topic instead of
22 diving right into your investigation, would be fair?

23 A. Yes.

24 Q. Did you do that with Morgan SAverage?

25 A. Yes.

1 Q. When you interviewed Morgan did you take her
2 to a room by herself?

3 A. Yes.

4 Q. When you took her to that room, do you video
5 and audio record that?

6 A. Yes.

7 Q. I had you review that on a previous
8 occasion?

9 A. Yes.

10 Q. When you were called in for this case, what
11 did you know about it?

12 A. I now that Morgan had talked to detectives
13 before, and she didn't say anything happened. So this was
14 a follow up interview to that. I knew her age. I believe
15 she had just turned 16. And she was there with her mom.

16 Q. Did you meet her mom?

17 A. Very briefly, I did.

18 MS. KOLLINS: If I may approach the witness.

19 THE COURT: Sure.

20 BY MS. KOLLINS:

21 Q. I'm going to show you a series of photographs,
22 Detective. State's previously admitted 14, 20, 22, 23.
23 Showing you briefly a series of photographs. Do you
24 recognize the person contained in those?

25 A. Yes.

1 Q. Flip through all 4 of those for me. Who do
2 you recognize to be in the photos?

3 A. Morgan.

4 Q. Morgan Savage?

5 A. Yes.

6 Q. State's 23, she's a little younger in those
7 photos then when you met her?

8 A. Yes.

9 Q. A little younger there?

10 A. Yes.

11 Q. Now, you said that you knew there was no
12 previous disclosure, correct?

13 A. Yes.

14 Q. When Morgan came to you in this interview did
15 she have focused concerns?

16 A. Yes, she did.

17 Q. What were those concerns?

18 A. She was concerned about her mom.

19 Q. Was she -- why was she concerned about her
20 mom?

21 A. She was afraid her mom might be in trouble in
22 the lack of supervision sense of her being -- she was a
23 minor.

24 Q. The lack of supervision sense was that because
25 Morgan was engaging in activities she felt she shouldn't

1 be?

2 A. Yes.

3 Q. Doing drugs, partying, going out with her
4 friends, stuff like that?

5 A. Yes.

6 Q. So before she told you anything else regarding
7 Joshua Honea, did she discuss her concern for her mom?

8 A. Yes, she did.

9 Q. During the course of your interview with her,
10 do you have an opinion as to -- or describe for us her
11 demeanor?

12 A. She was a little quiet. She was nervous. In
13 the beginning before we started talking about it she got a
14 little bit emotional when she was talking about her mom
15 and her concerns with her mom. She was just a teenager to
16 me, typical teenager.

17 Q. Was she responsive to your questions?

18 A. Yes.

19 Q. Were most of your questions open-ended or
20 pointed questions? What were they?

21 A. It depended on her response or what we were
22 talking about.

23 Q. Did you find her evasive with you at all?

24 A. No.

25 Q. Was she able to give you details?

1 A. Yes.

2 Q. Prior to your interview with Morgan, did you
3 have any conversations with an Officer Kevin Zafiris?

4 A. No.

5 Q. Prior to your interview with Morgan, other
6 then the internal affairs detective that were present, did
7 you have discussion with internal affairs?

8 A. No.

9 Q. Why, if you know, was Morgan brought to Metro
10 headquarters, the criminal side, before internal affairs
11 talked to her?

12 A. Sometimes with juveniles it's different then
13 adults. We don't -- we try to limit the interviews with
14 them. There's -- we use caution with that, because we
15 want them to tell it as it is. We don't want to influence
16 them in any way. And so that's why we limit the
17 interviews as much as possible.

18 Q. Is it also true that a criminal investigation
19 would come before internal affairs?

20 A. Yes.

21 Q. Did Morgan bring you items?

22 A. She did.

23 Q. What did she bring you?

24 A. It almost looked like she was bringing in
25 luggage. It was quite a few items. She had a lap top. I

1 believe she had a phone. She also had a photo album.

2 MS. KOLLINS: Approach the witness, your
3 Honor.

4 THE COURT: You may.

5 BY MS. KOLLINS:

6 Q. Showing you what has been admitted as 76 A,
7 external packaging and 76. Do you recognize 76?

8 A. Yes.

9 Q. How do you recognize admitted 76?

10 A. It's morgan on the front. I remember the book
11 itself.

12 Q. So it's the photo album she brought you that
13 day?

14 A. Yes.

15 Q. Did you go through that photo album during
16 your interview?

17 A. Yes.

18 Q. She told you about trips and things she'd done
19 with Mr. Honea, correct?

20 A. Yes.

21 Q. Was she able to show you the photos in the
22 album to document those trips?

23 A. Yes.

24 Q. In the course of your interview with Morgan
25 did she either prior to going in the room or subsequent to

1 leaving the interview portion that is recorded did she
2 talk about being pressured by anyone?

3 A. No.

4 Q. Did she indicate to you she was trying at any
5 point, recorded or unrecorded, she was trying to get back
6 at Joshua Honea for losing his virginity to another
7 woman?

8 A. No.

9 Q. Would you character her demeanor with you as
10 respectful or disrespectful?

11 A. Very respectful.

12 MS. KOLLINS: Court's indulgence.

13 THE COURT: With the exhibit, I think we had
14 provisionally admitted it. I don't think we formally
15 admitted it.

16 MS. KOLLINS: I thought we already admitted
17 it.

18 THE COURT: We provisionally admitted it. We
19 allowed questioning of it.

20 MS. KOLLINS: I had checked it as admitted.
21 Approach the witness one more time.

22 THE COURT: Yes.

23 BY MS. KOLLINS:

24 Q. When Ms. Savage brought that album to you were
25 you responsible for impound?

1 A. No.

2 Q. Who would that have been?

3 A. Igor Dicaro.

4 Q. Again, showing you 76 A, the packaging and 76
5 is the photo album, does that photo album appear to be in
6 substantially the same condition as the last time you saw
7 it?

8 A. Yes.

9 Q. When you obtained it from Morgan did you turn
10 it over to Detective Dicaro?

11 A. Yes.

12 Q. Did you manipulate or take anything in or out
13 or leave it in the same condition as when you received it
14 from Morgan?

15 A. I didn't do anything with it.

16 MS. KOLLINS: State moves for the admission of
17 76 and 76 A.

18 THE COURT: We missed it with Detective Dicaro.
19 We'll complete that process 76 and 76 A -- 76 being the
20 photo album, 76 A are admitted.

21 Are you passing the witness.

22 MS. KOLLINS: I am passing the witness, your
23 Honor.

24 THE COURT: Thank you, Ms. Kollins.

25 Ms. McNeill.

CROSS-EXAMINATION

BY MS. MCNEILL:

Q. You indicated that you were directed to interview of Ms. Savage from Mr. Detective Dicaro?

A. Yes.

Q. I think Mr. Kollins indicated that you were not part of an internal affairs investigation of Mr. Honea, correct?

A. No.

Q. You would agree with me that the reason that Detective Dicaro and yourself were involved is because internal affairs was continually investigating Mr. Honea throughout May, June, July of 2015?

MS. KOLLINS: Objection.

MS. MCNEILL: If she's aware.

THE COURT: Is that based on foundation? What's the basis for the objection.

MS. KOLLINS: May we approach.

THE COURT: Yes, of course.

(Discussion held at the bench.)

THE COURT: Thank you. Overruled.

Ask the question.

BY MS. MCNEILL:

Q. Were you aware -- first you said that you were not directed to speak with Morgan by anyone at internal

1 affairs?

2 A. Yes.

3 Q. Were you aware that throughout May, June, July
4 of 2015 internal affairs was investigating Mr. Honea?

5 A. I was aware there was an investigation, but
6 all that I wasn't aware of.

7 Q. Were you aware that internal affairs made
8 contact with Pam Savage prior to your interview with --

9 A. No.

10 Q. So you have no idea who reached out to
11 Detective Dicaro that Ms. Savage wanted to talk?

12 A. No.

13 MS. MCNEILL: Nothing further.

14 THE COURT: Ms. Kollins, any redirect.

15 REDIRECT EXAMINATION

16 BY MS. KOLLINS:

17 Q. Detective Cho, were you aware that after there
18 was no disclosure in May 2015 -- excuse me, by March of
19 2015 by Morgan that the case is closed criminally?

20 A. No.

21 MS. KOLLINS: Nothing further.

22 THE COURT: Let me see if the jurors have
23 question for this witness. Seeing none, you are excused.
24 Thank you.

25 State may call their next witness.

1 THE CLERK: You do solemnly swear the testimony
2 you are about to give in this action, shall be the truth,
3 the whole truth, and nothing but the truth so help you
4 God.

5 THE WITNESS: I do.

6 THE CLERK: Be seated. State and spell your
7 name for the record.

8 THE WITNESS: Joseph Belmonte, J-o-s-e-p-h,
9 B-e-l-m-o-n-t-e.

10 THE CLERK: Thank you.

11 THE COURT: Ms. Kollins, when you are ready.

12 DIRECT EXAMINATION

13 BY MS. KOLLINS:

14 Q. How are you employed, sir?

15 A. I'm employed with Las Vegas Metropolitan
16 Police Department.

17 Q. What division of Metro are you employed?

18 A. Major violators and narcotics bureau.

19 Q. What do you do for Metro?

20 A. I work with clerical staff. I do clerical
21 work.

22 Q. Prior to this decentralization and you moving
23 to major violators, did you work at another location?

24 A. Yes. I worked in the gang crimes bureau.

25 Q. When you worked in the gangs unit did you work

1 with Josh Honea?

2 A. I did.

3 Q. Do you see Mr. Honea in court today?

4 A. I do.

5 Q. Where is he seated and what is wearing today
6 for the record?

7 A. He's seated there. He's wearing a suit with a
8 blue shirt and tie.

9 MS. KOLLINS: Record reflect identification of
10 Defendant Joshua Honea.

11 THE COURT: Yes. The record will so reflect.

12 BY MS. KOLLINS:

13 Q. Did you work with Mr. Honea in late 2014,
14 through May 2015?

15 A. I did.

16 Q. Did you both have the same position in the
17 gang unit?

18 A. We did.

19 Q. Your supervisor was who?

20 A. Luann Sagetti (ph).

21 Q. When you met Josh had you ever met a young
22 lady by the name of Morgan Savage?

23 A. I did.

24 Q. Where and when did you meet Morgan?

25 A. I believe the first time I met Morgan was at

1 the downtown Summerlin area.

2 Q. Under what circumstance?

3 A. Josh invited me to hang out with him and her.
4 They were both there when I got there.

5 Q. Showing you State's admitted 3. You can look
6 on the screen there. Is that a picture of Morgan and
7 Josh?

8 A. It is.

9 Q. Now when you met them at downtown Summerlin,
10 who did he arrive with?

11 A. I met them in the shopping area.

12 Q. Did Morgan and Josh arrive together?

13 A. When I saw them they were together, yes.

14 Q. When was this?

15 A. 2014 around September or October.

16 Q. Did you learn after -- was that only time you
17 saw Morgan with Josh?

18 A. No.

19 Q. What other occasion did you see Morgan with
20 Josh?

21 A. We went out to eat at various times to places.
22 Pizza place in Bocca Park.

23 Q. Would that be Gramaldi's?

24 A. Yes. And at the Fashion Show, same
25 Gramaldi's.

1 Q. Anywhere else?

2 A. I believe we ate at In and Out one time,
3 Archi's.

4 Q. When Mr. Honea would arrive would he always
5 arrive with Morgan?

6 A. Yes.

7 Q. Did he arrive with anyone else besides
8 Morgan?

9 A. No.

10 Q. This was through the year of 2014?

11 A. Yes.

12 Q. Any times earlier than 2014?

13 A. No.

14 Q. Did you attend a birthday party at BJs
15 Restaurant?

16 A. No.

17 Q. Were you aware during 2014 through 2015
18 whether or not Josh was taking trips with Morgan?

19 A. He did mention to me that they were going
20 to -- planning to go to Mt. Charleston.

21 Q. What was your understanding of the
22 relationship between Josh and Morgan?

23 A. That it appeared as a somewhat of a brother
24 sister mentor type relationship. He was helping her with
25 school.