

IN THE SUPREME COURT OF THE STATE OF NEVADA

\* \* \* \* \*

MARLO THOMAS,

Appellant,

v.

WILLIAM GITTERE, et al.,

Respondents.

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Elizabeth A. Brown  
Clerk of Supreme Court

No. 77345

District Court Case No.  
96C136862-1

(Death Penalty Case)

APPELLANT'S APPENDIX

Volume 11 of 35

Appeal from Order Dismissing Petition for Writ of Habeas  
Corpus (Post-Conviction)  
Eighth Judicial District Court, Clark County  
The Honorable Stefany Miley, District Judge

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## **CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on June 14, 2019. Electronic Service of the foregoing APPELLANT'S APPENDIX shall be made in accordance with the Master Service List as follows:

Steven S. Owens  
Chief Deputy District Attorney

/s/ *Jeremy Kip*

An Employee of the  
Federal Public Defender,  
District of Nevada

1 3. Any prejudice resulting to Defendant because the District  
2 Attorney was permitted to add names on the Information after the  
3 jury had been sworn, he having known these names before trial, was  
4 cured by the Court's granting Defendant a continuance (three days)  
5 to prepare to meet the testimony of these witnesses. State v.  
6 Monahan, 50 Nev. 27, 35 (1926); Gallegos v. State, 84 Nev. 608  
7 (1968).

8 4. Failure to endorse a name does not preclude calling any  
9 witness whose name or materiality of testimony is first learned at  
10 the time of trial NRS 173.045.

11 5. Defects or imperfections of form are immaterial. NRS  
12 173.100. Minor defects in an Information, including typographical  
13 errors, may be disregarded where the intent is clear and the rights  
14 of the Defendant are not prejudiced. 22 CJS 955, Sec. 377.

15  
16  
17 CERTIFICATE OF MAILING

18 I hereby certify that service of the Motion To Endorse Names,  
19 was made this 11<sup>th</sup> day of April, 1995, by depositing a copy in  
20 the U.S. Mail, postage pre-paid, addressed to:

21 ROBERT ARCHIE, ESQ.  
22 550 E. Charleston, Suite E  
23 Las Vegas, NV 89104

24  
25 BY: Aileen Collins  
26 A. Collins  
27 Secretary, District Attorney's Office  
28

1 STEWART L. BELL  
2 DISTRICT ATTORNEY  
3 Nevada Bar #000477  
4 200 S. Third Street  
5 Las Vegas, Nevada 89155  
6 (702) 455-4711  
7 Attorney for Plaintiff  
8 THE STATE OF NEVADA  
9

—FILED IN OPEN COURT—

APR 18 1995 19

LORETTA BOWMAN, CLERK

By *Theresa Lee*  
Deputy

8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,	)	CASE NO.	C125353
	)		
11 Plaintiff,	)	DEPT. NO.	XIII
	)		
12 -vs-	)	DOCKET NO.	G
	)		
13 LARRY JAMES THOMAS,	)		
14 #0846620,	)		
	)		
15 Defendant.	)		
16	)		

17 ORDER TO ENDORSE NAMES ON INFORMATION

18 Upon Motion of the STATE OF NEVADA, Plaintiff, by and through  
19 the Clark County District Attorney, and Notice to defendant above  
20 named by and through defendant's Counsel, ROBERT ARCHIE, ESQ., and  
21 good cause appearing therefore,

22 IT IS HEREBY ORDERED that the Motion is granted and the Clerk  
23 of the above entitled Court is hereby directed to endorse upon the  
24 Information on file herein the following names:

25	<u>NAME</u>	<u>ADDRESS</u>
26	CLAY, MICHELLE	C/O DETECTIVE N. RISENHOOVER
27	CRINER, DEANNA	C/O DETECTIVE N. RISENHOOVER
28	FITZGERLD, SYLVANNA	C/O DETECTIVE N. RISENHOOVER

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1 HARRIS, SHJUANA C/O DETECTIVE N. RISENHOOVER  
2 HOWARD, SHARONDA C/O DETECTIVE N. RISENHOOVER  
3 JOHNSON, AALIYAH C/O DETECTIVE N. RISENHOOVER  
4 LONG, NATASHA C/O DETECTIVE N. RISENHOOVER  
5 PHILLIPS, SHAWN C/O DETECTIVE N. RISENHOOVER  
6 SANDERS, BARBARA C/O DETECTIVE N. RISENHOOVER  
7 WATTS, JOANNA C/O DETECTIVE N. RISENHOOVER

8 as prospective witnesses in the prosecution of the within matter.

9 DATED this 18TH day of April, 1995.

10

11

  
DISTRICT JUDGE

12

13 STEWART L. BELL  
14 DISTRICT ATTORNEY  
Nevada Bar #000477  
15 Nevada Bar #000738

16

17 BY:   
BILL A. BERRETT  
18 Chief Deputy District Attorney

19

20

21

22

23

24

25

26

27

28

ajc

330 S. CASINO CENTER BLVD  
LAS VEGAS, NEVADA 89101

IN PRO PER

page 1

FILED

MAY 30 3 34 PM '95

In The Eighth Judicial District Court For The  
State of Nevada  
In And For The County Of Clark

State of Nevada ) CASE No. ~~94PT181~~  
Plaintiff, ) DEPT No. ~~13~~ C125353  
vs. ) Points and Authorities in Support  
of Motion For Release on Personal  
LARRY JAMES THOMAS ) Recognizance or Alternative  
Defendant ) Reduction of Bail

6-6-95  
XIII 9:00 AM

Comes Now The Defendant, LARRY JAMES THOMAS, in

consideration of NRS 178.498, NRS 178.4851 and NRS 178.4853,  
respectfully submits the following arguments, and points and  
authorities, in support of the Defendant's motion for release  
on personal recognizance or alternative reduction of bail, and  
shows:

Argument and Points and Authorities

I

Defendant Should Be Granted A Release On His Own  
Recognizance Or An Alternative Reduction Of Bail  
Pending Criminal Charges.

A Criminal Defendant has a right to be released on  
bail. "There can be no equal justice where the kind of  
(treatment) a man gets depends on the amount of money he has."  
Such is the rationale in Griffin v. Illinois, 351 U.S.12  
(1956). The United States Supreme Court held that a state is  
under an obligation to furnish a free transcript to an  
indigent appellant, when the right to appeal is conditional  
upon filing a transcript. The forequoted statement in Griffin  
mandates the existence of a constitutional obligation upon the

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1 state to insure equal treatment to rich and poor in criminal  
2 proceedings. This rational was adopted in a bail situation  
3 when the court found in Brandv v. United States, 815.Ct.191  
4 (1960), that invidious discrimination continues to exist  
5 against the poor, with pre-trial detention being the best  
6 example.

7 This Court, in setting bail under the foregoing  
8 rational, should choose the least drastic measures that will  
9 give reasonable assurance that the defendant will appear. "Of  
10 course, absolute certainty in assuring the defendant's  
11 presence in neither required, nor is it possible.", Stack v.  
12 Boyle, 342 U.S.1 (1951). What the court should be striving  
13 for, and the only standard which is relevant, is to provide a  
14 means to reasonably assure the defendant's presence.

15 NRS 178.498 addresses factors to be considered when  
16 determining the amount of bail. It states in part as follows:

17 "...The amount thereof shall be such as in the  
18 judgement of the magistrate will insure the presence of the  
19 defendant, having due regard to:

- 20 1) The nature and circumstances of the offense  
21 charged;
- 22 2) The financial ability of the defendant to  
23 give bail; and
- 24 3) The character of the defendant."

25 The first factor to be considered when determining the amount  
26 of bail under NRS178.498, is to insure the presence of the  
27 defendant. While there can be no way of being absolutely  
3

1 certain that a defendant will appear, statistics indicate,  
2 with a few exceptions, the persons released on bail while  
3 charged with felonies. Ibid at XXIX.

4 NRS178.498 provides for the factors which must be  
5 given due regard when determining the amount of bail.  
6 Generally, no hard and fast rule can be laid down for fixing  
7 the amount of bail on a criminal charge, and each case must be  
8 governed by its own facts and circumstances; therefore, the  
9 amount of bail rests with the sound discretion of the court.  
10 See State v. Foy, 582 p. 2d 281 (Kan. 1978). However, an  
11 abuse of discretion occurs when the court, in determining the  
12 amount of bail, exceeds the bounds of reason, all  
13 circumstances before it being considered See State v. Cebada,  
14 502P.2d 409 (N.M. 1972).

15 Defendant submits that the nature and  
16 circumstances of criminal charges pending against him are not  
17 such as would warrant a high bail; that his financial status  
18 is such that the amount of bail at present is tantamount to no  
19 bail at all; and Defendant submits the question of his  
20 character to the learned observations of the courts and the  
21 oral representations to be made by the Defendant upon the  
22 hearing on the motion.

23 NRS178.4851 allows this Honorable Court, upon a  
24 showing of good cause, to release the defendant on his or her own  
25 recognizance if it appears to the court that he will appear at  
26 all times and places ordered by the Court.

27 NRS178.4853 establishes the minimum factors to be  
28

1 considered in deciding whether to release a person without  
2 bail. These factors are:

- 3 1. 1) The length of his residence in the community:
- 4 2. 2) The status and history of his employment
- 5 3. 3) His relationships with his spouse and children,  
6 parents or other members of his family and close friends
- 7 4. 4) His reputation, character, and mental condition:
- 8 5. 5) His prior criminal record, including any record of  
9 his appearing, or failure to appear, after release on  
10 bail or without bail.
- 11 6. 6) The identity of responsible member of the  
12 community who would vouch for the defendant's  
13 reliability:
- 14 7. 7) The nature of the offense with which he is  
15 charged, the apparent probability of conviction and the  
16 likely sentence, insofar as these factors relate to the  
17 risk of his not appearing; and
- 18 8. 8) Any other factors concerning his ties to the  
19 community or bearing on the risk that he may willfully  
20 fail to appear.

21 Although bond is usually required to insure the  
22 defendant's appearance, other deterrents to jump bail,  
23 including long residence, ties to friends and family; and the  
24 efficiency of modern police may offer a deterrent at least  
25 equal to that of the threat of forfeiture of bail. See Carbo  
26 v. U.S., 82 S. Ct. 662, Review denied 82 S. Ct. 1137 (1962).  
27 And no person should be denied release because of indigence;  
28

1        I should be entitled to release on his own recognizance where  
2        other relevant factors make it reasonable that he will comply  
3        with orders of the court. See Bandy v. U.S. 82 S. Ct. 11  
4        (1961).

5                While it is not for the defendant to say when the  
6        amount of the bail is excessive, see Fish v. Sheriff of Clark  
7        County, 89 Nevada. 250 (1973), and bail is not necessarily  
8        excessive merely because the defendant is unable to pay it,  
9        see Hodgdon v. U.S. 375 F. 2d 679, cert denied 87 S. Ct. 759  
10       (1966), the Defendant submits that to deny this motion for a  
11       release on his own recognizance or an alternative reduction of  
12       bail, denies the Defendant the rights to fully cooperate with  
13       his counsel to investigate the charges against him, and to  
14       adequately prepare his defense. "This traditional right to  
15       freedom before conviction permits the unhampered preparation  
16       of a defense, and serves to prevent the infliction of  
17       punishment prior to trial." Stack v. Boyle , SUPRA.

18               DATED this 30 day of MAY , 19 95 .

19                                Respectfully Submitted,

20  
21                                LARRY JAMES THOMAS

22                                defendant,

23  
24  
25  
26                                ROBERT ARCHIE

27                                His Attorney  
28

FILED

In The Eighth Judicial District Court May 30 3 37 PM '95  
Of The State Of Nevada  
In And For The County Of Clark

State Of Nevada )	Case No. 94FN1181X.
Plaintiff, )	Dept. No. 13
vs. )	
LARRY JAMES THOMAS )	Affidavit In Support Of
Defendant. )	Motion For Bail Reduction
	Alternative Release On Own
	Recognizance.

State of Nevada )  
 ) ss:  
County of Clark )

Comes Now, the defendant LARRY JAMES THOMAS in  
propria persona, being first duly sworn according to law, on  
his oath deposes and says:

- 1) That he is the Defendant in the above-entitled  
action and on whose behalf the foregoing motion is being made.
  - 2) That I would like to request a bail reduction or  
release on own recognizance.
  - 3) That I understand that a false statement in this  
affidavit will subject me to penalties for perjury.
- Dated This 30 day of MAY, 19 95.

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LARRY JAMES THOMAS  
Defendant

### VERIFICATION

State of Nevada )  
 ) ss:  
County of Clark )

LARRY JAMES THOMAS, being first duly sworn, deposes and says:

That he is the Defendant in the above-entitled action, that he has read the foregoing Affidavit and knows the contents thereof, that the same is true of his own knowledge except as of those matters stated on information and belief, and as to those matters he believes them to be true.

Dated This 30 day of MAY, 19 95.

Defendant "In Pro Pre"

1 State of Nevada )  
 2 ) ss:  
 3 County of Clark )

\*\*\*\*\*  
Proof of Service By Mail

(C.C.P. Section 1013 & 2015.5; 28 U.S.C. Section 1746)

4  
 5  
 6 I, LARRY JAMES THOMES, am a resident of Clark County Detention, in  
 7 the county of Clark, State of Nevada; am over the age of eighteen years and  
 8 am a party to the above-entitled action. My County Jail Address  
 9 is 330 SOUTH CASINO CENTER BLVD, Las Vegas, Nevada 89101.

10 On this 30 day of MAY 19 95, I served the foregoing:  
 11 Points and Authorities in Support of Motion for Release on own recognizance  
 12 or Alternative Reduction of Bail & Affidavit in Support of Motion for Bail  
 13 Reduction Alternative Release Own Recognizance.


14 On the party(s) herein by placing a true copy(s) thereof,  
 15 enclosed in sealed envelope(s) with postage thereon fully paid, in the  
 16 United States mail, in a deposit box so provided at Clark County Detention  
 17 Center, 330 S. Casino Center Blvd., Las Vegas, NV 89101

18 Addressed as follows:

19	Clerk of the Courts	District Attorney
20	Eighth Judicial District Court	200 S. 3rd St.
21	Department No. 13	Las Vegas, NV 89101
	235 Bridger Avenue	
	Las Vegas, NV 89101-6112	

22 There is delivery service by United States mail at the place so  
 23 addressed, and/or there is regular communication by mail between the place  
 24 of mailing and the place so addressed. I declare under penalty of perjury  
 25 that the foregoing is true and correct. Executed this 30 day  
 26 of MAY 19 95 at Clark County Detention Center, 330 South Casino Center  
 27 Blvd., Las Vegas, Nevada 89101.

28

  
 (Declarant)

AA2511

1 STEWART L. BELL  
2 DISTRICT ATTORNEY  
3 Nevada Bar #000477  
4 200 S. Third Street  
5 Las Vegas, Nevada 89155  
6 (702) 455-4711  
7 Attorney for Plaintiff  
8 THE STATE OF NEVADA

FILED

JUN 26 10 24 AM '95

*Loetta L. Luman*  
CLERK

DISTRICT COURT

CLARK COUNTY, NEVADA

9	THE STATE OF NEVADA,	)	CASE NO.	C125353
10	Plaintiff,	)	DEPT. NO.	XIII
11	-vs-	)	DOCKET NO.	G
12	LARRY JAMES THOMAS,	)		
13	#0846620,	)		
14	Defendant.	)		
15		)		

ORDER

DATE OF HEARING: 6/6/95  
TIME OF HEARING: 9:00 A.M.

19 THIS MATTER having come on for hearing before the above  
20 entitled Court on the 6th day of June, 1995, the Defendant being  
21 present, represented by ROBERT ARCHIE, ESQ., the Plaintiff being  
22 represented by STEWART L. BELL, District Attorney, through FRANK  
23 JOHAN COUMOU, Deputy District Attorney, and the Court having heard  
24 the arguments of counsel and good cause appearing therefore,

25 IT IS HEREBY ORDERED that the Defendant's Motion For Release

26 ///

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1 On Personal Recognizance or Alternative, Reduction Of Bail, shall  
2 be, and it is, hereby denied.

3 DATED this Fifth day of June, 1995.

4  
5 *Paul Chang* AK  
6 DISTRICT JUDGE

7 STEWART L. BELL  
8 DISTRICT ATTORNEY  
9 Nevada Bar #000477

10 BY *Frank Johan Coumou*  
11 FRANK JOHAN COUMOU  
12 Deputy District Attorney  
13 Nevada Bar #004577  
14  
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28 ajc

FILED

JUL 28 8 43 AM '95

*For the Defendant*

CLERK

1 STEWART L. BELL  
2 DISTRICT ATTORNEY  
3 Nevada Bar #000477  
4 200 S. Third Street  
5 Las Vegas, Nevada 89156  
6 (702) 455-4711  
7 Attorney for Plaintiff  
8 THE STATE OF NEVADA

DISTRICT COURT

CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA )  
10 )  
11 Plaintiff, )  
12 )  
13 vs. )  
14 )  
15 LARRY JAMES THOMAS, )  
16 )  
17 Defendant. )

CASE NO. C125353  
DEPT. NO. XIII  
DOCKET NO. G

MOTION AND NOTICE OF MOTION TO ENDORSE NAMES ON INFORMATION

DATE OF HEARING: 8-1-95  
TIME OF HEARING: 9:00 a.m.

TO: Defendant above named, and

TO: Your Counsel of Record: ROBERT ARCHIE, Esq.

19 YOU, AND EACH OF YOU WILL PLEASE TAKE NOTICE that, on Tuesday,  
20 the 1st day of August, 1995, at the hour of 9:00 o'clock, a.m., or  
21 as soon thereafter as Counsel can be heard, in the Courthouse, Las  
22 Vegas, Clark County, Nevada, the STATE OF NEVADA will move the  
23 Court for leave to endorse upon Information

24 ///

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1 heretofore filed herein the names of the following witnesses:

2	<u>NAME</u>	<u>ADDRESS</u>
3	Banks, Linda	c/o Norvel Risenhoover, NLVPD
4	Clark, Kathy	c/o Norvel Risenhoover, NLVPD
5	Desiree, aka "Ray Ray"	c/o Norvel Risenhoover, NLVPD
6	Fitzgerald, Lee	c/o Norvel Risenhoover, NLVPD
7	Long, Joyce	c/o Norvel Risenhoover, NLVPD
8	Watts, Gwenn	c/o Norvel Risenhoover, NLVPD

9 DATED this 25 day of July, 1995.

10 STEWART L. BELL  
11 DISTRICT ATTORNEY  
12 Nevada Bar #000477  
13 Nevada Bar #005107

14 BY: *L. Rojas*  
15 LUIS ROJAS  
16 Deputy District Attorney

17  
18 AFFIDAVIT IN SUPPORT OF MOTION

19 STATE OF NEVADA )  
20 ) ss:  
21 COUNTY OF CLARK )

22 LUIS ROJAS, being first duly sworn, deposes and says:

23 The Affiant is a Deputy District Attorney for Clark County,  
24 Nevada; that Information as heretofore been filed in the within  
25 action; that since the filing of said Information Affiant has  
26 learned that the testimony of the person or persons named in the  
27 Motion to Endorse Names on Information, which the Affidavit  
28 supports, is necessary and material to the prosecution of the

1 within criminal action; that such facts were unknown to Affiant at  
2 the time of filing Information herein.

3 WHEREFORE, Affiant prays that the Court enter an Order for  
4 endorsement of names on Information, in accordance with NRS  
5 173.045.

6 "I declare under penalty of perjury that the foregoing is true  
7 and correct."

8  
9 Executed on 7-25-95  
Date

  
Signature

10

11

12

13

POINTS AND AUTHORITIES IN SUPPORT OF MOTION

14

TO ENDORSE NAMES ON INFORMATION

15

16 1. After filing the Information the District Attorney shall  
17 endorse thereon the names of such other witnesses which shall  
18 become known to him before the trial as the Court prescribes. Such  
19 amendment may be made at any time after Defendant pleads when it  
20 can be done without prejudice to the substantial rights of the  
21 Defendant. NRS 173.045.

22

23 2. The granting on the morning of trial of a motion to add  
24 names of witnesses to a first degree murder Information was not  
25 error where the Defendant's attorney learned the names of such  
26 witnesses three (3) days before trial, this being a reasonable time  
27 to prepare for the defense. State v. Teeter, 65 Nev. 584, 612  
28 (1948); Dalby v. State, 81 Nev. 517, 1965).

29

3. Any prejudice resulting to Defendant because the District

1 Attorney was permitted to add names on the Information after the  
2 jury had been sworn, he having known these names before trial, was  
3 cured by the Court's granting Defendant a continuance (three days)  
4 to prepare to meet the testimony of these witnesses. State v.  
5 Monahan, 50 Nev. 27, 35 (1926); Gallegos v. State, 84 Nev. 608  
6 (1968).

7 4. Failure to endorse a name does not preclude calling any  
8 witness whose name or materiality of testimony is first learned at  
9 the time of trial NRS 173.045.

10 5. Defects or imperfections of form are immaterial. NRS  
11 173.100. Minor defects in an Information, including typographical  
12 errors, may be disregarded where the intent is clear and the rights  
13 of the Defendant are not prejudiced. 22 CJS 955, Sec. 377.

14 CERTIFICATE OF MAILING AND/OR FAX

15 I hereby certify that service of the Motion to Endorse Names  
16 on Information, was made this 27th day of July, 1995, by  
17 depositing a copy in the U.S. Mail, postage pre-paid, and/or faxed  
18 to:

19 ROBERT ARCHIE, Esq.  
20 550 E. Charleston Blvd  
21 Las Vegas, NV 89104  
22 Fax #383-8245

23 BY: M. Rosen  
24 M. Rosen  
25 Secretary, District Attorney's Office  
26  
27  
28

AUG 03 1995 19

LORETTA BOWMAN, CLERK

## AFFIDAVIT

By *Marathy Kelly* Deputy

1  
2 STATE OF NEVADA )  
3 ) ss:  
4 COUNTY OF CLARK )

5 LUIS ROJAS, being first duly sworn, deposes and says:

6 1. That on July 17, 1995, your Affiant contacted Robert  
7 Archie, Esq., and informed him that at the end of the week the  
8 State of Nevada would make available to him the witnesses that have  
9 been endorsed to date on the Larry Thomas case. Further, this  
10 Affiant informed Mr. Archie that the witnesses would be present at  
11 the District Attorney's Office and that Mr. Archie's presence was  
12 essential.

13 2. In response, Mr. Archie acknowledged the State's efforts  
14 and stated that he would make every effort to be present.

15 3. On July 17, 1995, the State of Nevada subpoenaed all the  
16 endorsed witnesses and commanded that they be present at the  
17 District Attorney's Office on Friday, July 21, 1995, at 2:00 p.m.

18 4. On July 21, 1995, at approximately 10:30 a.m., your  
19 affiant contacted the law offices of Robert Archie and informed  
20 Stan Walton, Esq., of the pre-arranged meeting at 2:00 p.m. that  
21 afternoon. At that time Mr. Walton informed your affiant that Mr.  
22 Archie was at a CLE in California, and that he, being Mr. Walton,  
23 would not be able to attend the pre-arranged meeting.

24 5. On July 21, 1995, your affiant along with Detective  
25 Norvel Risenhoover interviewed the endorsed witnesses that honored  
26 the subpoenas.


27 ///

28 ///

///

///

1           6.    On August 2, 1995, the State of Nevada faxed to the law  
2 offices of Robert Archie the known addresses for the witnesses that  
3 the State of Nevada had endorsed.

  
LUIS ROJAS

"I declare under penalty of perjury that the foregoing is true and correct."

Executed on Aug 3-95  
Date

  
Signature

1 ROBERT ARCHIE & ASSOCIATES  
2 ROBERT ARCHIE, ESQ.  
3 Nevada Bar No. 002574  
4 STANLEY A. WALTON, ESQ.  
5 Nevada Bar No. 004784  
6 550 E. Charleston Blvd., Suite E  
7 Las Vegas, Nevada 89101  
8 702/383-8112  
9 Attorneys for Defendant

FILED  
Dec 18 11 01 AM '95

*Lucetta L. Luman*  
CLERK

DISTRICT COURT  
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA, )  
9 )  
10 Plaintiff, )  
11 vs. ) Case No. C125353  
12 ) Dept. No. XIII  
13 LARRY JAMES THOMAS, ) Docket No. "G"  
14 I.D. #0846620, )  
15 Defendant. ) Date of Hearing: 12/11/95  
16 Time of Hearing: 9:00 AM

ORDER ON MOTION TO WITHDRAW

17 This Motion having come on for hearing this date, and the  
18 Court having reviewed same and being duly advised, and good cause  
19 appearing therefor, it is hereby

20 ORDERED that Robert Archie, Esq. is withdrawn as the attorney  
21 of record for the Defendant herein, LARRY JAMES THOMAS.

22 DATED: December 15, 1995

*Paul Chang*  
DISTRICT COURT JUDGE

23 Submitted by:

24 *Robert Archie*  
25 ROBERT ARCHIE, ESQ.  
26 Nevada Bar No. 002574  
27 550 E. Charleston, Suite E  
28 Las Vegas, Nevada 89104  
702/383-8112

CE31

12-12-95

AA2520



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FILED

0209  
STEWART L. BELL  
DISTRICT ATTORNEY  
Nevada Bar #000477  
200 S. Third Street  
Las Vegas, Nevada 89155  
(702) 455-4711  
Attorney for Plaintiff

APR 24 8 23 AM '96

*Forrest L. Deane*

CLERK

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

LARRY JAMES THOMAS,  
#846620

Defendant(s).

Case No. C125353  
Dept. No. XIII  
Docket G

MOTION AND NOTICE OF MOTION TO ENDORSE NAMES ON INFORMATION

DATE OF HEARING: 4-25-96

TIME OF HEARING: 9:00 A.M.

TO: Defendant(s) above named, and

TO: Your Counsel of Record: MORGAN D. HARRIS, Public Defender,

YOU, AND EACH OF YOU WILL PLEASE TAKE NOTICE that, on Thursday, the 25th day of April, 1996, at the hour of 9:00 o'clock, a.m., or as soon thereafter as Counsel can be heard, in the Courthouse, Las Vegas, Clark County, Nevada, the STATE OF NEVADA will move the Court for leave to endorse upon Information heretofore filed herein the names of the following witnesses:

///

///

///

///

///

CEST

AA2521

	<u>NAME</u>	<u>ADDRESS</u>
2	Chemist	Associated Pathologists Laboratories, LV, Nv
3	Custodian of Records	Fremont Medical Center, 520 Fremont, LV, Nv
4	LNU, Nakia	Unknown
5	Meers, Margaret, R.N.	Clark County Health District, 625 Shadow Ln, LV, Nv
6	Wachtel, Dr.	Associated Pathologists Laboratories, LV, Nv
7	Walker, Dr.	Associated Pathologists Laboratories, LV, Nv

8 DATED this 18 day of April, 1996.

9 STEWART L. BELL  
10 DISTRICT ATTORNEY  
Nevada Bar #000477

11  
12 BY Bill A. Berrett  
13 BILL A. BERRETT  
14 Chief Deputy District Attorney  
15 Nevada Bar #000738

16 AFFIDAVIT IN SUPPORT OF MOTION

17 STATE OF NEVADA        }  
18 COUNTY OF CLARK       }ss:

19 BILL A. BERRETT, being first duly sworn, deposes and says:

20 The Affiant is a Deputy District Attorney for Clark County, Nevada; that an Information has  
21 heretofore been filed in the within action; that since the filing of said Information Affiant has learned that  
22 the testimony of the person or persons named in the Motion to Endorse Names on Information, which  
23 the Affidavit supports, is necessary and material to the prosecution of the within criminal action; that such  
24 facts were unknown to Affiant at the time of filing Information herein.

25 ///

26 ///

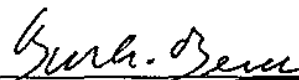
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1 WHEREFORE, Affiant prays that the Court enter an Order for endorsement of names on the  
2 Information, in accordance with NRS 173.045.

3 "I declare under penalty of perjury that the foregoing is true and correct."

4 Executed this 14 day of April, 1996.

5  
6   
7 BILL A. BERRETT

8 POINTS AND AUTHORITIES IN SUPPORT OF MOTION  
9 TO ENDORSE NAMES ON INFORMATION

10 1. After filing the Information the District Attorney shall endorse thereon the names of such other  
11 witnesses which shall become known to him before the trial as the Court prescribes. Such amendment  
12 may be made at any time after Defendant pleads when it can be done without prejudice to the substantial  
13 rights of the Defendant. NRS 173.045.

14 2. The granting on the morning of trial of a motion to add names of witnesses to a first degree  
15 murder Information was not error where the Defendant's attorney learned the names of such witnesses  
16 three (3) days before trial, this being a reasonable time to prepare for the defense. State v. Teeter, 65  
17 Nev. 584, 612 (1948); Dalby v. State, 81 Nev. 517, 1965).

18 3. Any prejudice resulting to Defendant because the District Attorney was permitted to add  
19 names on the Information after the jury had been sworn, he having known these names before trial, was  
20 cured by the Court's granting Defendant a continuance (three days) to prepare to meet the testimony of  
21 these witnesses. State v. Monahan, 50 Nev. 27, 35 (1926); Gallegos v. State, 84 Nev. 608 (1968).

22 4. Failure to endorse a name does not preclude calling any witness whose name or materiality  
23 of testimony is first learned at the time of trial NRS 173.045.

24 5. Defects or imperfections of form are immaterial. NRS 173.100. Minor defects in an  
25 Information, including typographical errors, may be disregarded where the intent is clear and the rights  
26 of the Defendant are not prejudiced. 22 CJS 955, Sec. 377.

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Bruce Byler  
309 S Third Street, #226  
Las Vegas, Nevada 89155

ORIGINAL

OEND  
STEWART L. BELL  
DISTRICT ATTORNEY  
Nevada Bar #000477  
200 S. Third Street  
Las Vegas, Nevada 89155  
(702) 455-4711  
Attorney for: Plaintiff

—FILED IN OPEN COURT—  
April 30 1996  
LOREITA BOWMAN, CLERK  
By S.W. Denton Deputy

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

LARRY JAMES THOMAS,  
#846620

Defendant(s).

Case No. C125353  
Dept. No. X  
Docket G

ORDER TO ENDORSE NAMES ON INFORMATION

Upon Motion of the STATE OF NEVADA, Plaintiff, by and through the Clark County  
District Attorney, and Notice to Defendant(s) above named by and through Defendant's Counsel,  
MORGAN D. HARRIS, Public Defender, and good cause appearing therefore,

IT IS HEREBY ORDERED that the Motion is granted and the Clerk of the above entitled  
Court is hereby directed to endorse upon the Information on file herein the following names:

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	<u>NAME</u>	<u>ADDRESS</u>
2	Chemist	Associated Pathologists Laboratories, LV, Nv
3	Custodian of Records	Fremont Medical Center, 520 Fremont, LV, Nv
4	<del>LNIL Nelia</del> <i>DPe</i>	Unknown
5	Meers, Margaret, R.N.	Clark County Health District, 625 Shadow Ln, LV, Nv
6	Wachtel, Dr.	Associated Pathologists Laboratories, LV, Nv
7	Walker, Dr.	Associated Pathologists Laboratories, LV, Nv

8 as prospective witnesses in the prosecution of the within matter.

9 DATED this 30th day of April, 1996.

*[Signature]*  
 DISTRICT JUDGE

12 STEWART L. BELL  
 13 DISTRICT ATTORNEY  
 14 Nevada Bar #000477

15 BY *[Signature]*  
 16 BILL A. BERRETT  
 17 Chief Deputy District Attorney  
 18 Nevada Bar #000738

28 msr

# ORIGINAL FILED

1 ORDER  
2 MORGAN D. HARRIS  
3 PUBLIC DEFENDER  
4 Nevada Bar #1879  
5 309 So. Third St., #226  
6 Las Vegas, Nevada 89155  
7 (702)455-4685  
8 Attorney for Defendant

MAY 9 9 28 AM '96

*Laetta L. Lamm*  
CLERK

9 DISTRICT COURT  
10 CLARK COUNTY, NEVADA

11 THE STATE OF NEVADA )  
12 )  
13 Plaintiff )  
14 )  
15 vs )  
16 )  
17 LARRY JAMES THOMAS )  
18 )  
19 Defendant )

CASE NO. C125353X  
DEPT. NO. XIII

20 ORDER RELEASING EVIDENCE TO THE PUBLIC DEFENDER'S OFFICE  
21 FOR INSPECTION

22 This matter having come before this Honorable Court on April  
23 30, 1996, and good cause appearing therefor,

24 IT IS HEREBY ORDERED that the diary of the alleged victim,  
25 Roshanda Turner, booked into evidence under DR# 94-7547 be  
26 released to an agent of the Clark County Public Defender's Office  
27 for inspection.

28 DATED this 7th day of May, 1996.

*Don. Ching*  
DISTRICT JUDGE

Respectfully Submitted:  
CLARK COUNTY PUBLIC DEFENDER

By Stacey Roundtree  
STACEY ROUNDTREE  
Nevada Bar #4735  
DEPUTY PUBLIC DEFENDER

CE19

ORIGINAL

FILED

JUN 26 3 47 PM '96

*Letitia Brown*

CLERK

DISTRICT COURT  
CLARK COUNTY, NEVADA

1 MTN  
2 STEWART L. BELL  
3 DISTRICT ATTORNEY  
4 Nevada Bar #000477  
5 200 S. Third Street  
6 Las Vegas, Nevada 89155  
7 (702) 455-4711  
8 Attorney for Plaintiff

9 THE STATE OF NEVADA,

Plaintiff,

10 -vs-

11 LARRY JAMES THOMAS,  
12 #846620

13 Defendant.

Case No. C125353  
Dept. No. XIII  
Docket G

14  
15 NOTICE OF MOTION AND MOTION TO ADMIT  
16 EVIDENCE OF OTHER BAD ACTS

17 DATE OF HEARING: 7-2-96

18 TIME OF HEARING: 9:00 A.M.

19 COMES NOW, the State of Nevada, by STEWART L. BELL, District Attorney, through BILL  
20 A. BERRETT, Chief Deputy District Attorney, and files this Notice of Motion and Motion to Admit  
21 Evidence of Other Bad Acts.

22 This Motion is made and based upon all the papers and pleadings on file herein, the attached  
23 points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary  
24 by this Honorable Court.

25 NOTICE OF HEARING

26 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring  
27 the foregoing motion on for setting before the above entitled Court, in Department XIII thereof, on

28 ///



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1 Tuesday, the 2nd day of July, at the hour of 9:00 o'clock a.m., or as soon thereafter as counsel may be  
2 heard.

3 DATED this 27<sup>th</sup> day of June, 1996.

4 STEWART L. BELL  
5 DISTRICT ATTORNEY  
6 Nevada Bar #000477

7 BY B. A. Berrett  
8 BILL A. BERRETT  
9 Chief Deputy District Attorney  
10 Nevada Bar #000738

11 MOTION TO ADMIT EVIDENCE OF OTHER BAD ACTS

12  
13 Defendant LARRY JAMES THOMAS, stand accused by an amended information filed February  
14 9, 1995, of the offense of statutory sexual seduction; sexual assault and assault with a minor under  
15 fourteen years of age between October 1993, and May 1994. Defendant was the director of a group of  
16 primarily black young women between the ages of eleven to fifteen who were in a drill team. He was  
17 their mentor and coach. He is accused of having various sexual relations with some of the young women  
18 who he worked with. Three charged victims, Chanell Jackson, Arletha Sanders, and Roshanda Turner  
19 will testify that they had various sexual contacts with Defendant including digital sexual penetration,  
20 regular sexual intercourse and cunnilingus.

21 The State seeks to admit other bad act testimony against the Defendant at trial. The other bad  
22 act testimony includes the testimony of three other young black women who were also in Defendant's  
23 drill team. These other young women are Joanna Watts, Matilda Watts and Shanisha Wright.

24 The proposed testimony of Shanisha Wright is that she is a member of the drill team directed by  
25 Defendant during the same period as the charged conduct. Shanisha also was approached by Defendant  
26 and had regular sexual intercourse with him. Sex acts occurred numerous times with Shanisha Wright.

27 Joanna Watts would testify that she was a young girl in the drill team. Joanna also was solicited  
28 sexually by the Defendant. She did not have intercourse, but he had various sexual conversations and

1 behavior directed toward Joanna.

2 Matilda Watts was also in the drill team. She also had various sexual solicitations from  
3 Defendant. Defendant "hit" on her and tried to fondle her sexually on several occasions.

4 In a recent Nevada Supreme Court case the Court ruled on other bad acts in a sex case. In  
5 Cipriano v. State, 111 Nev. Adv. Op. 50 (1995) our Supreme Court held:

6 Evidence of a defendant's other crimes, wrongs, or  
7 bad acts is not admissible to prove that the accused  
8 acted in a similar manner for purposes of the charge at  
9 issue. Beck v. State, 105 Nev. 910, 784 P.2d 983  
10 (1989). The justification for this rule is that evidence of  
11 prior uncharged wrongs may improperly influence the  
12 jury and result in a conviction because the jury believes  
13 the accused is predisposed to crime or is a bad person.  
14 Crawford v. State, 107 Nev. 345, 348, 811 P.2d 67, 69  
15 (1991).

16 However, evidence of prior wrongs is "admissible for  
17 other purposes, such as proof of motive, opportunity,  
18 intent, preparation, plan, knowledge, identity, or  
19 absence of mistake or accident." NRS 48.045(2). It is  
20 within the trial court's sound discretion whether  
21 evidence of a prior bad act is admissible, and such  
22 decisions will not be disturbed on appeal unless  
23 manifestly wrong. Crawford, 107 Nev. at 348, 811 P.2d  
24 at 69. Moreover, evidence of other bad acts is only  
25 admissible where three requirements are met: (1) the  
26 incident is relevant to the crime charged; (2) the act is  
27 proven by clear and convincing evidence; and (3) the  
28 evidence is more probative than prejudicial. Berner v.  
State, 104 Nev. 695, 697, 765 P.2d 1144, 1146 (1988).

.....

20 In supporting these arguments, the State cites several  
21 inapposite Nevada opinions where evidence of a prior  
22 aberrant sexual incident was admitted under NRS  
23 48.045(2). For example, the State cites Williams v.  
24 State, 95 Nev. 830, 603 P.2d 694 (1979). There,  
25 Williams informed the victim that he was hiring a  
26 secretary and invited her to his office for an interview.  
27 He later asked the woman if they could conduct the  
28 meeting at her home. At this meeting, Williams made  
sexual advances toward the victim and threatened to use  
his karate expertise upon her if she did not comply with  
his sexual demands. At Williams' trial for sexual  
assault, the State introduced the testimony of another  
woman who claimed that Williams had attacked her in  
a similar fashion. This woman claimed that she had  
submitted to having intercourse with Williams after he  
had demonstrated his karate expertise during a feigned

1 job interview.

2 This court upheld the admissibility of the prior bad act  
3 testimony. We reasoned that the "remarkable similarity  
4 of the modus operandi" of the two crimes made the  
5 testimony particularly relevant. As a result of the  
6 similarities, the district court properly determined that  
7 the probative value of the evidence outweighed its  
8 prejudicial impact on Williams' trial. Id. at 833, 603  
9 P.2d at 697.

10 Williams aptly illustrates the type of case where prior  
11 sexual behavior has been admitted under NRS  
12 48.045(2). Under these types of exceptions to the  
13 general rule of inadmissibility, there must be some  
14 similarity to the sexual conduct at issue in trial. See,  
15 e.g., Daly, 99 Nev. at 567, 665 P.2d at 801 (prior sexual  
16 act admissible where incident involved same persons, was  
17 temporally related, and "very similar" to crime charged);  
18 see also, Willett v. State, 94 Nev. 620, 584 P.2d 684  
19 (1978); Nester v. State of Nevada, 75 Nev. 41, 334 P.2d  
20 524 (1959). Where the conduct is similar and describes  
21 a common scheme or plan, the prior conduct becomes  
22 particularly probative and outweighs any prejudicial  
23 impact upon the accused's trial. See, e.g., Kenny v.  
24 State, 109 Nev. 220, 850 P.2d 311 (1993).

25 The Court in Cipriano held it was error for the District Court to admit the evidence of other bad  
26 acts because they viewed the other acts as not similar to the crime charged. "The lack of any similarity  
27 between the prior act and the crime charged greatly undermines the relevance and admissibility of the  
28 evidence." Id.

It should be noted that as to the proposed testimony of Shanisha Wright, the acts sought to be  
presented as other bad acts are exactly the same acts as charged in the information. As to Joanna Watts  
and Matilda Watts, Defendant's sexual solicitations are exactly as the solicitations he used on each of the  
charged victims. The same kind of flirtatious and flattering language was used successfully in the sexual  
conquest of victims Chanell Jackson, Arletha and Roshanda Turner.

In proving the crime charged, the State should not be held to a narrow interpretation of the  
charged conduct. It should also be noted that the term conduct should be applied to each and every step  
used by the Defendant which led to the specific charged behavior. Other bad acts are deemed as  
sufficient if they help establish the casual connection between the victim and perpetrator. The process  
of seduction used by Defendant as he violated the purity of his prey is well within the parameters of the

1 other bad acts rationale. Specific sexual conduct, language and behavior are highly relevant when a jury  
2 is trying to decide why a eleven or twelve year old consents to sexual conduct with an older man. The  
3 testimony of both Joanna Watts and Matilda Watts will be relevant as the jury considers why several  
4 young women chose to have relations with Defendant. It will help explain the workings and power  
5 structure existing in the drill team and give meaning to the position of Defendant in the lives of these  
6 young women.

7 Our Supreme Court further in Keeney v. State, 109 Nev. 220 (1993):

8 In the present case, the evidence was properly  
9 admitted to prove intent since Keeney placed his  
10 intentions at issue by pleading not guilty. See,  
11 McMichael v. State, 94 Nev. 184, 188, 577 P.2d 398,  
12 400 (1978), overruled on other grounds in Meador v.  
13 State, 101 Nev. 765, 711 P.2d 852 (1985). Moreover,  
14 the similarities between the instant offenses and the prior  
15 incident evince a common scheme or plan. Both  
16 incidents involved befriending a parent or parents of the  
17 child-victim(s), sexually assaulting the child or children  
18 and trying to buy their silence with gifts. See, Willett v.  
19 State, 94 Nev. 620, 621, 584 P.2d 684, 685 (1978)  
20 (sexual acts committed close in time under similar  
21 circumstances, using same modus operandi showed  
22 common scheme or plan). Thus, the evidence was  
23 properly admitted under NRS 48.045. We must now  
24 determine whether the mandates of Berner and  
25 Petrocelli were satisfied in this case.

26 In cases involving sex offenses, evidence of sexual  
27 aberration is relevant and its probative value outweighs  
28 its prejudicial effect. McMichael, 94 Nev. at 189, 577  
P.2d at 401; Findley v. State, 94 Nev. 212, 577 P.2d  
867 (1978); and Willett, 94 Nev. at 622, 584 P.2d at  
685. Sexual misconduct with minors qualifies as a  
sexual aberration. McMichael, 94 Nev. at 190, 577  
P.2d at 402; Findley, 94 Nev. at 15, 577 P.2d at 868. In  
these types of cases, we have adopted "a more liberal  
judicial attitude. . . in admitting evidence of prior and  
subsequent proscribed sexual conduct." McMichael, 94  
Nev. at 189, 577 P.2d at 401.

Here, Keeney's sexual offenses were committed  
against minor children. Thus, the evidence of Keeney's  
prior sexual misconduct effect. In addition, the  
following facts demonstrate that the prior assault was  
proved by clear and convincing evidence as required by  
Berner.

In light of the foregoing, the State submits that the above-referenced evidence should be

1 admitted in the State's case in chief at jury trial. If necessary, the State would be prepared to  
2 present the evidence to the court in a hearing outside the presence of the jury to satisfy the Court  
3 as to the relevance of the proposed testimony.

4  
5 DATED this 26<sup>th</sup> day of June, 1996.

6  
7 STEWART L. BELL  
8 DISTRICT ATTORNEY  
9 Nevada Bar #000477

10 BY Bill A. Berrett  
11 BILL A. BERRETT  
12 Chief Deputy District Attorney  
13 Nevada Bar #000738  
14

15 RECEIPT OF COPY

16 RECEIPT OF COPY of the above and foregoing Notice of Motion and Motion to Admit  
17 Evidence Other Bad Acts is hereby acknowledged this 26 day of June, 1996.

18 STACEY ROUNDTREE, D.P.D.  
19 PUBLIC DEFENDER'S OFFICE

20 BY Stacey Roundtree  
21 309 S. Third Street #226  
22 Las Vegas, Nevada 89155  
23  
24  
25  
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27

28 msr

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FILED

SEP 10 10 05 AM '96

CLERK

DISTRICT COURT  
CLARK COUNTY, NEVADA

0209  
STEWART L. BELL  
DISTRICT ATTORNEY  
Nevada Bar #000477  
200 S. Third Street  
Las Vegas, Nevada 89155  
(702) 455-4711  
Attorney for Plaintiff

THE STATE OF NEVADA,

Plaintiff,

-vs-

LARRY JAMES THOMAS,  
#846620

Defendant(s).

Case No. C125353X  
Dept. No. XIII  
Docket G

MOTION AND NOTICE OF MOTION TO ENDORSE NAMES ON INFORMATION

DATE OF HEARING: 9-17-96

TIME OF HEARING: 9:00 A.M.

TO: Defendant(s) above named, and

TO: Your Counsel of Record: MORGAN D. HARRIS, PUBLIC DEFENDER,

YOU, AND EACH OF YOU WILL PLEASE TAKE NOTICE that, on Tuesday, the 17th day of September, 1996, at the hour of 9:00 o'clock, a.m., or as soon thereafter as Counsel can be heard, in the Courthouse, Las Vegas, Clark County, Nevada, the STATE OF NEVADA will move the Court for leave to endorse upon

Information heretofore filed herein the names of the following witnesses:

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NAME

ADDRESS

Ravenholt, Dr. or Designee Clark County Health District, 625 Shadow Ln, LV, Nv

DATED this 9th day of September, 1996.

STEWART L. BELL  
DISTRICT ATTORNEY  
Nevada Bar #000477

BY [Signature]  
BILL A. BERRETT  
Deputy District Attorney  
Nevada Bar #000738

AFFIDAVIT IN SUPPORT OF MOTION

STATE OF NEVADA       )  
                                  )ss:  
COUNTY OF CLARK     )

BILL A. BERRETT, being first duly sworn, deposes and says:

The Affiant is a Deputy District Attorney for Clark County, Nevada; that an Information has heretofore been filed in the within action; that since the filing of said Information Affiant has learned that the testimony of the person or persons named in the Motion to Endorse Names on Information, which the Affidavit supports, is necessary and material to the prosecution of the within criminal action; that such facts were unknown to Affiant at the time of filing Information herein.

WHEREFORE, Affiant prays that the Court enter an Order for endorsement of names on the Information, in accordance with NRS 173.045.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9th day of September, 1996.

[Signature]  
BILL A. BERRETT

1  
2 POINTS AND AUTHORITIES IN SUPPORT OF MOTION  
3 TO ENDORSE NAMES ON INFORMATION

4 1. After filing the Information the District Attorney shall endorse thereon the names of such other  
5 witnesses which shall become known to him before the trial as the Court prescribes. Such amendment  
6 may be made at any time after Defendant pleads when it can be done without prejudice to the substantial  
7 rights of the Defendant. NRS 173.045.

8 2. The granting on the morning of trial of a motion to add names of witnesses to a first degree  
9 murder Information was not error where the Defendant's attorney learned the names of such witnesses  
10 three (3) days before trial, this being a reasonable time to prepare for the defense. State v. Teeter, 65  
11 Nev. 584, 612 (1948); Dalby v. State, 81 Nev. 517, 1965).

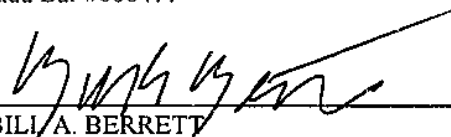
12 3. Any prejudice resulting to Defendant because the District Attorney was permitted to add  
13 names on the Information after the jury had been sworn, he having known these names before trial, was  
14 cured by the Court's granting Defendant a continuance (three days) to prepare to meet the testimony of  
15 these witnesses. State v. Monahan, 50 Nev. 27, 35 (1926); Gallegos v. State, 84 Nev. 608 (1968).

16 4. Failure to endorse a name does not preclude calling any witness whose name or materiality  
17 of testimony is first learned at the time of trial NRS 173.045.

18 5. Defects or imperfections of form are immaterial. NRS 173.100. Minor defects in an  
19 Information, including typographical errors, may be disregarded where the intent is clear and the rights  
20 of the Defendant are not prejudiced. 22 CJS 955, Sec. 377.

21 DATED this 9<sup>th</sup> day of September, 1996.

22 STEWART L. BELL  
23 DISTRICT ATTORNEY  
24 Nevada Bar #000477

25 BY   
26 BILL A. BERRETT  
27 Deputy District Attorney  
28 Nevada Bar #000738



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MORGAN D. HARRIS, PUBLIC DEFENDER  
ATTORNEY FOR DEFENDANT

309 S Third St. #229  
Las Vegas, Nevada 89155

DISTRICT COURT  
CLARK COUNTY, NEVADA

FILED

JAN 23 8 25 AM '97

THE STATE OF NEVADA,  
PLAINTIFF,

)

*Kathleen F. Dempsey*  
CLERK

VS.

)

CASE NO. C125353  
DEPT. NO. XIII  
DOCKET NO. G

LARRY J. THOMAS,

)

DEFENDANT.

)

J U R Y

1. FRANCIS WILLIAM WELLS
2. DALE MARVIN MCCONNELL
3. STEVE A. MIZELL
4. ROBERT F. DEPEW
5. DALE ROBERT GEISSLER
6. MARK FORD PETERSON

7. DEBORAH A. KRUSE
8. JANINE PEARNS WHITSETT
9. JOHNNY RAY THOMPSON
10. KIMBERLY D. DYE
11. JEROME ALAN ISAACSON
12. VIVIAN LOREA RICHART

ALTERNATE NO. 1: KATHLEEN F. DEMPSEY

ALTERNATE NO. 2: GAYLA M. YOUNG

CLERK

AA2538

1 INST

FILED IN OPEN COURT

JAN 31 1997 19 5:28 PM

LORETTA BOWMAN, CLERK

BY Shirley Lee Deputy

6 DISTRICT COURT  
7 CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 LARRY JAMES THOMAS,

12 Defendant(s).

Case No. C125353  
Dept. No. XIII  
Docket G

15 INSTRUCTIONS TO THE JURY (INSTRUCTION NO. 1)

16 MEMBERS OF THE JURY:

17 It is now my duty as judge to instruct you in the law that applies to this case. It is your duty as  
18 jurors to follow these instructions and to apply the rules of law to the facts as you find them from the  
19 evidence.

20 You must not be concerned with the wisdom of any rule of law stated in these instructions.  
21 Regardless of any opinion you may have as to what the law ought to be, it would be a violation of your  
22 oath to base a verdict upon any other view of the law than that given in the instructions of the Court.  
23  
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INSTRUCTION NO. 2

If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you. For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

AA2540

An Information is but a formal method of accusing a person of a crime and is not of itself any evidence of his guilt.

In this case, it is charged in an Information that on or between October, 1993 and May 1, 1994, the Defendant committed the offenses of STATUTORY SEXUAL SEDUCTION; SEXUAL ASSAULT, and ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE, as follows:

COUNT I - STATUTORY SEXUAL SEDUCTION

did, on or between February 1994, and March 1994, then and there wilfully, unlawfully, and feloniously subject CHANELL JACKSON, a female person under the age of 16 years, to sexual penetration, to-wit: sexual intercourse, by inserting his penis in the vagina of the said CHANELL JACKSON, the Defendant being 21 years of age, or older, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said defendant, or said child.

COUNT II - SEXUAL ASSAULT

did, on or about November 20, 1993, then and there wilfully, unlawfully, and feloniously sexually assault and subject ARLETHA SANDERS, a female person, to sexual penetration, to-wit: by inserting his finger in the vagina of the said ARLETHA SANDERS, against her will.

COUNT III - SEXUAL ASSAULT

did, on or about February 21, 1994, then and there wilfully, unlawfully, and feloniously sexually assault and subject ARLETHA SANDERS, a female person, to sexual penetration, to-wit: sexual intercourse, by inserting his penis in the vagina of the said ARLETHA SANDERS, against her will.

COUNT IV - STATUTORY SEXUAL SEDUCTION

did, on or about February 21, 1994, then and there wilfully, unlawfully, and feloniously subject ARLETHA SANDERS, a female person under the age of 16 years, to sexual penetration, to-wit: sexual intercourse, by inserting his penis in the vagina of the said ARLETHA SANDERS, the defendant being 21 years of age, or older, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said defendant, or said child.

COUNT V - SEXUAL ASSAULT

did, on or about February 21, 1994, then and there wilfully, unlawfully, and feloniously sexually

1 assault and subject ARLETHA SANDERS, a female person, to sexual penetration, to-wit: cunnilingus,  
2 by inserting and/or licking the vagina of the said ARLETHA SANDERS with his tongue, against her  
3 will.

4 COUNT VI - STATUTORY SEXUAL SEDUCTION

5 did, on or about February 21, 1994, then and there wilfully, unlawfully, and feloniously subject  
6 ARLETHA SANDERS, a female person under the age of 16 years, to sexual penetration, to-wit:  
7 cunnilingus, by inserting and/or licking the vagina of the said ARLETHA SANDERS with his tongue,  
8 the defendant being 21 years of age, or older, with the intent of arousing, appealing to, or gratifying the  
9 lust, passions, or sexual desires of said defendant, or said child.

10 COUNT VII - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

11 did, on or about October 11, 1993, then and there wilfully, unlawfully, and feloniously sexual  
12 assault and subject ROSHANDA TURNER, a female child under fourteen years of age, to sexual  
13 penetration, to-wit: sexual intercourse, by inserting his penis in the vagina of the said ROSHANDA  
14 TURNER, against her will, or under conditions in which Defendant knew, or should have known, that  
15 the said ROSHANDA TURNER was mentally or physically incapable of resisting or understanding the  
16 nature of Defendant's conduct.

17 COUNT VIII - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

18 did, during December 1993, then and there wilfully, unlawfully, and feloniously sexually assault  
19 and subject ROSHANDA TURNER, a female child under fourteen years of age, to sexual penetration,  
20 to-wit: sexual intercourse, by inserting his penis in the vagina of the said ROSHANDA TURNER,  
21 against her will, or under conditions in which Defendant knew, or should have known, that the said  
22 ROSHANDA TURNER was mentally or physically incapable of resisting or understanding the nature  
23 of Defendant's conduct.

24 COUNT IX - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

25 did, on or about January 26, 1994, then and there wilfully, unlawfully, and feloniously sexually  
26 assault and subject ROSHANDA TURNER, a female child under fourteen years of age, to sexual  
27 penetration, to-wit: sexual intercourse, by inserting his penis in the vagina of the said ROSHANDA  
28 TURNER, against her will, or under conditions in which Defendant knew, or should have know, that

1 the said ROSHANDA TURNER was mentally or physically incapable of resisting or understanding the  
2 nature of Defendant's conduct.

3 COUNT X - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

4 did, on or about February 5, 1994, then and there wilfully, unlawfully, and feloniously sexually  
5 assault and subject ROSHANDA TURNER, a female child under fourteen years of age, to sexual  
6 penetration, to-wit: sexual intercourse, by inserting his penis in the vagina of the said ROSHANDA  
7 TURNER, against her will, or under conditions in which Defendant knew, or should have known, that  
8 the said ROSHANDA TURNER was mentally or physically incapable of resisting or understanding the  
9 nature of Defendant's conduct.

10 COUNT XI - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

11 did, on or about February 25, 1994, then and there wilfully, unlawfully, and feloniously sexually  
12 assault and subject ROSHANDA TURNER, a female child under fourteen years of age, to sexual  
13 penetration, to-wit: sexual intercourse, by inserting his penis in the vagina of the said ROSHANDA  
14 TURNER, against her will, or under conditions in which Defendant knew, or should have known, that  
15 the said ROSHANDA TURNER was mentally or physically incapable of resisting or understanding the  
16 nature of Defendant's conduct.

17 COUNT XII - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

18 did, on or about May 1, 1994, then and there wilfully, unlawfully, and feloniously sexually  
19 assault and subject ROSHANDA TURNER, a female child under fourteen years of age, to sexual  
20 penetration, to-wit: sexual intercourse, by inserting his penis in the vagina of the said ROSHANDA  
21 TURNER, against her will, or under conditions in which Defendant knew, or should have known, that  
22 the said ROSHANDA TURNER was mentally or physically incapable of resisting or understanding the  
23 nature of Defendant's conduct.

24 COUNT XIII - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

25 did, on or between October 11, 1993, and May 1, 1994, then and there wilfully, unlawfully, and  
26 feloniously sexually assault and subject ROSHANDA TURNER, a female child under fourteen years  
27 of age, to sexual penetration, to-wit: cunnilingus, by inserting and/or licking the vagina of the said  
28 ROSHANDA TURNER with his tongue, against her will, or under conditions in which Defendant knew,

1 or should have known, that the said ROSHANDA TURNER was mentally or physically incapable of  
2 resisting or understanding the nature of Defendant's conduct..

3 It is the duty of the jury to apply the rules of law contained in these instructions to the facts of  
4 the case and determine whether or not the Defendant is guilty of the offenses charged.

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Any person who subjects another person to sexual penetration or who forces another person to make a sexual penetration on himself against the victim's will or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his conduct, is guilty of sexual assault.

"Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning.

Slight penetration of the external genital organs, to-wit: the labia or lips of the female organ, is sufficient to constitute "sexual penetration" and to complete the crime of sexual assault even if the perpetrator does not thereafter succeed in penetrating into the vagina. Evidence of emission is not necessary. Insertion of a penis or a finger or fingers by an accused into the vaginal opening of one's victim is a "sexual penetration".

Under a charge of cunnilingus, it is not necessary for the State to prove that a "Sexual penetration" occurred. The State need only prove that the accused performed an oral stimulation upon the victim's external female genitalia.

The difference between sexual assault and sexual assault on a minor is that in the latter case the victim is under fourteen (14) years of age.

Physical force is not a necessary ingredient in the commission of the crime of Sexual Assault. The crucial question is not whether the victim was "physically forced" to engage in sexual conduct, but whether the act was committed without consent. There is no consent where the victim is induced to submit to the sexual act through fear of death or serious bodily injury.

The requirements of force and fear are of a different and less degree for a minor than a person of more mature years. The fact that the defendant may not have employed violence nor expressed threats to obtain the victim's submission does not preclude a finding of sexual assault. A sexual assault victim is not required to do more than his or her age, strength, surrounding facts and all attending circumstances make it reasonable to do in order to manifest opposition.

INSTRUCTION NO. 6

"Statutory Sexual Seduction" means ordinary sexual intercourse, committed by a person twenty-one (21) years of age or older with a consenting person under the age of sixteen (16) years.

1  
2 The crime of statutory sexual seduction as charged against the defendant in this case is an act of  
3 ordinary sexual intercourse with a female person who is under the age of sixteen (16) years.

4 Such a female is incapable of consenting to an act of sexual intercourse as a matter of law.  
5 Therefore, in a prosecution for statutory sexual seduction, it is no defense that she may have consented  
6 to the act of intercourse.  
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INSTRUCTION NO. 8

Defendant is accused in Count III of Sexual Assault on ARLETHA SANDERS occurring on February 21, 1994. Defendant is also accused in Count IV of Statutory Sexual Seduction against ARLETHA SANDERS on that same date. You are instructed that you may return a verdict of guilty to either the offense of Count III Sexual Assault or Count IV Statutory Sexual Seduction, but you may not return a guilty verdict on both Count III and Count IV.

1  
2       There is no requirement that the testimony of a victim of Sexual Assault or Statutory Sexual  
3 Seduction be corroborated, and her testimony standing alone, if believed beyond a reasonable doubt, is  
4 sufficient to sustain a verdict of guilty.  
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When it is impossible to commit a particular crime without committing, at the same time and by the same conduct, another offense of lesser grade or degree, the latter is, with respect to the former, a lesser related offense.

If you are not satisfied beyond a reasonable doubt that the defendant is guilty of the offense charged, he may, however, be found guilty of any lesser related offense, if the evidence is sufficient to establish his guilt of such lesser offense beyond a reasonable doubt.

The offense of Sexual Assault With a Minor with which the defendant is charged in Counts VII through Counts XIII, necessarily includes the related offense of Statutory Sexual Seduction, you may return guilty verdicts in these counts to either Sexual Assault On A Minor or Statutory Sexual Seduction, but you may not return a guilty verdict on both.

INSTRUCTION NO. 11

Defendant is accused in Count V of Sexual Assault on ARLETHA SANDERS occurring on February 21, 1994. Defendant is also accused in Count VI of Statutory Sexual Seduction against ARLETHA SANDERS on that same date. You are instructed that you may return a verdict of guilty to either the offense of Count V Sexual Assault or Count VI Statutory Sexual Seduction, but you may not return a guilty verdict on both Count V and Count VI.



The Court, prior to trial, entered an order directing both parties to avoid presenting evidence involving other possible victims. The testimony of Detective Risenhoover in regard to contacting other young women in the drill team is ordered stricken, and you are directed to not discuss that portion of his testimony in your deliberations, nor consider it in any way.

Suspicious or inferences about whether any other young women in the Queenetts may or may not have had sexual contact with the Defendant are not to be considered by you in your deliberations.

INSTRUCTION NO. 13

Evidence of the Defendant's good character, is a fact which you may consider along with other facts in this case. Such evidence of good character may generate reasonable doubt sufficient to justify acquittal.

To constitute the crime charged, there must exist a union or joint operation of an act forbidden by law and an intent to do the act.

The intent with which an act is done is shown by the facts and circumstances surrounding the case.

Do not confuse intent with motive. Motive is what prompts a person to act. Intent refers only to the state of mind with which the act is done.

Motive is not an element of the crime charged and the State is not required to prove a motive on the part of the Defendant in order to convict. However, you may consider evidence of motive or lack of motive as a circumstance in the case.

INSTRUCTION NO. 15

The Defendant is presumed innocent until the contrary is proved. This presumption places upon the State the burden of proving beyond a reasonable doubt every material element of the crime charged and that the Defendant is the person who committed the offense.

A reasonable doubt is one based on reason. It is not mere possible doubt but is such a doubt as would govern or control a person in the more weighty affairs of life. If the minds of the jurors, after the entire comparison and consideration of all the evidence, are in such a condition that they can say they feel an abiding conviction of the truth of the charge, there is not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or speculation.

If you have a reasonable doubt as to the guilt of the Defendant, he is entitled to a verdict of not guilty.

INSTRUCTION NO. 16

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You are here to determine the guilt or innocence of the Defendant from the evidence in the case. You are not called upon to return a verdict as to the guilt or innocence of any other person. So, if the evidence in the case convinces you beyond a reasonable doubt of the guilt of the Defendant, you should so find, even though you may believe one or more persons are also guilty.

The evidence which you are to consider in this case consists of the testimony of the witnesses, the exhibits, and any facts admitted or agreed to by counsel.

There are two types of evidence; direct and circumstantial. Direct evidence is the testimony of a person who claims to have personal knowledge of the commission of the crime which has been charged, such as an eyewitness. Circumstantial evidence is the proof of a chain of facts and circumstances which tend to show whether the Defendant is guilty or not guilty. The law makes no distinction between the weight to be given either direct or circumstantial evidence. Therefore, all of the evidence in the case, including the circumstantial evidence, should be considered by you in arriving at your verdict.

Statements, arguments and opinions of counsel are not evidence in the case. However, if the attorneys stipulate to the existence of a fact, you must accept the stipulation as evidence and regard that fact as proved.

You must not speculate to be true any insinuations suggested by a question asked a witness. A question is not evidence and may be considered only as it supplies meaning to the answer.

You must disregard any evidence to which an objection was sustained by the court and any evidence ordered stricken by the court.

Anything you may have seen or heard outside the courtroom is not evidence and must also be disregarded.

The credibility or believability of a witness should be determined by his manner upon the stand, his relationship to the parties, his fears, motives, interests or feelings, his opportunity to have observed the matter to which he testified, the reasonableness of his statements and the strength or weakness of his recollections.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness or any portion of his testimony which is not proved by other evidence.

1  
2 A witness who has special knowledge, skill, experience, training or education in a particular  
3 science, profession or occupation is an expert witness. An expert witness may give his opinion as to any  
4 matter in which he is skilled.

5 You should consider such expert opinion and weigh the reasons, if any, given for it. You are not  
6 bound, however, by such an opinion. Give it the weight to which you deem it entitled, whether that be  
7 great or slight, and you may reject it, if, in your judgment, the reasons given for it are unsound.

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INSTRUCTION NO. 20

Although you are to consider only the evidence in the case in reaching a verdict, you must bring to the consideration of the evidence your everyday common sense and judgment as reasonable men and women. Thus, you are not limited solely to what you see and hear as the witnesses testify. You may draw reasonable inferences from the evidence which you feel are justified in the light of common experience, keeping in mind that such inferences should not be based on speculation or guess.

A verdict may never be influenced by sympathy, prejudice or public opinion. Your decision should be the product of sincere judgment and sound discretion in accordance with these rules of law.

INSTRUCTION NO. 21

In your deliberation you may not discuss or consider the subject of punishment, as that is a matter which lies solely with the court. Your duty is confined to the determination of the guilt or innocence of the Defendant.

AA2562

INSTRUCTION NO. 22

When you retire to consider your verdict, you must select one of your number to act as foreperson who will preside over your deliberation and will be your spokesman here in court.

During your deliberation, you will have all the exhibits which were admitted into evidence, these written instructions and forms of verdict which have been prepared for your convenience.

Your verdict must be unanimous. As soon as you have agreed upon a verdict, have it signed and dated by your foreperson and then return with it to this room.

1  
2 If, during your deliberation, you should desire to be further informed on any point of law or hear  
3 again portions of the testimony, you must reduce your request to writing signed by the foreperson. The  
4 officer will then return you to court where the information sought will be given you in the presence of,  
5 and after notice to, the district attorney and the Defendant and his counsel.

6 Readbacks of testimony are time-consuming and are not encouraged unless you deem it a  
7 necessity. Should you require a readback, you must carefully describe the testimony to be read back so  
8 that the court reporter can arrange his notes. Remember, the court is not at liberty to supplement the  
9 evidence.  
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INSTRUCTION NO. 24

Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between the Defendant and the State of Nevada.

JANUARY 30, 1996

GIVEN:

Dan. Chang  
DISTRICT JUDGE

1 VER

FILED IN OPEN COURT

JAN 31 1997

19 5:28 pm

LORETTA BOWMAN, CLERK

BY Shirley A. Lee  
Deputy

DISTRICT COURT  
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 LARRY JAMES THOMAS,

12 Defendant(s).

Case No. C125353  
Dept. No. XIII  
Docket G

15 VERDICT

16 We the jury in the above entitled case find the Defendant guilty of COUNT XI - SEXUAL  
17 ASSAULT ON A MINOR UNDER FOURTEEN YEARS OF AGE.

19 FOREPERSON

20 We the jury in the above entitled case find the Defendant guilty of COUNT XI with the lesser  
21 offense of STATUTORY SEXUAL SEDUCTION.

23 FOREPERSON

24 We the jury in the above entitled case find the Defendant not guilty of COUNT XI.

26 FOREPERSON

27 DATED this 31 day of January, 1997.

28 (Choose only one of the above three choices)

CE31

AA2566

1 VER

FILED IN OPEN COURT

JAN 31 1997

19 5:28 pm

LORETTA BOWMAN, CLERK

BY Meresa Lee  
Deputy

DISTRICT COURT  
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 LARRY JAMES THOMAS,

12  
13 Defendant(s).

Case No. C125353  
Dept. No. XIII  
Docket G

14  
15 VERDICT

16 We the jury in the above entitled case find the Defendant guilty of COUNT XII - SEXUAL  
17 ASSAULT ON A MINOR UNDER FOURTEEN YEARS OF AGE.

18  
19 FOREPERSON

20 We the jury in the above entitled case find the Defendant guilty of COUNT XII with the lesser  
21 offense of STATUTORY SEXUAL SEDUCTION.

22  
23 FOREPERSON

24 We the jury in the above entitled case find the Defendant not guilty of COUNT XII.

25  
26 FOREPERSON

27 DATED this 31 day of January, 1997.

28 (Choose only one of the above three choices)

CEST

AA2567

1 VER

FILED IN OPEN COURT

JAN 3 1 1997

19 5:28 pm

LORETTA BOWMAN, CLERK

BY Shirley A. Lee  
Deputy

DISTRICT COURT  
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 LARRY JAMES THOMAS,

12 Defendant(s).

Case No. C125353  
Dept. No. XIII  
Docket G

15 VERDICT

16 We the jury in the above entitled case find the Defendant guilty of COUNT XIII - SEXUAL  
17 ASSAULT ON A MINOR UNDER FOURTEEN YEARS OF AGE.

19 FOREPERSON

20 We the jury in the above entitled case find the Defendant guilty of COUNT XIII with the lesser  
21 offense of STATUTORY SEXUAL SEDUCTION.

23 FOREPERSON

24 We the jury in the above entitled case find the Defendant not guilty of COUNT XIII.

26 FOREPERSON Scamz

27 DATED this 31 day of January, 1997.

28 (Choose only one of the above three choices)

DEST



1 VER

2 FILED IN OPEN COURT

3 JAN 3 1 1997

19 5:28 pm

4 LORETTA BOWMAN, CLERK

5 BY Meresa Chee Deputy

6 DISTRICT COURT  
7 CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 LARRY JAMES THOMAS,

12 Defendant(s).

Case No. C125353  
Dept. No. XIII  
Docket G

15 VERDICT

16 We the jury in the above entitled case find the Defendant guilty of COUNT I - STATUTORY  
17 SEXUAL SEDUCTION.

18 Stanford  
19 FOREPERSON

20 We the jury in the above entitled case find the Defendant not guilty COUNT I - STATUTORY  
21 OF SEXUAL SEDUCTION.

22 DATED this 31 day of January, 1997.

23  
24 FOREPERSON

25 (Choose only one of the above two choices)  
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CLERK

AA2569

1 VER

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FILED IN OPEN COURT

JAN 31 1997

19 5:28 pm

LORETTA BOWMAN, CLERK

DISTRICT COURT  
CLARK COUNTY, NEVADA

Deputy

THE STATE OF NEVADA,

Plaintiff,

-vs-

LARRY JAMES THOMAS,

Defendant(s).

Case No. C125353  
Dept. No. XIII  
Docket G

VERDICT

We the jury in the above entitled case find the Defendant guilty of COUNT II - SEXUAL  
ASSAULT.

FOREPERSON

We the jury in the above entitled case find the Defendant not guilty of COUNT II.

FOREPERSON

DATED this 31 day of January, 1997.

(Choose only one of the above two choices)

CE31

AA2570

1 VER

FILED IN OPEN COURT

JAN 3 1 1997

195-280m

LORETTA BOWMAN, CLERK

BY Mues

Deputy

DISTRICT COURT  
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 LARRY JAMES THOMAS,

12 Defendant(s).

Case No. C125353  
Dept. No. XIII  
Docket G

15 VERDICT

16 We the jury in the above entitled case find the Defendant guilty of COUNT III - SEXUAL  
17 ASSAULT.

18 FOREPERSON

19 We the jury in the above entitled case find the Defendant guilty COUNT IV - STATUTORY  
20 OF SEXUAL SEDUCTION.

21 Stamjel  
22 FOREPERSON

23 We the jury in the above entitled case find the Defendant not guilty of COUNT III and IV.

24 FOREPERSON

25 DATED this 31 day of January, 1997.

26 (Choose only one of the above three choices)

27 **TEST**

28 AA2571

1 VER

FILED IN OPEN COURT

JAN 31 1997 19 57:28pm

LORETTA BOWMAN, CLERK

BY Chelsea Klee  
Deputy

DISTRICT COURT  
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 LARRY JAMES THOMAS,

12 Defendant(s).

Case No. C125353  
Dept. No. XIII  
Docket G

15 VERDICT

16 We the jury in the above entitled case find the Defendant guilty of COUNT V - SEXUAL  
17 ASSAULT.

18  
19 FOREPERSON

20 We the jury in the above entitled case find the Defendant guilty COUNT VI - STATUTORY  
21 SEXUAL SEDUCTION.

22 Shamzell  
FOREPERSON

23 We the jury in the above entitled case find the Defendant not guilty of COUNT V and VI.  
24

25 FOREPERSON

26  
27 DATED this 31 day of January, 1997.

28 (Choose only one of the above three choices)

CLERK

AA2572

1 VER

2 FILED IN OPEN COURT

3 JAN 31 1997 19 5:28 PM

4 LORETTA BOWMAN, CLERK

5 BY Sharon Lee  
6 Deputy

7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 LARRY JAMES THOMAS,

13 Defendant(s).

14 Case No. C125353  
15 Dept. No. XIII  
16 Docket G

17 VERDICT

18 We the jury in the above entitled case find the Defendant guilty of COUNT VII - SEXUAL  
19 ASSAULT ON A MINOR UNDER FOURTEEN YEARS OF AGE.

20 FOREPERSON

21 We the jury in the above entitled case find the Defendant guilty of COUNT VII with the lesser  
22 offense of STATUTORY SEXUAL SEDUCTION.

23 FOREPERSON

24 We the jury in the above entitled case find the Defendant not guilty of COUNT VII.

25 FOREPERSON

26 DATED this 31 day of January, 1997

27 (Choose only one of the above three choices)

28 1651

AA2573

1 VER

FILED IN OPEN COURT

JAN 31 1997 19:52:28 pm

LORETTA BOWMAN, CLERK

BY Theresa Lee  
Deputy

DISTRICT COURT  
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 LARRY JAMES THOMAS,

12 Defendant(s).

Case No. C125353  
Dept. No. XIII  
Docket G

15 VERDICT

16 We the jury in the above entitled case find the Defendant guilty of COUNT VIII - SEXUAL  
17 ASSAULT ON A MINOR UNDER FOURTEEN YEARS OF AGE.

18  
19 FOREPERSON

20 We the jury in the above entitled case find the Defendant guilty of COUNT VIII with the lesser  
21 offense of STATUTORY SEXUAL SEDUCTION.

22  
23 FOREPERSON

24 We the jury in the above entitled case find the Defendant not guilty of COUNT VIII.

25  
26 FOREPERSON

27 DATED this 31 day of January, 1997

28 (Choose only one of the above three choices)

CLERK

AA2574

1 VER

2 FILED IN OPEN COURT

3 JAN 31 1997

19 5:28 pm

4 LORETTA BOWMAN, CLERK

5 BY

*Shirley Lee*

Deputy

6 DISTRICT COURT  
7 CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 LARRY JAMES THOMAS,

12 Defendant(s).

Case No. C125353  
Dept. No. XIII  
Docket G

15 VERDICT

16 We the jury in the above entitled case find the Defendant guilty of COUNT IX - SEXUAL  
17 ASSAULT ON A MINOR UNDER FOURTEEN YEARS OF AGE.

18  
19 FOREPERSON

20 We the jury in the above entitled case find the Defendant guilty of COUNT IX with the lesser  
21 offense of STATUTORY SEXUAL SEDUCTION.

22  
23 FOREPERSON

24 We the jury in the above entitled case find the Defendant not guilty of COUNT IX.

25  
26 FOREPERSON

27 DATED this 31 day of January, 1997.

28 (Choose only one of the above three choices)

GE01

AA2575

1 VER

FILED IN OPEN COURT

JAN 31 1997

19 5:28pm

LORETTA BOWMAN, CLERK

BY Shirley Lee  
Deputy

DISTRICT COURT  
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 LARRY JAMES THOMAS,

12 Defendant(s).

Case No. C125353  
Dept. No. XIII  
Docket G

15 VERDICT

16 We the jury in the above entitled case find the Defendant guilty of COUNT X - SEXUAL  
17 ASSAULT ON A MINOR UNDER FOURTEEN YEARS OF AGE.

19 FOREPERSON

20 We the jury in the above entitled case find the Defendant guilty of COUNT X with the lesser  
21 offense of STATUTORY SEXUAL SEDUCTION.

22 Stanziel  
23 FOREPERSON

24 We the jury in the above entitled case find the Defendant not guilty of COUNT X.

26 FOREPERSON

27 DATED this 31 day of January, 1997.

28 (Choose only one of the above three choices)

CE51

AA2576



ORIGINAL

JOC  
STEWART L. BELL  
DISTRICT ATTORNEY  
Nevada Bar #000477  
200 S. Third Street  
Las Vegas, Nevada 89155  
(702) 455-4711  
Attorney for Plaintiff

FILED

MAY 28 1 01 PM '97

*Loetta D. Brown*  
DISTRICT COURT CLERK  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

-vs-

LARRY JAMES THOMAS,  
#0846620

Defendant.

Case No. C125353X  
Dept. No. XIII  
Docket G

JUDGMENT OF CONVICTION (JURY TRIAL)

WHEREAS, on the 17th day of February, 1995, the Defendant LARRY JAMES THOMAS, entered a plea of not guilty to the crimes of COUNTS I, IV, and VI, - STATUTORY SEXUAL SEDUCTION (Felony); COUNTS II, III, and V - SEXUAL ASSAULT (Felony - NRS) and COUNTS VI, VII, VIII, IX, X, XI, and XIII - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Felony), committed on or between October, 1993, and May 1, 1994, in violation of NRS 200.368, 200.364, and 200.366, and the matter having been tried before a jury, and the Defendant being represented by counsel and having been found guilty of the crimes of COUNTS I, IV VI, VII, VIII, IX, X, XI, and XII - STATUTORY SEXUAL SEDUCTION (Felony - NRS 200.364, 200.368); and

WHEREAS, thereafter, on the 8th day of April, 1997, the Defendant being present in Court with his counsel STACEY ROUNDTREE, and CHARLES CANO, Deputy Public Defenders, and BILL A. BERRETT, Chief Deputy District Attorney also being present; the above entitled Court did adjudge Defendant guilty thereof by reason of said trial and verdict and,

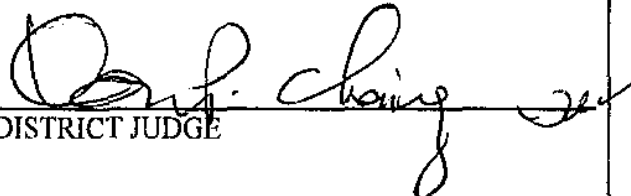
MAY 29 1997

CE371  
AA2577

1 in addition to the \$25.00 Administrative Assessment Fee, sentenced Defendant to COUNT I (10)  
2 ten years in the Nevada Department of Prisons; <sup>Restitution \$210.00 (1)</sup> COUNT IV (10) ten years in the Nevada  
3 Department of Prisons, to run CONSECUTIVE to COUNT I; COUNT VI (10) ten years in the  
4 Nevada Department of Prisons, to run CONSECUTIVE to Count IV; COUNT VII (10) ten  
5 years, to run CONCURRENT with Counts I, IV, VI; COUNT VIII (10) ten years, to run  
6 CONCURRENT With All Other Counts; COUNT IX (10) ten years, to run CONCURRENT  
7 With All Other Counts; COUNT X (10) ten years, to run CONCURRENT With All Other  
8 Counts; COUNT XI (10) ten years, to run CONCURRENT With All Other Counts; COUNT  
9 XII (10) ten years, to run CONCURRENT With All Other Counts. COURT ORDERED,  
10 Defendant to receive (853) Days Credit Time Served, and waived the Public Defender's Fee's.

11 THEREFORE, the Clerk of the above entitled Court is hereby directed to enter this  
12 Judgment of Conviction as part of the record in the above entitled matter.

13 DATED this 20th day of May, 1997, in the City of Las Vegas, County of Clark, State  
14 of Nevada.

15  
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17 DISTRICT JUDGE

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26 DA#95-125353X/msr  
27 NLVPD EV#94-7547  
28 STAT SEX SED - F  
(TK 7)

• ORIGINAL •

FILED

1 NOAS  
2 MORGAN D. HARRIS  
3 CLARK COUNTY PUBLIC DEFENDER  
4 Nevada Bar #1879  
5 309 South Third Street, Suite #226  
6 Las Vegas, Nevada 89155  
7 (702) 455-4685  
8 Attorney for Defendant  
9

JUN 26 1 45 PM '97

*Joetta Schuman*  
CLERK

DISTRICT COURT

CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA, ) Case No. C126353  
11 )  
12 Plaintiff, ) Dept. No. XIII  
13 vs. ) NOTICE OF APPEAL  
14 )  
15 LARRY JAMES THOMAS, )  
16 Defendant. )

16 TO: THE STATE OF NEVADA

17 STEWART BELL, DISTRICT ATTORNEY, CLARK COUNTY, NEVADA and  
18 DEPARTMENT XIII OF THE EIGHTH JUDICIAL DISTRICT COURT OF  
19 THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK.

19 NOTICE is hereby given that LARRY JAMES THOMAS, presently  
20 incarcerated in the Nevada State Prison, appeals to the Supreme  
21 Court of the State of Nevada from the judgment entered against said  
22 Defendant on the 8th day of April, 1997, whereby he was convicted of  
23 count I - statutory sexual seduction and sentenced to ten (10) years  
24 in the Nevada State Prison and restitution in the amount of \$210.00;  
25 count IV - statutory sexual seduction and sentenced to ten (10)  
26 years to run consecutive to count I; count VI - statutory sexual  
27 seduction and sentenced to ten (10) years to run consecutive to  
28 count IV; count VII - statutory sexual seduction and sentenced to

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1 ten (10) years to run concurrent to counts I, IV and VI; count VIII  
2 - statutory sexual seduction and sentenced to ten (10 ) years to run  
3 concurrent to all other counts; count IX - statutory sexual  
4 seduction and sentenced to ten (10) years to run concurrent to all  
5 other counts; count X - statutory sexual seduction and sentenced to  
6 ten (10) years to run concurrent to all other counts; count XI -  
7 statutory sexual seduction and sentenced to ten (10) years to run  
8 concurrent to all other counts; and count XII - statutory sexual  
9 seduction and sentenced to ten (10) years to run concurrent to all  
10 other counts; credit for time served in the amount of 853 days.

11 DATED this 26th day of June, 1997.


12 MORGAN D. HARRIS  
13 CLARK COUNTY PUBLIC DEFENDER

14  
15 By 

16 STACY ROUNDTREE  
17 NEVADA BAR #4735  
18 DEPUTY PUBLIC DEFENDER  
19 309 SOUTH THIRD STREET, SUITE #226  
20 LAS VEGAS, NEVADA 89155-2610  
21 (702) 455-4685  
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14 I declare under penalty of perjury that the foregoing is  
15 true and correct.

17   
18 DONNA POLLOCK

25 STEWART L. BELL  
CLARK COUNTY DISTRICT ATTORNEY

27 BY M. L. Engle  
28

ORIGINAL

FILED

JUN 26 1 44 PM '97

*Joetta L. Lamm*  
CLERK

1 CAS  
2 MORGAN D. HARRIS  
3 CLARK COUNTY PUBLIC DEFENDER  
4 Nevada Bar #1879  
5 309 South Third Street, Suite #226  
6 Las Vegas, Nevada 89155-2610  
7 (702) 455-4685  
8 Attorney for Defendant

DISTRICT COURT  
CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,	)	Case No. C125353
	)	
11 Plaintiff,	)	Dept. No. XIII
	)	
12 vs.	)	
	)	
13 LARRY JAMES THOMAS,	)	
	)	
14 Defendant.	)	

CASE APPEAL STATEMENT

- 17 1. Appellant filing this case appeal statement: Larry  
18 James Thomas.
- 19 2. Judge issuing the decision, judgment, or order  
20 appealed from: Don P. Chairez.
- 21 3. All parties to the proceedings in the district court  
22 (the use of et al. To denote parties is prohibited): The State of  
23 Nevada, Plaintiff; Larry James Thomas, Defendant.
- 24 4. All parties involved in this appeal (the use of et al.  
25 To denote parties is prohibited): Larry James Thomas, Appellant;  
26 The State of Nevada, Respondent.
- 27 / / / /  
28 / / / /

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1 5. Name, law firm, address, and telephone number of all  
2 counsel on appeal and party or parties whom they represent:

3 MORGAN D. HARRIS  
4 Clark County Public Defender  
5 309 South Third Street, #226  
6 Las Vegas, Nevada 89155-2610

7 Attorney for Appellant

STEWART L. BELL  
Clark County District Attorney  
200 South Third Street  
Las Vegas, Nevada 89155

FRANKIE SUE DEL PAPA  
Attorney General  
State of Nevada  
Capitol Complex  
Carson City, Nevada 89710  
(702) 486-3420

Counsel for Respondent

10 6. Whether appellant was represented by appointed or  
11 retained counsel in the district court: Appointed.

12 7. Whether appellant is represented by appointed or  
13 retained counsel on appeal: Appointed.

14 8. Whether appellant was granted leave to proceed in  
15 forma pauperis, and the date of entry of the district court order  
16 granting such leave: N/A


17 9. Date proceedings commenced in the district court  
18 (e.g., date complaint, indictment, information, or petition was  
19 filed): February 9, 1995.

20 DATED this 26th day of June, 1997.

21 MORGAN D. HARRIS  
22 CLARK COUNTY PUBLIC DEFENDER

23 By 

24 STACY-ROUNDTREE  
25 NEVADA BAR #4735  
26 DEPUTY PUBLIC DEFENDER  
27 309 SOUTH THIRD STREET, SUITE #226  
28 LAS VEGAS, NEVADA 89155-2610  
(702) 455-4685

1 RECEIPT OF A COPY of the foregoing Case Appeal Statement  
2 is hereby acknowledged this 26th day of June, 1997.  
3  
4 STEWART L. BELL  
CLARK COUNTY DISTRICT ATTORNEY  
5  
6 By **MARGIE ENGLISH**  
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IN THE SUPREME COURT OF THE STATE OF NEVADA

LARRY JAMES THOMAS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

FILED  
No. 30652  
DEC 24 3 20 PM '98

*Janette M. Bloom*  
CLERK

District Court Case No. C125353

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Janette M. Bloom, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed as follows: "ORDER this appeal dismissed."

Judgment, as quoted above, entered this 24th day of November, 1998.

IN WITNESS WHEREOF, I have subscribed my name  
and affixed the seal of the Supreme Court at my Office  
in Carson City, Nevada, this 15th day of December,  
1998.

Janette M. Bloom, Supreme Court Clerk

By:

*J. Richards*  
Chief Deputy Clerk

jw

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AA2585

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 30652

LARRY JAMES THOMAS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

NOV 24 1998

CLERK OF THE COURT  
BY *Chap*

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction entered pursuant to a jury trial on nine counts of statutory sexual seduction. Appellant Larry James Thomas was sentenced to three consecutive terms of ten years in prison and six concurrent terms of ten years in prison.

First, Thomas argues that the district court erred in refusing to allow him to present evidence that two of the three victims had sexual intercourse before their sexual experiences with Thomas. Thomas argues that the evidence is admissible under NRS 50.090 to challenge the victims' credibility because the two victims testified to being virgins at the time of their encounters with Thomas. We conclude that the district court did not abuse its discretion in refusing to admit the evidence.

First, under NRS 50.085(3), the collateral evidence rule, "[s]pecific instances of the conduct of a witness, for the purpose of attacking or supporting his credibility, . . . may not be proved by extrinsic evidence." Therefore, the credibility of the victims could not be attacked by extrinsic evidence, in this case the testimony of other witnesses.

statutory sexual seduction because consent is not an issue on those charges.

We hold that the testimony was inadmissible and that the district court did not abuse its discretion in sustaining the prosecution's objections to testimony concerning the victims' prior sexual encounters.

Second, Thomas argues that the district court did not act neutrally and impartially and that the court gave credence to the state's theory that the victims were young and immature. Thomas did not make a timely objection to the conduct of the district court. In the absence of an objection below, this court will only review misconduct "where there is a finding of plain error or where the assigned error is patently prejudicial." *Hewitt v. State*, 113 Nev. 387, 392, 936 P.2d 330, 333 (1997). We hold that, based upon the record, the district court's actions did not constitute plain or prejudicial error. Therefore, we decline to address this issue.

Third, Thomas argues that the district court erred in refusing to admit opinion evidence about the truthfulness of the victims. In his brief, Thomas does not cite to a trial transcript or appendix for his assertions, as is required under NRAP 28(e). See also *Allianz Ins. Co. v. Gagnon*, 109 Nev. 990, 997, 860 P.2d 720, 725 (1993). Therefore, this court need not address this issue, and we do not consider it.

Fourth, Thomas argues that the cumulative effect of the errors denied him a fair trial. This court has held that reversal, based on cumulative error, is proper if the aggregate effect of actual errors results in an unfair trial

that cumulative error denied him a fair trial. Accordingly,  
we

ORDER this appeal dismissed.

Springer, C.J.  
Springer

Shearing, J.  
Shearing

Rose, J.  
Rose

Young, J.  
Young

Maupin, J.  
Maupin

cc: Hon. Mark R. Denton, District Judge  
Hon. Frankie Sue Del Papa, Attorney General  
Hon. Stewart L. Bell, District Attorney  
Morgan D. Harris, Public Defender  
Loretta Bowman, Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

LARRY JAMES THOMAS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 30652

District Court Case No. C125353

REMITTITUR

TO: Honorable Loretta Bowman, Clark County Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and copy of Order.

Receipt for Remittitur.

DATE: December 15, 1998

Janette Bloom, Clerk of Court

By: J. Richard  
Chief Deputy Clerk

cc: Hon. Mark R. Denton, District Judge  
Hon. Frankie Sue Del Papa, Attorney General  
Hon. Stewart L. Bell, District Attorney  
Morgan D. Harris, Public Defender

**RECEIPT FOR REMITTITUR**

Received of Janette M. Bloom, Clerk of the Supreme Court of the State of Nevada, the  
REMITTITUR issued in the above-entitled cause, on DEC 24 1998

MARY MOSLEY  
County Clerk

jw

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ORIGINAL

FILED

DIST. COURT: C125353, DEPT. THIRTEEN

Jan 11 12 02 PM '95

IN THE JUSTICE COURT OF NORTH LAS VEGAS TOWNSHIP  
COUNTY OF CLARK, STATE OF NEVADA

STATE OF NEVADA,

PLAINTIFF,

VS.

CASE NO. 1181-94FN

LARRY JAMES THOMAS,

DEFENDANT.

REPORTER'S TRANSCRIPT

OF

PRELIMINARY HEARING

BEFORE THE HONORABLE STEPHEN J. DAHL, JUSTICE OF THE PEACE

JANUARY 5, 1995

APPEARANCES:

FOR THE STATE:

LUIS ROJAS, ESQ.,  
DEPUTY DISTRICT ATTORNEY

FOR THE DEFENDANT:

ROBERT ARCHIE, ESQ.,  
STANLEY WALTON, ESQ.,  
ATTORNEYS AT LAW

REPORTED BY: WARREN G. HANS, CSR #19

CE

AA2590

# EXAMINATION INDEX

WITNESS: CHANELL JACKSON

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MR. ARCHIE:		53			

WITNESS: ROSHANDA TURNER

EXAM. BY:

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MR. ARCHIE:		102		122	76

1 NORTH LAS VEGAS, CLARK COUNTY, NEVADA, JANUARY 5, 1995

2 \* \* \* \* \*

3  
4 BY THE COURT: THIS IS THE PRELIMINARY HEARING IN THE  
5 CASE OF STATE OF NEVADA VERSUS LARRY THOMAS, CASE NUMBER  
6 94FN-1181X.

7 ARE BOTH SIDES READY TO PROCEED?

8 BY MR. ROJAS: THE STATE IS READY, YOUR HONOR.

9 BY MR. ARCHIE: THE DEFENSE IS READY TO GO FORWARD.

10 BY THE COURT: THE STATE MAY CALL THEIR FIRST WITNESS

11 BY MR. ROJAS: THE STATE'S FIRST WITNESS WOULD BE  
12 ARIETHA SANDERS.

13 BY MR. ARCHIE: YOUR HONOR, WE WOULD HAVE TWO MOTIONS TO  
14 MAKE BEFORE THIS MATTER PROCEEDS; ONE MOTION IS TO EXCLUDE ANY  
15 POTENTIAL WITNESSES IN THE CASE.

16 BY THE COURT: THAT IS GRANTED.

17 BY MR. ARCHIE: SECONDLY, WE'D ASK THE COURT TO EXCLUDE  
18 THE TV CAMERA. I KNOW THE LAW ALLOWS THAT, OF COURSE IN THE  
19 DISCRETION OF THE COURT EVEN THOUGH THE PRESS HAS A FIRST  
20 AMENDMENT RIGHT TO FREEDOM OF SPEECH, BUT WE HAVE A RIGHT TO A  
21 FAIR TRIAL.

22 WE FEEL AS DEFENSE COUNSEL ON THIS PARTICULAR CASE  
23 BECAUSE OF THE NOTORIETY IN THE MINORITY COMMUNITY THAT IF IN  
24 FACT THESE MATTERS ARE CONTINUALLY PLACED BEFORE THE TV CAMERAS



1 IT'S GOING TO SEVERELY RESTRICT THE POSSIBILITY OF MINORITIES ON  
2 MY JURY PANEL IN THE EVENT THIS CASE IS CALLED TO GO TO JURY  
3 TRIAL. I HAVE GREAT DIFFICULTY HAVING MINORITIES SERVE AS JURORS  
4 AS IT IS, NORMALLY IF I GET 100 PEOPLE CALLED I WILL PROBABLY  
5 HAVE ONLY HAVE 10 PERCENT OR LESS OF MINORITIES ON THAT  
6 PARTICULAR PANEL.

7 IN AN INCIDENT LIKE THIS, IF IN FACT THE MATTER IS ON TV  
8 LIKE IT WAS WHEN HE WAS INITIALLY ARRESTED RUNNING THREE DAYS  
9 FULLY, MORNING, NOON, AND NIGHT, IT SEVERELY PREJUDICES MY  
10 CLIENT'S RIGHTS IN TERMS OF BEING ABLE TO GET ANY MINORITIES TO  
11 SERVE ON THE JURY, AND I END UP AS A RESULT OF THE PUBLICITY,  
12 WHICH I UNDERSTAND SELLS NEWS TIME AND SELLS NEWSPAPERS, AND WHAT  
13 HAVE YOU, AND EVEN THOUGH THE FREE ENTERPRISE IS TO WORK AND  
14 PEOPLE HAVE A RIGHT TO MAKE A PROFIT ON THE NEWS THEY SELL WE  
15 STILL HAVE A RIGHT TO A FAIR TRIAL.

16 I FEAR THAT'S GOING TO BE SEVERELY DIMINISHED IF THIS  
17 EXPOSURE CONTINUES. ALREADY AS I GO TO THE COMMUNITY WHEN I'M IN  
18 CHURCH ON SUNDAYS AND I TALK TO PEOPLE THEY'RE ALL AWARE OF THIS  
19 CASE. THE MORE IT'S ON TV THE WORSE MY SITUATION GETS TO BE, AND  
20 SO THAT THE ONLY POSSIBLE JURY PANEL I'M GOING TO BE ABLE TO DRAW  
21 ON IS GOING TO BE A WHITE JURY PANEL.

22 I FEEL STATUTORILY AND CONSTITUTIONALLY HE HAS A RIGHT  
23 TO DRAW FROM THE ENTIRE COMMUNITY, AND I THINK BECAUSE OF THE WAY  
24 IT IS PLAYED IN THE PRESS -- AND I DON'T BLAME THE CAMERAMAN

1     HERE; I KNOW HE HAS A JOB TO DO, BUT I'M TRYING TO GET A FAIR  
2     TRIAL, AND I'D ASK THE COURT TO RESTRICT THE AMOUNT OF PUBLICITY  
3     ALLOWED IN THIS CASE, AND POSSIBLY INSTITUTE A GAG ORDER SO EVEN  
4     THE ATTORNEYS CAN'T TALK TO THE PRESS ABOUT IT.

5             IN FACT IF THEY GO TO THE DISTRICT ATTORNEY'S OFFICE AND  
6     ASK QUESTIONS ABOUT IT THEY WILL MAKE COMMENTS ON THE CASE TOO  
7     THAT END UP IN THE PRESS, AND BECAUSE HE IS CHARGED WITH SO MANY  
8     COUNTS IT WOULD SEEM TO TOTALLY PREJUDICE ANYBODY WHO SEES IT ON  
9     TV WITHOUT HAVING ALL THE FACTS.

10            I WOULD SUBMIT THE MATTER.

11            BY THE COURT:  FIRST, I WILL GRANT THE MOTION FOR THE  
12     EXCLUSION OF WITNESS, AND ANYONE WHO IS A POTENTIAL WITNESS  
13     SUBPOENAED IN THIS CASE OR POTENTIAL WITNESSES ARE INSTRUCTED TO  
14     LEAVE THE COURTROOM AND GO WAIT OUT IN THE HALLWAY.

15            YOU ARE NOT TO DISCUSS YOUR TESTIMONY WITH ANYONE ELSE  
16     WHILE YOU ARE OUT THERE OR DISCUSS THIS MATTER WHILE THIS  
17     PRELIMINARY HEARING IS GOING FORTH TODAY.

18            I ASSUME THERE IS NO OBJECTION TO THAT FROM THE STATE?

19            BY MR. ROJAS:  NO OBJECTION.

20            BY THE COURT:  ON THE CAMERA ISSUE, I'M VERY SYMPATHETIC  
21     TO MR. ARCHIE'S CLAIMS, HAVING BEEN A CRIMINAL DEFENSE ATTORNEY  
22     MYSELF FOR MOST OF THE LAST SIX AND A HALF YEARS, AND ALSO HAVING  
23     PROBLEMS WITH GETTING A MINORITY REPRESENTATION ON THE JURY POOL,  
24     BUT MY EXPERIENCE WITH THE MEDIA IS HOWEVER IF WE DON'T ALLOW

1 THEM HERE TODAY THEY WILL START RUNNING FILE FOOTAGE, WHICH MAY  
2 BE MORE DETRIMENTAL THAN ALLOWING THEM HERE TODAY, AND WHO KNOWS  
3 WHAT WILL HAPPEN WITH ALL THESE COUNTS.

4 MY EXPERIENCE IS IF THEY ARE NOT HERE TO SHOOT TODAY  
5 THEY WILL JUST SHOW FILE FOOTAGE, WHICH IS OFTEN WORSE THAN THE  
6 REAL THING. SO, I AM GOING TO ALLOW THE CAMERA. I HAVE  
7 INSTRUCTED THE CAMERAMAN ALREADY THAT OBVIOUSLY HE CANNOT SHOW  
8 THE FACES OF THE WITNESSES, AND ALSO NOT TO TAKE PICTURES OF THE  
9 SPECTATORS HERE TODAY, AND THAT WOULD HOPEFULLY HELP TO MINIMIZE  
10 THAT KIND OF PUBLICITY.

11 OTHERWISE WE WILL ALLOW THE CAMERA WITH THOSE  
12 RESTRICTIONS, SIMPLY BECAUSE I THINK RESTRICTING IT TODAY WOULD  
13 NOT SERVE ANY GOOD PURPOSE, AND THEY'D JUST FIND SOMETHING ELSE  
14 TO RUN. THIS MAY BE AS BENEFICIAL OR HELPFUL AS THE OLD STUFF  
15 THAT THEY'VE SHOWN.

16 BY MR. ROJAS: YOUR HONOR, AT THIS TIME THE STATE WOULD  
17 REQUEST THAT THE THIS COURT TAKE JUDICIAL NOTICE OF LARRY JAMES  
18 THOMAS' ID NUMBER ASSIGNED BY THE NORTH LAS VEGAS POLICE  
19 DEPARTMENT, IT IS 0846620.

20 BY THE COURT: AND, THE REASON FOR THAT?

21 BY MR. ROJAS: YOUR HONOR, WE WANT TO BE ABLE TO HAVE  
22 THE PROPER IDENTIFICATION NUMBER TO THE NAME IN THIS MATTER.

23 BY THE COURT: OKAY.

24 THAT'S ON THE COMPLAINT ALREADY?

1 BY MR. ROJAS: YES, IT IS, YOUR HONOR.  
2 BY THE COURT: OKAY.  
3 THAT'S GRANTED, FINE.  
4 CALL YOUR FIRST WITNESS.  
5 BY MR. ROJAS: YOUR HONOR, THE STATE CALLS CHANELL  
6 JACKSON.  
7 BY MR. ARCHIE: WHILE WE'RE WAITING FOR HER TO COME IN  
8 WE NEED TO STIPULATE ON THE RECORD THAT WE HAD ASKED THE CLERK TO  
9 OPEN THE EVIDENCE ENVELOPE THAT CONTAINED A DIARY, AND WE WILL  
10 NOT BE RAISING ANY OBJECTIONS TO THE CHAIN OF CUSTODY ON THAT  
11 DIARY.  
12 BY MR. ROJAS: THAT IS CORRECT, YOUR HONOR.  
13 BY THE COURT: OKAY.  
14 \* \* \* \* \*  
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1 CHANELL JACKSON,  
2 HAVING BEEN FIRST DULY SWORN TO TELL THE TRUTH, THE WHOLE TRUTH  
3 AND NOTHING BUT THE TRUTH, TESTIFIED AS FOLLOWS:  
4

5 BY THE BAILIFF: YOU MAY BE SEATED.

6 STATE TO THE COURT YOUR NAME, AND SPELL YOUR FIRST AND  
7 LAST NAMES?

8 BY THE WITNESS: MY NAME IS CHANELL JACKSON,  
9 C-H-A-N-E-L-L, J-A-C-K-S-O-N.  
10

11 DIRECT EXAMINATION

12 BY MR. ROJAS:

13 Q CHANELL, HOW OLD ARE YOU?

14 A 15.

15 Q DID YOU EVER PERFORM ON A DRILL TEAM BY THE NAME OF THE  
16 QUEENETTES?

17 A YES, I DID.

18 Q COULD YOU PLEASE DESCRIBE FOR THE COURT EXACTLY WHAT THE  
19 QUEENETTES ARE?

20 A IT IS A DRILL TEAM BASICALLY, NOT DANCING I WOULDN'T  
21 SAY, BUT LIKE SORT OF LIKE A FORMATION KIND OF THING FOR THE  
22 COMMUNITY, JUST FOR ANYBODY BASICALLY THAT WANTED TO BE, YOU  
23 KNOW, IN IT.

24 Q AND, WHEN IS IT THAT YOU JOINED THIS DRILL TEAM?

1           A     I HAD ONCE BEEN IN IT IN THE SEVENTH GRADE, AND I GOT  
2 OUT, AND THEN I REJOINED IN THE EIGHTH.

3           Q     DID YOU HAVE A DIRECTOR TO THE DRILL TEAM?

4           A     YES, I DID.

5           Q     COULD YOU PLEASE TELL US WHAT HIS ROLE WAS?

6           A     HE WAS DIRECTOR OVER THE DRILL TEAM; HE WAS THE ONE THAT  
7 WAS LETTING PEOPLE IN THE DRILL TEAM; HE HAD THE POWER TO KICK  
8 THEM OUT; HE WAS OVER THE DRILL TEAM.

9           Q     SO, HE HAD THE POWER TO EXCLUDE YOU FROM THE DRILL TEAM;  
10 IS THAT CORRECT?

11          A     YES, HE DID.

12          Q     WHEN YOU JOINED THE DRILL TEAM DID YOU WANT TO BE IN  
13 THIS DRILL TEAM?

14          A     YES.

15          Q     DO YOU SEE THIS DIRECTOR IN THE COURTROOM TODAY?

16          A     YES, I DO.

17          Q     COULD YOU PLEASE POINT TO HIM AND IDENTIFY AN ARTICLE OF  
18 CLOTHING HE IS WEARING?

19          A     HE HAS ON LIKE A BROWN JAIL OUTFIT WITH SOME BROWN  
20 SLIPPERS (INDICATING).

21                BY MR. ROJAS: WOULD THE RECORD PLEASE REFLECT SHE'S  
22 IDENTIFIED THE DEFENDANT?

23                BY THE COURT: YES.

24                THE RECORD WILL REFLECT.

1 BY MR. ROJAS:

2 Q AND, UPON JOINING THE TEAM DID YOU HAVE IMMEDIATE  
3 CONTACT WITH THE DEFENDANT?

4 A WHAT DO YOU MEAN?

5 Q WELL, DID HE INTERACT WITH YOU, DID HE TELL YOU WHERE TO  
6 STAND AND WHAT DRILLS TO DO?

7 A NOT WITH HIM, WITH A STAFF MEMBER. THEY TOLD US LIKE  
8 WHAT THINGS WE WERE GOING TO BE IN LIKE SENIORS, JUNIORS, THEY  
9 TOLD US, AND THEN WE LEARNED FROM THE CAPTAINS IN THAT LITTLE  
10 CLICK.

11 Q I AM GOING TO MENTION SOME NAMES AND YOU TELL ME IF THEY  
12 WERE ALSO ON THE DRILL TEAM AT THE TIME YOU WERE ON THE DRILL  
13 TEAM AND IF YOU RECOGNIZE THE NAMES OF PERSONS.

14 I WILL TELL THE NAMES. DO YOU RECOGNIZE AN INDIVIDUAL  
15 BY THE NAME OF ARLETHA SANDERS?

16 A YES, I DO.

17 Q WAS SHE PRESENT ON THE DRILL TEAM AT THE TIME YOU WERE  
18 PRESENT ON THE DRILL TEAM?

19 A YES, SHE WAS.

20 Q AND, ANOTHER PERSON BY THE NAME OF ROSHANDA TURNER?

21 A YES, SHE WAS.

22 Q WERE BOTH THESE INDIVIDUALS DANCERS OR DRILLERS?

23 A YES, THEY WERE.

24 Q DID THERE EVER COME A TIME THAT THE DEFENDANT HAD DIRECT

1 ACTION WITH YOU OR CONTACT WITH YOU?  
2 A YES.  
3 Q AND, WHEN DID THIS FIRST START?  
4 A IT STARTED IN THE BEGINNING OF FEBRUARY.  
5 Q WOULD THAT BE FEBRUARY OF 1993 OR FEBRUARY OF 1994?  
6 A IT WAS FEBRUARY OF ...?  
7 Q REMEMBER THAT THIS LAST YEAR WAS '94?  
8 A OKAY.  
9 IT WAS FEBRUARY OF 1994 THEN.  
10 Q WHAT CONTACT DID HE HAVE WITH YOU AT THAT TIME?  
11 A WHAT DO YOU MEAN?  
12 Q DID HE COME UP TO YOU AND DO ANYTHING OUT OF THE UNUSUAL  
13 THAT DREW YOUR ATTENTION TO THE DEFENDANT?  
14 A NO, THE FIRST TIME THAT HE EVER DREW MY ATTENTION TO THE  
15 SITUATION, WAS OCTOBER 31ST, WHEN HE HAD ASKED ME WAS I HAVING  
16 INTERCOURSE.  
17 Q WAS THAT OCTOBER 31ST OF 1993?  
18 A YES.  
19 Q WHAT WAS YOUR RESPONSE?  
20 A I TOLD HIM NO BECAUSE I WASN'T AT THE TIME, BUT I DIDN'T  
21 THINK ANYTHING OF IT BECAUSE I DIDN'T KNOW ABOUT HIM OR NOTHING.  
22 SO, I WAS JUST KIND OF LIKE I LET THAT GO; I DIDN'T SAY ANYTHING  
23 TO ANYBODY ABOUT IT.  
24 Q DID HE CONTINUE TO ASK YOU ABOUT WHETHER YOU HAD SEXUAL



1 INTERCOURSE?

2 A NO, IT SLIDED.

3 Q WHEN YOU SAID NO, DID YOU INDULGE IN OTHER CONVERSATIONS  
4 OR DID YOU HAVE MORE CONVERSATION WITH HIM?

5 A YES, BUT IT WAS JUST LIKE ABOUT THE DRILL TEAM OR  
6 SOMETHING, NOTHING ABOUT THAT.

7 Q DID HE EVER COME UP TO YOU AGAIN AND TALK TO YOU OR  
8 PRESENT ANY UNUSUAL SITUATION TO YOU?

9 A NO, IT JUST HAPPENED.

10 Q WHEN DID THE NEXT CONTACT WITH HIM OCCUR?

11 A IT WAS THE BEGINNING OF FEBRUARY.

12 Q COULD YOU PLEASE TELL THE COURT EXACTLY WHAT HAPPENED?

13 A I WAS COMING FROM DRILL TEAM PRACTICE AND I DIDN'T GO  
14 STRAIGHT HOME, AND WE DROPPED ALL THE KIDS OFF, HE WAS PASSING BY  
15 MY HOUSE AND I DIDN'T GET DROPPED OFF, WE DROPPED ALL THE KIDS  
16 OFF, AND THE LAST PEOPLE IN THE TRUCK WAS ME AND A GIRL NAMED  
17 SAVANNAH, A GIRL NAMED SHARONDA (PHONETIC), AND A BOY NAMED  
18 HARRY.

19 HE DROPPED THEM OFF AND THEN SAVANNAH CAME BACK OUT THE  
20 HOUSE BECAUSE SHE SAID SHE HAD TO TYPE SOME KIND OF PAPER AND SHE  
21 WAS GOING TO DO IT ON JUNIOR GRANDFATHER'S TYPEWRITER, JUNIOR'S  
22 GRANDDADDY'S TYPEWRITER.

23 Q CHANELL, SLOW DOWN A BIT; YOU TEND TO TALK VERY FAST  
24 LIKE I DO WHEN I'M NERVOUS.

1 A OKAY.

2 Q SO, HE DROPPED OFF SHARONDA (PHONETIC) AND SAVANNAH, BUT  
3 SAVANNAH CAME BACK OUT AND SHE GOT IN THE TRUCK AND WE DROVE TO  
4 HARRY'S HOUSE. CAN I JUST SAY JUNIOR? HIS NAME IS HARRY THOUGH.  
5 WE WENT TO JUNIOR'S HOUSE.

6 Q YOU WERE IN THE DEFENDANT'S TRUCK AT THIS TIME?

7 A YES, I WAS.

8 Q AND, WAS HE TO DROP YOU OFF ON THIS DAY?

9 A YES.

10 Q YOU SAID HE HAD PASSED YOUR HOUSE VARIOUS TIMES?

11 A YES.

12 Q DIDN'T YOU FIND THIS UNUSUAL?

13 A IN A CERTAIN KIND OF WAY, BUT THEN AGAIN IT DIDN'T  
14 REALLY CLICK TO ME AT THAT TIME THAT ANYTHING WAS GOING TO  
15 HAPPEN.

16 Q DID HE EVENTUALLY STOP WITH YOU INSIDE?

17 A DID HE STOP THE TRUCK?

18 Q YES.

19 A YEAH, WHEN HE WAS IN JUNIOR'S DRIVEWAY.

20 Q WHAT OCCURRED IN JUNIOR'S DRIVEWAY?

21 A SAVANNAH AND JUNIOR GOT OUT THE TRUCK, THEY WENT IN HIS  
22 HOUSE, THEN WE WERE TALKING AND HE LEANED OVER AND KIND OF KISSED  
23 ME, AND THEN MY EYES GOT BIG AND I WAS JUST KIND OF LIKE IN A  
24 STATE OF SHOCK, AND THEN HE KIND OF LIKE HE LEANED DOWN A LITTLE

1 BIT AND HIS HAND START LIKE GOING DOWN MY BREASTS THEN WENT INTO  
2 MY PANTS, HE DID GET INSIDE OF MY PANTIES AND HE DID INSERT A  
3 FINGER INSIDE MY VAGINA.

4 Q LET'S BREAK THIS DOWN.

5 YOU SAY "HE" INSERTED HIS HAND, DO YOU MEAN THE  
6 DEFENDANT INSERTED HIS HAND?

7 A YES.

8 Q DID HE INSERT IT UNDERNEATH YOUR CLOTHING?

9 A YES.

10 Q WAS HIS HAND ACTUALLY TOUCHING YOUR SKIN?

11 A YES, IT WAS.

12 Q DID HE RUB YOUR BREASTS?

13 A NO.

14 Q DO YOU KNOW WHAT I MEAN WHEN I SAY BREASTS?

15 A YES.

16 Q DID HE SLIDE HIS HAND DOWN YOUR PANTS?

17 A YES, HE DID.

18 Q DID HE SLIDE HIS HAND DOWN UNDERNEATH YOUR PANTIES?

19 A YES, HE DID.

20 Q DID HE SLIDE HIS HAND DOWN TO THE POINT WHERE YOUR  
21 VAGINA OR YOUR PRIVATE AREA BEGINS?

22 A YES.

23 Q DID HE SLIDE IT TO A POINT WHERE HE WAS TOUCHING YOUR  
24 PRIVATE AREA?

1 A YES, HE DID.

2 Q AND, BY "PRIVATE AREA" DO WE MEAN VAGINA?

3 A YES.

4 BY MR. WALTON: YOUR HONOR, I'D LIKE THE COURT TO  
5 ENTERTAIN AN OBJECTION. HE IS LEADING A BIT TOO MUCH. THIS  
6 WITNESS IS VERY CAPABLE OF TELLING US WHAT HAPPENED. I DON'T  
7 THINK THE DISTRICT ATTORNEY NEEDS TO TAKE HER THROUGH THIS  
8 LITANY. HE SHOULD LET HER ANSWER THE QUESTIONS.

9 BY THE COURT: I WILL SUSTAIN THE OBJECTION. I THINK  
10 SHE'S CAPABLE OF GIVING MORE NARRATIVE.

11 BY MR. ROJAS:

12 Q WHEN HE PLACED HIS HAND, YOU SAY THAT -- WHAT HAPPENED  
13 WHEN HE PLACED HIS HAND BETWEEN YOUR LEGS?

14 A HE TOOK IT DOWN MORE, HE PLACED HIS FINGER IN MY VAGINAL  
15 OPENING.

16 Q OKAY.

17 AND, DID THIS OCCUR BETWEEN FEBRUARY AND MARCH OF 1994?

18 A YES, IT DID.

19 Q DID THERE EVER COME A TIME THAT YOU AND THE DEFENDANT  
20 HAD SEXUAL INTERCOURSE?

21 A YES.

22 Q WHEN DID THAT OCCUR?

23 A THIS WAS IN MARCH.

24 Q AND, COULD YOU PLEASE TELL US HOW IT CAME THAT YOU AND

1 THE DEFENDANT HAD SEXUAL INTERCOURSE?

2 A I LIVED -- I HAD MOVED BY THIS TIME; I LIVED IN -- LIKE,  
3 MOVED DOWN IN NORTHTOWN, AND HE WAS TAKING ME HOME, AND HE  
4 DROPPED EVERYBODY OFF ON THAT SIDE OF TOWN FIRST AND WAS TAKING  
5 ME HOME LAST. HE DIDN'T TAKE ME RIGHT HOME, HE TOOK ME TO SOME  
6 APARTMENTS ACROSS THE STREET FROM THE SCHOOL QUANNAH MCCALL,  
7 SARATOGA APARTMENTS, HE DROVE ALL THE WAY BACK TO THE END OF THE  
8 APARTMENTS AND CUT HIS HEADLIGHTS OFF AND THEN HE CUT THE RADIO  
9 ON BUT NOT TOO LOUD.

10 Q WERE YOU SCARED AT THIS TIME?

11 A I WAS JUST KIND OF LIKE THERE, I DIDN'T KNOW WHAT TO  
12 THINK OR NOTHING.

13 Q DID YOU FIND IT UNUSUAL THAT HE HAD TAKEN THIS ROUTE TO  
14 YOUR HOUSE?

15 A YES.

16 Q WHAT OCCURRED AFTER HE HAD STOPPED THE CAR?

17 A HE STOPPED THE CAR AND HE LEANED OVER AND HE KISSED ME;  
18 HE DIDN'T FORCE ME BACK, HE GENTLY PUT ME BACK AND HE STARTED TO  
19 KISS ME; THEN HE LIKE TURNED AWAY AND HE DID SOMETHING AND THEN  
20 HE TURNED BACK, AND THEN HE STARTED KISSING ME AGAIN AND STARTED  
21 TAKING HIS PANTS OFF AND HE TOOK MINE OFF AND WE WERE STILL  
22 KISSING AT THAT TIME THEN HE KIND OF LIKE PUT HIS FINGER INSIDE  
23 OF ME, AND THEN HE LIKE PUT HIS PENIS INSIDE OF ME.

24 Q WHEN YOU SAY HE PUT HIS PENIS INSIDE OF YOU, DO YOU MEAN

1 HE PUT HIS PENIS INSIDE OF YOUR VAGINA?  
2 A YES.  
3 Q DID IT CROSS AND GO IN THROUGH THE VAGINAL OPENING?  
4 A YES.  
5 BY MR. ARCHIE: AGAIN, WE OBJECT, YOUR HONOR, AS  
6 LEADING.  
7 BY THE COURT: SUSTAINED.  
8 BY MR. ROJAS:  
9 Q HOW FAR INSIDE OF YOUR VAGINA WAS HIS PENIS?  
10 A I'D SAY ALL THE WAY EXCEPT FOR LIKE AN INCH.  
11 Q AND, HOW LONG DID THIS -- WHAT DID HE DO ONCE HE HAD HIS  
12 PENIS INSIDE YOUR VAGINA?  
13 A HE WAS HAVING SEX WITH ME.  
14 Q DO YOU KNOW TO THE BEST OF YOUR KNOWLEDGE, OR DID YOU  
15 SEE HIM EJACULATE AT ALL?  
16 A I THINK HE DID BECAUSE HE KIND OF TURNED AROUND AND HE  
17 WIPED SOMETHING UP.  
18 Q NOW, CHANELL, LET ME ASK YOU SOMETHING AT THE TIME, WHEN  
19 THIS SEXUAL INTERCOURSE WITH THE DEFENDANT OCCURRED HOW OLD WERE  
20 YOU?  
21 A I WAS 14.  
22 Q AND, AT THE TIME THAT THIS OCCURRED HAD YOU CONSENTED TO  
23 THE SEXUAL INTERCOURSE WITH HIM? DID YOU GIVE HIM PERMISSION TO  
24 HAVE SEX WITH YOU?

1           A     NO, I DIDN'T.

2           Q     AT ANY TIME WHILE YOU WERE IN THE VEHICLE WITH HIM DID  
3     YOU CONSENT OR GIVE HIM PERMISSION TO HAVE SEX WITH YOU?

4           A     NO, I DIDN'T.

5           Q     WHEN THE INCIDENT OCCURRED IN OCTOBER 30TH, THAT YOU HAD  
6     MENTIONED -- EXCUSE ME, IN THE FIRST PART OF FEBRUARY, WHERE HE  
7     HAD STUCK HIS FINGER INSIDE YOUR VAGINA, DID YOU CONSENT TO HIM  
8     HAVING SEXUAL INTERCOURSE OR CONSENT TO HIM STICKING HIS FINGER  
9     INTO YOUR VAGINA AT THAT TIME?

10          A     I JUMPED UP AND TOLD HIM I WANTED TO GO HOME RIGHT THEN  
11     AND THERE.

12          Q     DURING THE TIME PERIOD OF FEBRUARY WHEN HE MADE THIS  
13     FIRST FURTIVE MOVEMENT TO HAVE SEXUAL RELATIONS WITH YOU, WHEN HE  
14     FIRST STARTED THIS KIND OF BEHAVIOR IS WHAT I'M TRYING TO SAY, IN  
15     THE TIME THE SEXUAL INTERCOURSE ACTUALLY OCCURRED THE TIME HE HAD  
16     SEX WITH YOU, AT ANY TIME IN BETWEEN THEM DID YOU TELL HIM YOU  
17     WANTED TO HAVE SEX WITH HIM?

18          A     NO.

19          Q     DID YOU EVER LEAD HIM TO BELIEVE YOU HAD WANTED TO HAVE  
20     SEX WITH HIM?

21          A     NO.

22          Q     DID YOU TELL HIM ANYTHING REGARDING SEX?

23          A     NO.

24          Q     DID THE DEFENDANT AT ANY TIME TELL YOU HIS AGE?

1           A     NO, HE DIDN'T TELL ME HIS AGE, BUT I KIND OF HEARD FROM  
2 THE DRILL TEAM PEOPLE.

3           BY MR. ARCHIE:     I'D OBJECT, YOUR HONOR, THAT COMMENT  
4 WOULD BE HEARSAY.

5           BY THE COURT:     SUSTAINED.

6           BY MR. ROJAS:

7           Q     NOW, YOU HAD TOLD THE COURT BEFORE THAT HE HAD A  
8 POSITION OF DECIDING WHETHER OR NOT YOU WERE ON THE DRILL TEAM;  
9 IS THAT CORRECT?

10          A     YES.

11          Q     ALL YOUR FRIENDS WERE ON THE DRILL TEAM; IS THAT  
12 CORRECT?

13          A     YEAH.

14          Q     WHAT FEELINGS DID YOU HAVE ABOUT THE DRILL TEAM?

15          A     IT WAS FUN; IT WAS A NICE PLACE TO BE AT THE TIME. I  
16 HAD A LOT OF FEELINGS FOR IT; I WAS DEDICATED TO IT AND  
17 EVERYTHING.

18          BY MR. ROJAS:     YOUR HONOR, AT THIS TIME I PASS THIS  
19 WITNESS -- NO, I HAVE ONE MORE QUESTION, IF I MAY.

20          BY THE COURT:     OKAY.

21          BY MR. ROJAS:

22          Q     DID THIS INCIDENT THAT OCCURRED IN HIS CAR, THE SEXUAL  
23 INTERCOURSE, AS WELL AS THE INSERTION OF HIS FINGER, DID THAT  
24 OCCUR IN NORTH LAS VEGAS, CLARK COUNTY, NEVADA?



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A YES, IT DID.

BY MR. ROJAS: THANK YOU.

PASS THE WITNESS, YOUR HONOR.

BY THE COURT: COUNSEL?

BY MR. ARCHIE: THANK YOU.

\* \* \* \* \*

1 CROSS EXAMINATION

2 \* \* \* \* \*

3  
4 BY MR. ARCHIE:

5 Q CHANELL, I'M THE DEFENSE ATTORNEY AND I HAVE TO ASK YOU  
6 SOME QUESTIONS. SO, WOULD YOU BE AS RESPONSIVE FOR ME -- I HOPE  
7 -- AS YOU WERE TO THE STATE?

8 A YES.

9 Q TELL ME, YOU INDICATED YOU ARE 15 YEARS OF AGE?

10 A YES.

11 Q WHEN IS YOUR DATE OF BIRTH?

12 A DECEMBER 15TH, 1979.

13 Q HOW LONG HAVE YOU KNOWN THE DEFENDANT?

14 A I KNEW HIM IN THE SEVENTH GRADE BUT NOT FOR LONG,  
15 BECAUSE I WAS ONLY ON THE DRILL TEAM FOR LIKE A MONTH OR TWO THEN  
16 I GOT OUT. I KNEW OF HIM -- PUT IT THAT WAY -- I HAD SEEN HIM  
17 AND EVERYTHING, BUT I WASN'T ON THE DRILL TEAM LONG. AND, I WENT  
18 BACK TO THE DRILL TEAM IN THE EIGHTH --

19 Q (INTERPOSING) SLOW DOWN A BIT AND BACK AWAY FROM THE  
20 MICROPHONE A LITTLE?

21 A I WENT BACK TO THE DRILL TEAM IN THE EIGHTH GRADE AND I  
22 KNEW HIM FROM WHEN I GOT IN THE DRILL TEAM TO WHEN I GOT OUT.

23 Q THE SECOND TIME YOU GOT ON THE DRILL TEAM, DO YOU RECALL  
24 ROUGHLY WHAT MONTH OR YEAR IT WAS THAT YOU JOINED? THE MONTH AND

1 YEAR THAT YOU JOINED?

2 A I JOINED SOMETIME IN OCTOBER; I'M NOT SURE WHAT DAY IT  
3 WAS.

4 Q IT WOULD HAVE BEEN OCTOBER OF 1993?

5 A YES.

6 Q WHEN YOU REJOINED THE TEAM IN OCTOBER, YOU STAYED ON THE  
7 TEAM HOW LONG?

8 A UNTIL TWO DAYS BEFORE WE GOT OUT OF SCHOOL LAST YEAR.

9 Q THAT WOULD HAVE BEEN AROUND JUNE OF '94 THEN?

10 A (NODS HEAD)

11 Q NOW, WHILE YOU WERE ON THE DRILL TEAM YOU KNEW TWO OTHER  
12 GIRLS, ONE BY THE NAME OF SANDERS AND ONE BY THE NAME OF TURNER?

13 A YES.

14 Q MISS TURNER, HOW LONG DID YOU KNOW HER?

15 A I HAVE KNOWN HER SINCE SHE WAS IN THE SECOND GRADE AND I  
16 WAS IN THE THIRD.

17 Q AND, WHAT ABOUT THE OTHER YOUNG LADY?

18 A I HAVE KNOWN HER SINCE SECOND GRADE.

19 Q WERE THEY BOTH ON THE DRILL TEAM AT THE SAME TIME YOU  
20 WERE THERE?

21 A YES, THEY WERE.

22 Q WAS THERE ANY SPECIAL POSITION THAT YOU HAD ON THE DRILL  
23 TEAM?

24 A NO, I WAS JUST A DRILLER IN LINE.

1 Q WERE BOTH OF THEM ALSO DRILLERS IN LINE?  
2 A ARLETHA WAS, ROSHANDA WAS JUNIOR CAPTAIN.  
3 Q DO YOU KNOW, WAS THE JUNIOR CAPTAIN YOUR BOSS OR  
4 SOMETHING?  
5 A SHE WAS -- I WOULDN'T SAY THE BOSS, BUT SHE WAS JUST A  
6 CAPTAIN OVER HER GROUP.  
7 Q YOU WERE IN HER LINE?  
8 A NO -- I WAS IN HER LINE FOR A LITTLE WHILE.  
9 Q NOW, A COUPLE OF QUESTIONS, WHAT IS YOUR MOTHER'S NAME?  
10 A LOUISE LEE.  
11 Q AND, IS SHE ALSO KNOWN AS LOUISE ATKINS?  
12 A YES.  
13 Q NOW, WHEN DID YOU FIRST LET ANYBODY KNOW THAT YOU HAD  
14 BEEN A VICTIM OF SEXUAL INCIDENTS?  
15 A THE DAY AFTER IT HAPPENED IN FEBRUARY, THE DAY AFTER.  
16 Q WHO DID YOU TELL?  
17 A ARLETHA.  
18 Q AND, ARLETHA'S LAST NAME IS WHAT?  
19 A SANDERS.  
20 Q WHERE WERE YOU WHEN YOU TALKED TO HER?  
21 A I WAS ON THE PHONE.  
22 Q WAS ANYBODY ELSE -- WAS IT A THREE-WAY CONVERSATION?  
23 A NO, IT WAS JUST ME AND HER.  
24 Q ABOUT WHAT TIME OF DAY WAS THAT?

1           A     I'D SAY AROUND ABOUT 9:00 OR 9:30, SOMEWHERE UP IN  
2     THERE.  
3           Q     AND, AFTER YOU TALKED TO HER DID YOU TELL ANYONE ELSE?  
4           A     NOT FOR AWHILE AFTER, I TOLD ROSHANDA AFTER HER, BUT IT  
5     WAS AWHILE AFTER.  
6           Q     ROSHANDA'S LAST NAME IS WHAT?  
7           A     TURNER.  
8           Q     NOW, THE INCIDENT THAT OCCURRED ON OCTOBER 31ST, 1993,  
9     DID YOU MENTION THAT TO ANYBODY?  
10          A     NO.  
11          Q     THE INCIDENT THAT OCCURRED IN FEBRUARY, 1994, DO YOU  
12     HAVE ANY EXACT DATE WHEN THAT HAPPENED?  
13          A     NO, I DON'T, BUT I KNOW IT WAS WITHIN THE BEGINNING OF  
14     FEBRUARY.  
15          Q     BEGINNING OF FEBRUARY?  
16          A     YES.  
17          Q     DID YOU TELL ANYBODY ABOUT THAT PARTICULAR INCIDENT?  
18          A     I TOLD ARLETHA.  
19          Q     AND, WHAT TIME DID THIS INCIDENT OCCUR IN FEBRUARY?  
20          A     IT HAPPENED IN -- NO, THIS ONE HAPPENED IN SARATOGA  
21     APARTMENTS, NOT THE APARTMENTS -- ACROSS THE STREET FROM THE  
22     SARATOGA APARTMENTS; I DON'T KNOW IF THEY'RE THE DONNA STREET  
23     APARTMENTS OR SOMETHING, I'M NOT SURE. I DON'T KNOW THE NAME OF  
24     THE APARTMENTS.

1 Q CORRECT ME IF I'M WRONG, DID YOU INDICATE TO THE  
2 DISTRICT ATTORNEY WHEN HE ASKED YOU A QUESTION THAT THE INCIDENT  
3 IN FEBRUARY OCCURRED AT JUNIOR'S HOUSE?  
4 A NO. I TOLD HIM THE SAME THING I'M TELLING YOU.  
5 Q OKAY.  
6 WHEN YOU WENT TO JUNIOR'S HOUSE WHO WAS WITH YOU?  
7 A HIM, SAVANNAH, AND JUNIOR.  
8 Q SO, IS THIS WHEN THE INCIDENT OCCURRED?  
9 A NOT THE SEXUAL INTERCOURSE INCIDENT, JUST WHEN HE STUCK  
10 HIS FINGERS IN MY VAGINAL AREA.  
11 Q I SEE.  
12 AND, DID JUNIOR OR SAVANNAH COME BACK OUT OF THE HOUSE  
13 AT ANY TIME WHILE THIS WAS GOING ON?  
14 A NO, NOT WHEN IT WAS GOING ON.  
15 Q APPROXIMATELY WHAT TIME OF DAY WAS THAT?  
16 A IT WASN'T DAY, IT WAS NIGHT, BUT IT HAD TO BE SOMEWHERE  
17 UP IN 8:00 O'CLOCK TO AROUND ABOUT -- IT WAS SOMEWHERE ABOUT 8:00  
18 O'CLOCK TO ABOUT 8:20 OR 8:15, SOMEWHERE UP IN THERE.  
19 Q I SEE.  
20 NOW, WHEN THE DISTRICT ATTORNEY ASKED YOU ABOUT THE  
21 DEFENDANT, INDICATED THAT THE DEFENDANT HAD ASKED YOU IF YOU WERE  
22 HAVING SEX, WAS THAT IN '93 OR '94?  
23 A HE ASKED ME IN '93, OCTOBER 31ST.  
24 Q WHEN YOU RESPONDED YOU SAID "NOT AT THAT TIME," DOES

1     THAT MEAN YOU WERE HAVING SEX SINCE THEN?

2             BY MR. ROJAS:  (INTERPOSING)  YOUR HONOR, THAT IS  
3     IRRELEVANT TO THIS PARTICULAR MATTER.  IF SHE HAD SEX -- HER  
4     SEXUAL INTERCOURSE WITH ANYONE ELSE OTHER THAN THIS DEFENDANT IS  
5     IRRELEVANT TO THIS PROCEEDING.

6             BY THE COURT:  COUNSEL?

7             BY MR. ARCHIE:  YOUR HONOR, I THINK IT MAY HAVE SOME  
8     RELEVANCY IN LIGHT OF THE FACT I AM GOING TO ASK HER QUESTIONS  
9     ABOUT HER MEDICAL EXAMINATION AND THE RESULTS OF THAT MEDICAL  
10    EXAMINATION.

11            BY MR. ROJAS:  YOUR HONOR, THAT'S BEYOND THE SCOPE OF  
12    DIRECT.  WE DIDN'T PRESENT ANY EVIDENCE OF NO S.A.I.N.T EXAMS,  
13    NOTHING AS TO ANY MEDICAL EXAMINATION.  IT'S FAR OUTSIDE THE  
14    SCOPE.

15            BY MR. ARCHIE:  THEN I WILL SIMPLY AFTER HE FINISHES  
16    WITH HER CALL HER AS MY OWN WITNESS.

17            BY THE COURT:  I WILL LET YOU ASK, NOT DETAILS JUST THE  
18    QUESTION AS TO IF SHE WAS HAVING SEXUAL INTERCOURSE.

19            BY MR. ROJAS:  COULD WE APPROACH THE BENCH, YOUR HONOR?

20            BY THE COURT:  YES.

21                               (BENCH CONFERENCE BETWEEN  
22                               COURT AND COUNSEL, OFF THE  
23                               RECORD.)

24            BY THE COURT:  WOULD YOU REPHRASE YOUR QUESTION THEN,

1 COUNSEL?

2 BY MR. ARCHIE:

3 Q MISS JACKSON, AS A RESULT OF THIS MATTER COMING TO THE  
4 ATTENTION OF THE POLICE DEPARTMENT DID THE POLICE TAKE YOU TO BE  
5 EXAMINED BY A DOCTOR?

6 A MY MOM TOOK ME.

7 Q DID YOU GO ONCE OR TWICE?

8 A I WENT TWICE.

9 Q AND, TO TWO DIFFERENT PLACES, I BELIEVE, DIDN'T YOU?

10 A YES.

11 Q ONE WAS THE FREMONT MEDICAL CENTER AND THE OTHER ONE WAS  
12 S.A.I.N.T.?

13 A YES.

14 Q AS A RESULT OF THE EXAMINATION DID THE DOCTOR MAKE A  
15 DIAGNOSIS WHETHER OR NOT YOU HAD CONTRACTED A VENEREAL DISEASE?

16 A NO.

17 Q NOTHING AT ALL?

18 A NOT TO ME.

19 Q HE DIDN'T TELL YOU ANYTHING?

20 A NO.

21 BY MR. ROJAS: YOUR HONOR, BEEN ASKED AND ANSWERED.

22 BY MR. ARCHIE: MAY I HAVE THE COURT'S INDULGENCE

23 PLEASE?

24 BY THE COURT: YES.



1 BY MR. ARCHIE:

2 Q DO YOU KNOW WHICH DOCTOR EXAMINED YOU?

3 A NO, I DO NOT.

4 Q DO YOU RECALL WHAT QUESTIONS WERE ASKED?

5 A SAY THAT AGAIN?

6 Q DO YOU RECALL WHAT QUESTIONS HE ASKED YOU?

7 A NO.

8 Q HAVE YOU EVER SEEN A COPY OF YOUR MEDICAL REPORT?

9 A NO. I BELIEVE MY MOM HAS.

10 Q SO, YOU DON'T KNOW WHAT IT CONTAINS?

11 A NO.

12 BY MR. ARCHIE: NO FURTHER QUESTIONS ALONG THAT LINE.

13 BY THE COURT: OKAY.

14 JUST ALONG THAT LINE?

15 BY MR. ARCHIE: JUST ALONG THAT LINE.

16 BY THE COURT: OKAY.

17 BY MR. ARCHIE:

18 Q AS A RESULT OF THE EXAMINATION THAT YOU RECEIVED DID THE  
19 DOCTORS PRESCRIBE ANY COURSE OF TREATMENT FOR YOU?

20 A (PAUSE) I DON'T KNOW, BECAUSE AT THE TIME I WAS TAKING  
21 PILLS FOR MY THROAT, BECAUSE MY THROAT HAD SWELLED UP AND THOSE  
22 WERE THE ONLY NARCOTICS I WAS TAKING AT THE TIME.

23 Q THAT WAS PRESCRIBED BY ONE OF THESE TWO DOCTORS WHERE  
24 YOU WERE EXAMINED?

1 A IT WAS AT THE FREMONT MEDICAL CENTER.  
2 Q HE DIDN'T TELL YOU WHAT THE CAUSE WAS OF THE  
3 INFLAMMATION IN YOUR THROAT?  
4 A THEY SAY MY TONSILS HAVE SWOLLEN, AND THAT'S ALL.  
5 Q LET'S GO BACK TO THE FIRST INCIDENT THAT ALLEGEDLY  
6 OCCURRED, THE DISTRICT ATTORNEY ASKED YOU IF THE DEFENDANT HAD  
7 FONDLED YOUR BREASTS, DO YOU REMEMBER THAT QUESTION?  
8 A YES.  
9 Q WHAT WAS YOUR ANSWER?  
10 A NO.  
11 Q COULD YOU DESCRIBE FOR ME PLEASE WHAT EXACTLY HAPPENED  
12 IN THAT PARTICULAR INCIDENT?  
13 A ARE YOU TALKING WHEN WE HAD SEXUAL INTERCOURSE OR THE  
14 FIRST WHEN HE JUST --  
15 Q (INTERPOSING) THE FIRST?  
16 A WE WERE IN THE TRUCK, AND HE KISSED ME, AND THEN HE KIND  
17 OF LIKE STARTED PUTTING HIS HAND DOWN MY PANTS AND PUT THEM  
18 INSIDE MY PANTIES AND HIS FINGER WENT INSIDE OF MY VAGINAL AREA.  
19 Q WHEN YOU SAY "INSIDE," WAS IT JUST TO THE OPENING?  
20 A IN MY OPENING, INSIDE.  
21 Q INSIDE, I SEE.  
22 NOW, COULD YOU TELL ME WHO JUNIOR IS?  
23 A HE WAS A DRUMMER OF THE DRILL TEAM.  
24 Q DO YOU KNOW HIS FULL NAME?

1 A HARRY WEBB.

2 Q DO YOU KNOW WHAT HIS ADDRESS IS?

3 A NO, I DO NOT.

4 Q IS HE KNOWN BY ANY OTHER NAMES OTHER THAN JUNIOR?

5 A EASTWOOD.

6 Q DOES HE HAVE A GIRLFRIEND?

7 A I DON'T KNOW ABOUT NOW, BUT AT THE TIME HE DID.

8 Q WHO WAS THE GIRLFRIEND AT THE TIME?

9 A MATILDA WATTS.

10 BY MR. ROJAS: YOUR HONOR, I WANT TO KNOW WHAT  
11 RELEVANCE THIS HAS TO THE ACTION WE HAVE PENDING RIGHT NOW. MR.  
12 HARRY WEBB IS NOT A DEFENDANT; HE HAS THE ADDRESS OR WHO HE IS  
13 AND HE CAN FIND HIM FOR TRIAL.

14 BY MR. ARCHIE: WHAT I AM INTERESTED IN, YOUR HONOR, IS  
15 WHEN DETECTIVE RISENHOOVER PREPARED HIS REPORT AND DECLARATION OF  
16 ARREST HE INDICATED THERE WERE APPROXIMATELY 10 OTHER VICTIMS TO  
17 THIS CRIME. I'M BASICALLY GOING ON TO BE ASKING HER ABOUT THESE  
18 10 PEOPLE, AND WITH WHAT KNOWLEDGE SHE HAD AND WHETHER OR NOT SHE  
19 DISCUSSED HER INCIDENT WITH THESE INDIVIDUALS.

20 BY MR. ROJAS: YOUR HONOR, I NEVER KNEW THAT HARRY WEBB  
21 WAS ONE OF THOSE PEOPLE LISTED AS A VICTIM ON THAT DECLARATION OF  
22 ARREST.

23 BY THE COURT: I THINK HE IS PROBABLY GOING AFTER HARRY  
24 WEBB'S GIRLFRIEND AS OPPOSED TO HARRY WEBB.

1 BY MR. ARCHIE: I WOULD THINK SO.  
2 WILL I BE ALLOWED?  
3 BY THE COURT: CONTINUE ON AND WE'LL SEE HOW IT GOES.  
4 BY MR. ARCHIE:  
5 Q WERE YOU INTERVIEWED BY DETECTIVE RISENHOOVER?  
6 A YES, I WAS.  
7 Q DO YOU REMEMBER HOW MANY TIMES? NOT THE DATES OR  
8 ANYTHING, BUT HOW MANY TIMES DID HE TALK TO YOU?  
9 A HE TALKED TO ME ONCE.  
10 Q OKAY.  
11 DID YOU GIVE HIM THE NAMES OF OTHER INDIVIDUALS THAT YOU  
12 THOUGHT HAD SEXUAL CONDUCT WITH MY CLIENT?  
13 A NO, BUT ARLETHA AND -- NO, ARLETHA DID.  
14 Q WERE YOU PRESENT WHEN SHE DID THAT?  
15 A NO, SHE TOLD ME. HE CAME TO ME ABOUT THE NAMES THAT SHE  
16 HAD GIVEN HIM.  
17 Q THE DETECTIVE THEN ASKED YOU ABOUT THOSE NAMES?  
18 A YES.  
19 Q DID YOU GIVE HIM ANY WRITTEN STATEMENT ABOUT THOSE NAMES  
20 AT ALL, IF YOU RECALL?  
21 A I DON'T RECALL.  
22 Q NOW, I HAVE A STATEMENT THAT IS PURPORTED TO BE YOUR  
23 STATEMENT AND IT'S TYPED BY THE POLICE DEPARTMENT?  
24 A YES.

1 Q DO YOU REMEMBER READING SUCH A STATEMENT AND SIGNING IT?

2 A YES.

3 Q WAS THERE A TIME THAT YOU ALSO PREPARED A HANDWRITTEN  
4 STATEMENT FOR THE POLICE? MEANING IN YOUR OWN HANDWRITING?

5 A ARLETHA'S GRANDMOTHER DID.

6 BY MR. ARCHIE: YOUR HONOR, MAY I APPROACH THE WITNESS?

7 BY THE COURT: YES.

8 BY MR. ARCHIE:

9 Q I'D LIKE TO SHOW YOU A HANDWRITTEN DOCUMENT THAT BEARS A  
10 SIGNATURE AT THE BOTTOM AND IT'S TWO PAGES LONG, IS THAT YOUR  
11 SIGNATURE THERE AT THE BOTTOM (INDICATING)?

12 A YES, THAT IS MY SIGNATURE.

13 Q DID YOU WRITE THIS DOCUMENT OUT?

14 A YES, I DID.

15 Q IT BEARS A DATE AT THE TOP, CAN YOU TELL ME WHAT THAT  
16 DATE IS?

17 A MAY 26TH, '94.

18 Q DO YOU RECALL PREPARING THAT DOCUMENT?

19 A YES, I DO.

20 Q WHAT WERE THE CIRCUMSTANCES UNDER WHICH YOU DID SO? HOW  
21 DID YOU COME TO WRITE IT OUT AND WHY?

22 A I WAS AT HOME AND I GOT A PHONE CALL FROM ARLETHA'S  
23 GRANDMOTHER TELLING ME THAT AS SOON AS MY MOTHER GOT HOME TO CALL  
24 HER SO SHE DID, AND SHE SAID SHE WASN'T GOING TO SAY ANY MORE

1 UNTIL MY MOM GOT OVER THERE, SO MY MOM WENT OVER THERE AND WE  
2 WERE ALL OVER THERE.

3 Q YOU WERE ALREADY THERE?

4 A NO, I WAS AT HOME; I LEFT WITH MY MOM WHEN SHE GOT OFF  
5 WORK; WE WENT OVER TO ARLETHA'S HOUSE AND HER AUNTY LAVERNE TOLD  
6 ME TO TELL, THAT'S ALL SHE SAID. LIKE, I LOOKED AT ARLETHA AND I  
7 DIDN'T KNOW WHAT, I DIDN'T KNOW WHAT SHE WAS TALKING ABOUT. I  
8 WAS LIKE, "TELL WHAT?" SHE WAS LIKE, "TELL ABOUT LARRY."

9 SO, I STARTED TELLING THEM AND THEN HER GRANDMOTHER TOLD  
10 ME IT WOULD BE BETTER IF I WRITE IT DOWN FOR THE POLICE OR  
11 SOMETHING.

12 Q WERE THE POLICE THERE WHEN YOU WROTE THIS DOWN?

13 A NO, THEY WERE ON THEIR WAY THOUGH.

14 Q SO, YOU GAVE THIS TO THEM WHEN THEY GOT THERE?

15 A ARLETHA'S GRANDMOTHER TOOK IT; I BELIEVE SHE GAVE IT TO  
16 THEM WHEN THEY GOT THERE.

17 Q NOW, WERE BOTH OF THE OTHER GIRLS, WERE THEY THERE TOO  
18 AT THE SAME TIME?

19 A YES, A LITTLE WHILE AFTER -- IT WAS ONLY ME AND ARLETHA,  
20 BUT I'D SAY ABOUT 30 MINUTES WHEN I HAD GOT THERE LIKE 30 MINUTES  
21 AFTER ROSHANDA CAME, HER AND HER MOTHER.

22 Q IN YOUR PRESENCE DID EACH OF THE OTHER TWO GIRLS MAKE  
23 OUT A STATEMENT ALSO?

24 A IN MY PRESENCE ROSHANDA MADE OUT ONE.

1 Q WAS THERE ANY HESITATION ON YOUR PART TO PREPARE THIS?  
2 A NO.  
3 Q THEY JUST ASKED YOU?  
4 A AT FIRST IT WAS, BECAUSE I WAS LIKE I DIDN'T WANT TO SAY  
5 ANYTHING ABOUT IT.  
6 Q I SEE.  
7 A I KIND OF WAS LIKE BECAUSE IT ALL CAME -- AS SOON AS I  
8 GOT THERE THEY WERE LIKE TELL, WRITE THIS, THAT, AND I'M KIND OF  
9 LIKE ...?  
10 Q DID THEY ASK YOU TO WRITE?  
11 A YEAH, THEY WERE LIKE TELL, WRITE IT DOWN OR SOMETHING  
12 AND SO I WAS LIKE ...? THEN I JUST STARTED WRITING.  
13 Q DID THEY TELL YOU ANYTHING TO WRITE?  
14 A NO, THEY DID NOT TELL ME NOTHING.  
15 Q SO, WHEN YOU FINISHED WERE YOU INTERVIEWED RIGHT THERE  
16 THAT EVENING BY THE POLICE?  
17 A NO, I'D SAY ABOUT A DAY OR TWO AFTER I WAS INTERVIEWED  
18 BY RISENHOOVER.  
19 Q OKAY.  
20 HAVE YOU EVER HAD OCCASION OTHER THAN THE MAY 26TH DATE  
21 TO WHICH WE'RE REFERRING TO, TO DISCUSS THIS WITH THE OTHER TWO  
22 GIRLS?  
23 A NO -- ARE YOU SAYING I DISCUSSED IT WITH THEM BEFORE  
24 THIS HAPPENED?

1 Q NO, NO. AFTER THE DATE OF MAY 26TH, HAVE YOU EVER BEEN  
2 WITH THE OTHER TWO GIRLS WHERE YOU DISCUSSED THE FACTS OF THIS  
3 CASE?  
4 A NO, WE JUST KIND OF LET IT SLIDE; WE WOULDN'T EVEN TOUCH  
5 ON THAT SUBJECT BECAUSE ONE OF THE GIRLS WOULD GET KIND OF  
6 OFFENSIVE WHEN WE SAID ANYTHING ABOUT IT. SO, WHEN WE GET  
7 TOGETHER, WHEN WE GET TOGETHER JUST NOT TO THINK ABOUT IT.  
8 Q DID YOU DISCUSS IT WITH THEM TODAY WHILE YOU WERE HERE  
9 WAITING ALL MORNING?  
10 A NO, WE WERE JUST NERVOUS. WE WASN'T DISCUSSING IT.  
11 BY MR. ARCHIE: I HAVE NO FURTHER QUESTIONS AT THIS  
12 TIME, YOUR HONOR.  
13 BY THE COURT: ANY REDIRECT?  
14 BY MR. ROJAS: YOUR HONOR, JUST ONE QUESTION.  
15 BY THE COURT: OKAY.  
16 \* \* \* \* \*  
17  
18  
19  
20  
21  
22  
23  
24



1 REDIRECT EXAMINATION

2 \* \* \* \* \*

3  
4 BY MR. ROJAS:

5 Q DID YOU SAY ANYTHING TO ANYONE CONCERNING THE SEXUAL  
6 INTERCOURSE INCIDENT?

7 A ONLY ARLETHA AT THE TIME.

8 Q WHY DIDN'T YOU SAY ANYTHING TO ANYBODY ELSE? WERE YOU  
9 EMBARRASSED?

10 A IN A WAY; I THOUGHT IF I SAID ANYTHING AT THAT TIME  
11 EVERY FINGER WOULD HAVE BEEN POINTED ON ME. I TOLD ARLETHA  
12 BECAUSE I KNEW SHE WOULDN'T HAVE SAID ANYTHING, NOT IF I HAD SAID  
13 IT.

14 Q WHY DIDN'T YOU SAY ANYTHING TO ANYONE ELSE ABOUT THE  
15 OTHER INCIDENTS THAT OCCURRED?

16 A I DON'T KNOW. THE FIRST THING WHEN BOTH OF THE  
17 INCIDENTS OCCURRED THE FIRST PERSON THAT POPPED IN MY MIND TO  
18 TELL WAS ARLETHA, BECAUSE IF IT WOULD HAVE GOT BACK IN ANY WAY I  
19 WANTED IT TO GET BACK FROM HER SAYING IT.

20 Q ARE YOU AND ARLETHA VERY GOOD FRIENDS?

21 A YES.

22 Q DID YOU TELL HER IN CONFIDENCE?

23 A WHAT?

24 Q DID YOU TELL HER THIS IN CONFIDENCE? DID YOU TELL HER A

1 SECRET?

2 A WHEN I TOLD HER I WAS CRYING AND SHE WAS KIND OF LIKE --  
3 BY MR. ARCHIE: (INTERPOSING) OBJECTION, THAT'S NOT  
4 RESPONSIVE TO THE QUESTION.

5 BY MR. ROJAS: IF SHE CAN HAVE A SECOND? SHE'S  
6 ANSWERING THE QUESTION.

7 BY THE WITNESS: WHEN I TOLD HER I DIDN'T COME STRAIGHT  
8 OUT AND TELL HER BECAUSE I DIDN'T KNOW HOW, AND I WAS BEATING  
9 AROUND THE BUSH WITH IT AND SHE WAS LIKE, "WELL, WHAT? WHAT?" I  
10 WENT AHEAD AND TOLD HER AND WHEN I TOLD HER I WAS KIND OF IN  
11 TEARS, LIKE IN SHOCK. I DIDN'T FEEL RIGHT; I FELT USED OR  
12 SOMETHING.

13 BY MR. ROJAS: I HAVE NOTHING FURTHER.

14 BY MR. ARCHIE: NO FURTHER QUESTIONS, YOUR HONOR.

15 BY THE COURT: THANK YOU, MISS JACKSON. YOU NEED TO GO  
16 WAIT WHERE YOU WERE WAITING BEFORE. PLEASE DON'T DISCUSS YOUR  
17 TESTIMONY WITH ANYBODY ELSE.

18 (THE WITNESS WAS EXCUSED.)

19 BY THE COURT: THE STATE CAN CALL ITS NEXT WITNESS.

20 BY MR. ROJAS: YOUR HONOR, WE'D CALL ARLETHA SANDERS TO  
21 THE STAND PLEASE.

22 \* \* \* \* \*

23

24

1 ARLETHA SANDERS,  
2 HAVING BEEN FIRST DULY SWORN TO TELL THE TRUTH, THE WHOLE TRUTH  
3 AND NOTHING BUT THE TRUTH, TESTIFIED AS FOLLOWS:  
4

5 BY THE BAILIFF: YOU MAY BE SEATED.

6 STATE TO THE COURT YOUR NAME AND SPELL YOUR FIRST AND  
7 LAST NAMES?

8 BY THE WITNESS: ARLETHA SANDERS, A-R-L-E-T-H-A,  
9 S-A-N-D-E-R-S.  
10

11 DIRECT EXAMINATION

12 BY MR. ROJAS:

13 Q HOW ARE YOU DOING, ARLETHA?

14 A FINE.

15 Q ARE YOU FAMILIAR WITH A DRILL TEAM BY THE NAME OF  
16 QUEENETTES?

17 A YES.

18 Q COULD YOU PLEASE TELL THE COURT WHAT THAT TEAM IS ABOUT?

19 A IT WAS SUPPOSED TO KEEP KIDS OFF THE STREET.

20 Q WHAT EXACTLY DID THAT TEAM DO?

21 A THEY JUST PARTICIPATED IN COMPETITIONS, AND PARADES, AND  
22 STUFF LIKE THAT.

23 Q DID YOU BELONG TO THIS TEAM?

24 A YES.

1 Q DID YOU HAVE A DIRECTOR ON THIS TEAM?

2 A YES.

3 Q IF YOU CAN PLEASE LOOK AROUND THE COURTROOM TODAY AND  
4 TELL ME IF YOU SEE THIS DIRECTOR?

5 A YES.

6 Q COULD YOU POINT TO HIM AND IDENTIFY AN ARTICLE OF HIS  
7 CLOTHING?

8 A HE IS WEARING THAT BROWN SUIT, JUMPSUIT OR JAIL SUIT, OR  
9 WHATEVER IT IS (INDICATING).

10 BY THE COURT: THE RECORD WILL REFLECT THE  
11 IDENTIFICATION OF THE DEFENDANT.

12 BY MR. ROJAS:

13 Q AS DIRECTOR WHAT WAS HIS RESPONSIBILITY WITH REGARD TO  
14 THE TEAM?

15 A TO BE RESPONSIBLE OF US AND TAKE CARE OR WHATEVER THAT  
16 NEEDS TO BE DONE.

17 Q DID HE HAVE THE ABILITY TO HIRE -- NOT TO HIRE AND FIRE,  
18 BUT TO KEEP PEOPLE ON AND TAKE THEM OFF THE DRILL TEAM?

19 A YES.

20 Q NOW, DID YOU REALLY WANT TO BE ON THIS DRILL TEAM?

21 A YES.

22 Q TELL US WHAT YOU THOUGHT ABOUT THIS DRILL TEAM?

23 A I DIDN'T REALLY THINK OF IT. I JUST THOUGHT OF IT AS  
24 SOMETHING SO I CAN HAVE SOMETHING TO DO AFTER SCHOOL.

1 BY MR. ROJAS: YOUR HONOR, IF I MAY LEAD A LITTLE BIT?

2 BY THE COURT: OKAY.

3 BY MR. ROJAS:

4 Q DID YOU CONSIDER IT FUN?

5 A YEAH, IT WAS VERY FUN.

6 Q DID YOU HAVE ANY FRIENDS ON THE TEAM?

7 A YES.

8 Q DID YOU KNOW A GIRL BY THE NAME OF CHANELL JACKSON AND  
9 ROSHANDA TURNER?

10 A YES.

11 Q WERE THEY ON THE TEAM?

12 A YES.

13 Q WHAT WAS YOUR POSITION ON THIS TEAM?

14 A I WAS IN THE SENIORS LINE.

15 Q WHAT DOES THAT MEAN, TO BE ON THE SENIOR LINE?

16 A YOU JUST IN LINE MARCHING UNTIL SOMEBODY ELSE COME IN.

17 Q IS THAT A PRETTY PRESTIGIOUS LINE ON THIS TEAM?

18 A IT WAS ALL RIGHT.

19 Q DID YOU CONTROL OTHER PEOPLE AND TEACH THEM HOW TO DANCE  
20 ON THE TEAM, PEOPLE IN THE JUNIOR LINE?

21 A NO.

22 Q OR, ANYTHING LIKE THAT?

23 A NO.

24 Q DIRECTING YOUR ATTENTION TO 1993, SPECIFICALLY NOVEMBER

1 OF 1993, DID YOU EVER HAVE ANY CONTACT WITH THE DEFENDANT AT THAT  
2 TIME?

3 A IN WHAT KIND OF WAY?

4 Q DID HE COME UP TO YOU AND TALK TO YOU IN ANY UNUSUAL  
5 MANNER, OR ANYTHING THAT STRUCK YOU AS ODD?

6 A NOT REALLY, HE USUALLY JUST TALK.

7 Q DID THERE COME A TIME IN NOVEMBER 20TH OF 1993, THAT HE  
8 CAME ON AND MADE SOME SEXUAL ADVANCES TOWARDS YOU?

9 A YES.

10 Q COULD YOU PLEASE TELL THE COURT EXACTLY WHAT HAPPENED?

11 A WE WAS COMING BACK FROM OUT OF TOWN, FROM CALIFORNIA A  
12 COMPETITION, AND WE WAS DROPPING ROSHANDA OFF AND WE ARE AT HER  
13 HOUSE AND THEN SHE HAD GOT OUT THE TRUCK TO GO UNLOCK HER DOOR,  
14 BECAUSE SHE HAD A LOT OF STUFF, AND SHE WENT TO GO TO UNLOCK THE  
15 DOOR, AND THEN THAT'S WHEN HE KISSED ME. I WAS LIKE, "HUH UH,"  
16 AND SO ROSHANDA FINISHED GETTING ALL HER STUFF AND THEN WE PULLED  
17 AWAY AND WE WAS GOING UP MILLER AND HE PASSED UP MY HOUSE.

18 BY THE COURT: SLOW DOWN JUST A LITTLE BIT, OKAY?

19 BY MR. ROJAS:

20 Q YOU GUYS WERE ON MILLER AND YOU WENT PAST YOUR HOUSE,  
21 DID YOU FIND THAT UNUSUAL?

22 A UH HUH, BECAUSE USUALLY HE BE ANXIOUS TO TAKE ME HOME.

23 Q DID YOU SAY ANYTHING TO HIM REGARDING THIS?

24 A WHEN HE ASKED ME WAS I READY TO GO HOME AND I SAY YES,

1 AND HE ASKED ME AFTER WE PAST MY HOUSE WE WAS ON REVERE I WAS  
2 LIKE, "YEAH, IT WOULD BE NICE IF YOU TAKE ME HOME," AND THEN WE  
3 PASSED REVERE AND WENT TO HARRY'S HOUSE, JUNIOR'S.

4 Q WHEN YOU SAY JUNIOR, WHO DO YOU MEAN?

5 A HARRY WEBB.

6 Q WHEN YOU SAY "WE WENT TO HIS HOUSE," WERE YOU PHYSICALLY  
7 INSIDE HIS HOUSE?

8 A NO.

9 Q WHERE EXACTLY WERE YOU?

10 A IN HIS DRIVEWAY.

11 Q WHAT HAPPENED WHILE YOU WERE SITTING IN THE DRIVEWAY OF  
12 JUNIOR'S HOUSE?

13 A JUNIOR ACTED LIKE HE KNEW WHAT WAS GOING ON, BECAUSE HE  
14 LOOKED AT LARRY AND LARRY LOOKED AT HIM AND THEN HE GOT OUT OF  
15 THE TRUCK, THEN THAT'S WHEN LARRY TRIED TO KISS ME AGAIN, WHICH  
16 HE DID, AND THEN AFTER HE KISSED ME BECAUSE WE STILL HAD ON OUR  
17 DRILL TEAM UNIFORM HE WENT UP MY SKIRT WITH HIS FINGERS.

18 Q WHEN YOU SAY UP YOUR SKIRT, DO YOU MEAN HE WENT  
19 UNDERNEATH THE DRILL TEAM DRESS YOU HAD ON; IS THAT CORRECT?

20 A YES.

21 Q DID HE HAPPEN TO GO UNDERNEATH THE --

22 BY MR. ARCHIE: (INTERPOSING) AGAIN I OBJECT AS  
23 LEADING, YOUR HONOR. I BELIEVE SHE CAN ANSWER THE QUESTION.  
24 JUST ASK HER WHAT HAPPENED. I THINK SHE CAN TELL US.

1 BY THE COURT: YEAH, I THINK SHE'S CAPABLE OF THAT.

2 BY MR. ROJAS:

3 Q WHEN YOU SAY HE WENT UP INTO YOUR DRESS, COULD YOU  
4 PLEASE TELL US WHAT HAPPENED?

5 A HE TOOK ONE FINGER AND WENT UP THROUGH UNDER MY DRESS  
6 AND HE STUCK HIS FINGER UP IN MY VAGINA.

7 Q NOW, WHEN YOU SAY THAT HE STUCK IT UP INTO YOUR VAGINA,  
8 ARE YOU FAMILIAR WITH THE VAGINA AND WHAT IT LOOKS LIKE?

9 A YES.

10 Q DO YOU KNOW THAT THERE IS AN OPENING TO THE VAGINA; IS  
11 THAT CORRECT.

12 A YES.

13 Q DO YOU MEAN HE INSERTED HIS FINGER PHYSICALLY INTO THE  
14 VAGINA?

15 A YES.

16 Q APPROXIMATELY HOW DEEP DID HE GET IT INTO YOUR VAGINA?

17 A HE DIDN'T GET VERY FAR.

18 BY MR. ARCHIE: I OBJECT, THAT IS TOTALLY IRRELEVANT.  
19 THE STATUTE SAYS THE "SLIGHTEST PENETRATION."

20 BY MR. ROJAS: I JUST WANT TO BE SURE I MEET MY  
21 ELEMENTS, YOUR HONOR.

22 BY THE COURT: I THINK YOU HAVE.

23 BY MR. ROJAS:

24 Q NOW, AT THIS TIME HAD YOU GIVEN HIM CONSENT TO DO THIS?



1 A NO.

2 Q DID YOU TELL HIM TO COME AND KISS YOU AND THEN STICK HIS  
3 FINGER IN YOUR VAGINA?

4 A NO.

5 Q PRIOR TO NOVEMBER 20, HAD YOU TOLD HIM YOU WANTED TO  
6 ENGAGE IN THIS TYPE OF SEXUAL INTERCOURSE OR SEXUAL ACTIVITY WITH  
7 HIM?

8 A NO.

9 Q NOW, ARLETHA, ON NOVEMBER 20, 1993, HOW OLD WERE YOU?

10 A 14.

11 Q YOU WERE 14. WHEN EXACTLY WERE YOU BORN?

12 A 1979, AUGUST 6TH.

13 Q AUGUST 6TH?

14 A YES.

15 Q OF 1979?

16 A YES.

17 Q AND, IF I TELL YOU FEBRUARY OF 1994, HOW OLD WERE YOU  
18 THEN?

19 A 14.

20 Q NOW, AFTER THIS INCIDENT OCCURRED IN NOVEMBER 20, DID  
21 THE DEFENDANT CONTINUE OR CONTINUE TO TRY TO COMMUNICATE WITH  
22 YOU?

23 A IN FEBRUARY.

24 Q AND, WHAT EXACTLY HAPPENED IN FEBRUARY?

1       A     IT WAS PRESIDENTS' DAY, AND WE WAS ALL OVER MISS RUBY'S  
2     HOUSE, BETTER KNOWN AS GRANNY, AND THEN HE SAID IT WAS TIME FOR  
3     ME TO GO HOME. SO, WE WAS GOING DOWN NELSON, AND THEN HE SAID  
4     FIRST, "I GOT TO GO FEED MY DOGS." THEN WE WENT TO HIS HOUSE AND  
5     PULLED UP IN HIS DRIVEWAY AND HE TOLD ME GET OUT THE CADILLAC AND  
6     SWITCH CARS AND GET IN THE TRUCK.

7       Q     OKAY.

8       DID YOU GET OUT OF THE CADILLAC?

9       A     YES.

10      Q     WHERE DID YOU GO?

11      A     INTO HIS TRUCK.

12      Q     WHAT HAPPENED WHEN YOU WERE IN HIS TRUCK?

13      A     HE SHUT THE DOOR, THEN HE SAID POKEY WAS IN THE HOUSE  
14     ASLEEP, AND THEN HE WENT IN HIS GARAGE THING AND HE GOT HIS DOG  
15     FOOD OUT, AND HE FED THE DOGS, AND THEN AFTER HE CAME BACK FROM  
16     FEEDING THE DOGS HE SLID UP IN THE TRUCK WITH ME.

17      Q     OKAY.

18             WHEN YOU SAY "HE" SLID UP, YOU MEAN THE DEFENDANT; IS  
19     THAT CORRECT?

20      A     LARRY.

21      Q     ONCE THE DEFENDANT WAS IN THE TRUCK WITH YOU, WHAT DID  
22     HE DO?

23      A     HE UNFASTENED MY PANTS, BUT HE BROKE THE ZIPPER ON THEM.

24      Q     OKAY.

1           A     THEN, HE TRIED TO KISS ME, HE WAS KISSING ME AGAIN, AND  
2     THEN HE JUST PULLED MY PANTS ON DOWN, AND THEN HE PULLED HIS  
3     DOWN, AND THEN HE TRY TO STICK HIS PENIS UP IN ME, BUT IT  
4     WOULDN'T GO. SO, HE KEPT TRYING, AND THEN HE FINALLY GOT IT UP  
5     IN THERE, UP IN MY VAGINA, AND THEN HE LIKE TOOK IT BACK OUT, AND  
6     THEN HE WENT DOWN WITH HIS MOUTH ON MY VAGINA.

7           Q     OKAY.

8                     NOW, WHEN YOU SAY HE PUT HIS MOUTH ON YOUR VAGINA YOU  
9     ARE GOING TO HAVE TO TELL ME, DID YOU FEEL HIS TONGUE ON YOUR  
10    VAGINAL OPENING?

11          A     YES.

12          Q     DID YOU FEEL HIS TONGUE --

13                    BY MR. ARCHIE:    (INTERPOSING) I WOULD OBJECT, YOUR  
14    HONOR, AS LEADING. I BELIEVE SHE CAN TELL US WHAT EXACTLY  
15    HAPPENED.

16                    BY THE COURT: YOU'VE GOT HER STARTED, SEE IF SHE CAN GO  
17    FROM THERE.

18                    BY MR. ROJAS:

19          Q     WHAT EXACTLY DID HE DO WITH HIS TONGUE?

20          A     HE WENT DOWN AND JUST STARTED LICKING ALL AROUND, THEN  
21    AFTER THAT HE CAME BACK UP AND PUT HIS PENIS BACK UP IN ME, AND  
22    THEN HE LIKE STAYED FOR LIKE FIVE MINUTES THEN HE STARTED NUTTIN'  
23    EVERYWHERE -- NUTTIN', CUMING.

24                    BY MR. ARCHIE: EJACULATING IS WHAT SHE SAID.

1 BY THE WITNESS: ALL OVER MY PANTS. THEN HE GOT OUT OF  
2 THE TRUCK AND HE WENT AND GOT A PIECE OF PAPER TO START CLEANING  
3 IT OFF OF ME, AND THEN HE SWITCHED CARS AGAIN, AND THEN WE WENT  
4 BACK OVER TO GRANNY HOUSE AND WE WAS STANDING OUTSIDE, AND THEN  
5 THAT'S WHEN HE TOLD EVERYBODY, "LET'S GO."

6 BY MR. ROJAS:

7 Q WHEN HE INITIALLY PULLED YOUR PANTS OFF, DID YOU MAKE  
8 ANY MOVEMENT TO SHOW HIM THAT YOU DIDN'T WANT TO HAVE SEX WITH  
9 HIM?

10 A NO.

11 Q WHEN HE PUT HIS HAND ON YOUR LEGS AND OPENED YOUR LEGS,  
12 DID YOU MAKE ANY MOVES TO SHOW HIM YOU DIDN'T WANT TO HAVE SEX  
13 WITH HIM?

14 A I KEPT CLOSING MY LEGS.

15 Q YOU KEPT CLOSING YOUR LEGS?

16 A YES.

17 Q DID THAT STOP HIM?

18 A NO.

19 Q PRIOR TO THIS DID YOU EVER GIVE HIM CONSENT TO HAVE SEX  
20 WITH YOU? DID YOU EVER TELL HIM THAT YOU WANTED TO HAVE SEX WITH  
21 HIM?

22 A NO.

23 Q DID YOU EVER GIVE HIM PERMISSION OR TELL HIM THAT ON A  
24 FUTURE DATE YOU WERE GOING TO HAVE SEX WITH HIM OR WANTED TO HAVE

1 SEX WITH HIM?

2 A NO.

3 Q WAS THIS AGAINST YOUR WILL THAT THIS OCCURRED?

4 A YES.

5 Q AND, AT THE TIME THAT THIS SEXUAL INTERCOURSE OCCURRED  
6 WERE YOU UNDER 16 YEARS OF AGE?

7 A YES.

8 Q DURING THE SEXUAL INTERCOURSE, DID HE MAKE ANY COMMENTS  
9 REGARDING HIS ENJOYMENT OR I MEAN HOW HE LIKED THIS, OR ANYTHING?

10 A NO.

11 Q BECAUSE YOU HAD DONE THIS DID HE TELL YOU THAT THIS  
12 WOULD MAKE YOU BETTER ON THE DRILL TEAM AT ALL?

13 A NO.

14 Q NOW, WHEN YOU TALKED ABOUT THE INCIDENT WHERE HE PUT HIS  
15 TONGUE INTO YOUR VAGINA DID YOU EVER FEEL HIS TONGUE GO INTO YOUR  
16 VAGINA?

17 A YES.

18 Q NOW, AFTER THIS INCIDENT OCCURRED DID YOU TELL ANYBODY  
19 AS TO WHAT HAD HAPPENED?

20 A YES.

21 Q WHO DID YOU TELL?

22 A CHANELL.

23 Q HAD CHANELL EVER TOLD YOU ANY INCIDENTS BETWEEN HERSELF  
24 AND MR. THOMAS?

1 A YES.

2 Q BETWEEN HERSELF AND THE DEFENDANT?

3 A YES.

4 Q WHAT DID SHE TELL YOU?

5 A SHE WAS TELLING ME HOW HE --

6 BY MR. ARCHIE: (INTERPOSING) I'D OBJECT, YOUR HONOR,  
7 UNTIL A PROPER FOUNDATION IS LAID, TIME, PLACE, WHO IS PRESENT.

8 BY THE COURT: SUSTAINED.

9 BY MR. ROJAS:

10 Q WHEN DID SHE TELL YOU?

11 A THE FIRST TIME I DON'T REMEMBER THE DATE.

12 Q WHERE WERE YOU AT? DO YOU KNOW?

13 A SHE CALLED ME OVER THE PHONE.

14 Q WAS IT AT NIGHT?

15 A YES.

16 Q ALL RIGHT.

17 WAS IT AFTER 5:00 O'CLOCK?

18 A YES.

19 Q AND, WHERE WAS SHE CALLING YOU FROM?

20 A HER HOUSE.

21 Q DID THE PERSON THAT WAS CALLING YOU IDENTIFY HERSELF?

22 A YES.

23 Q WHO DID SHE IDENTIFY HERSELF AS?

24 A CHANELL.

1 Q DID YOU RECOGNIZE HER VOICE?  
2 A YES.  
3 Q WHAT DID SHE SAY?  
4 A SHE WAS JUST TELLING ME HOW HE ALWAYS TRYING TO MAKE  
5 MOVES ON HER.  
6 Q DID SHE TELL YOU ANYTHING ELSE?  
7 A NO, I DON'T THINK SO.  
8 Q DID THERE EVER COME A TIME SHE TALKED ABOUT A SEXUAL  
9 INTERCOURSE EXPERIENCE WITH THE DEFENDANT?  
10 A YES.  
11 Q WHEN WAS THAT?  
12 A IT WAS LIKE IN MARCH.  
13 Q WAS SHE PRESENT OR DID SHE CALL YOU ON THE PHONE?  
14 A CALLED ME ON THE PHONE.  
15 Q WAS IT DURING THE DAY OR AT NIGHT?  
16 A NIGHT.  
17 BY MR. ARCHIE: AGAIN, EVERY QUESTION HE IS ASKING IS  
18 LEADING.  
19 BY MR. ROJAS: I WAS TRYING TO LAY THE PROPER  
20 FOUNDATION, YOUR HONOR.  
21 BY MR. ARCHIE: I'M GIVING HIM SOME LEEWAY BUT HE IS  
22 ASKING LEADING QUESTIONS.  
23 BY THE COURT: IS YOUR OBJECTION JUST AS TO FOUNDATION?  
24 BY MR. ARCHIE: THERE WAS AN OBJECTION THAT A FOUNDATION

1 HADN'T BEEN LAID.

2 BY MR. ROJAS: IF THERE IS A HEARSAY OBJECTION, IT IS  
3 NOT HEARSAY.

4 BY MR. ARCHIE: I'M NOT OBJECTING TO HEARSAY. I AM  
5 OBJECTING ON FOUNDATION GROUNDS, AND I'M SAYING HE CAN LAY THE  
6 FOUNDATION, BUT EVERY QUESTION DOESN'T HAVE TO BE A LEADING  
7 QUESTION.

8 BY THE COURT: I WILL SUSTAIN THAT.

9 BY MR. ROJAS:

10 Q WHEN WAS THE CALL MADE?

11 A WAS MADE AT NIGHT.

12 Q BY WHOM?

13 A CHANELL.

14 Q DID SHE IDENTIFY HERSELF?

15 A YES.

16 Q AS WHAT?

17 A CHANELL.

18 Q OKAY.

19 DID YOU RECOGNIZE HER VOICE?

20 A YES.

21 Q AND, WHOSE VOICE DID YOU RECOGNIZE IT AS?

22 A CHANELL.

23 Q WHAT DID CHANELL TELL YOU ON THAT DAY?

24 A SHE WAS TELLING ME HOW IT WAS HER, LARRY, SAVANNAH, AND



1 SAVANNAH SISTER, AND HARRY, AND HOW THEY WENT TO SAVANNAH HOUSE  
2 ABOUT SOMETHING -- I DON'T WHAT THAT WAS ABOUT, ABOUT HOW HE WENT  
3 TO SAVANNAH HOUSE, AND THEN SHE WAS TELLING ME HOW SAVANNAH WAS  
4 SUPPOSED TO HAVE TO TYPE A PAPER FOR THE DRILL TEAM, OR SOMETHING  
5 LIKE THAT.

6 SO, IT WAS HER AND LARRY, THEY HAD DROPPED SAVANNAH  
7 SISTER OFF AND JUNIOR AND SAVANNAH, AND JUNIOR AND SAVANNAH WAS  
8 IN JUNIOR'S HOUSE WHILE HE WAS IN THE TRUCK WITH CHANELL, AND  
9 THEN HOW HE LAID HIS PAGER AND HIS HAT ON THE DASHBOARD; SHE WAS  
10 TELLING ME HOW HE TRIED TO HAVE SEX WITH HER, AND ALL THIS STUFF.

11 Q DID SHE TELL YOU ANYTHING ELSE?

12 A NO.

13 Q WHAT EXACTLY DID CHANELL TELL YOU?

14 A THAT'S ALL I REMEMBER.

15 BY MR. ROJAS: I'LL PASS THE WITNESS, YOUR HONOR.

16 BY THE COURT: COUNSEL?

17 \* \* \* \* \*

CROSS EXAMINATION

\* \* \* \* \*

BY MR. ARCHIE:

Q ARLETHA, I'M THE DEFENSE ATTORNEY, AND I HAVE TO ASK YOU  
SOME QUESTIONS.

CAN YOU TELL ME WHEN YOU FIRST JOINED THE DRILL TEAM?

A IT WAS IN SEPTEMBER OF '92.

Q AND, HOW LONG DID YOU REMAIN ON THE DRILL TEAM?

A UNTIL AROUND MAY OF '94.

Q WHAT WAS YOUR POSITION WITH THE TEAM AS OF MAY OF '94?

A I WAS IN THE SENIORS LINE.

Q REPEAT THAT?

A SENIORS LINE.

Q IN THE SENIORS LINE?

A YES.

Q AND, DO YOU RECALL THE EXACT DAY THAT YOU RESIGNED OR  
LEFT THE DRILL TEAM?

A MAY 26TH OF '94.

Q OKAY.

YOU'VE BEEN ASKED QUESTIONS BY THE DISTRICT ATTORNEY'S  
OFFICE CONCERNING NOVEMBER OF 1993; IS THAT CORRECT?

A YES.

Q IS IT YOUR STATEMENT THAT ON NOVEMBER 20 YOU WERE COMING

1 BACK FROM OUT OF TOWN?

2 A YES.

3 Q WHAT WAS THE MODE OF TRANSPORTATION THAT YOU FOLKS WERE  
4 USING COMING BACK TO TOWN?

5 A BUS.

6 Q WHO WAS ON THE BUS WITH YOU? I DON'T WANT THE NAMES,  
7 JUST WAS IT THE WHOLE DRILL TEAM OR JUST YOU AND --

8 A (INTERPOSING) THE WHOLE DRILL TEAM.

9 Q DID THERE BECOME A TIME WHEN YOU WERE ALONE WITH LARRY  
10 THOMAS ON THAT EVENING?

11 A YES.

12 Q HOW DID THE TWO OF YOU END UP BEING TOGETHER ALONE?

13 A WHEN HE DROPPED EVERYBODY OFF, IT WAS JUST ME HIM.

14 Q WERE YOU ON THE BUS TOGETHER?

15 A NO, WE WERE IN HIS TRUCK.

16 Q SO, YOU HAD GOTTEN OFF THE BUS?

17 A YES.

18 Q AND, CAN YOU DESCRIBE HIS TRUCK FOR ME? IS IT A  
19 FOUR-DOOR OR TWO-DOOR TRUCK?

20 A TWO-DOOR, AND IT'S RED.

21 Q IT'S RED?

22 A YES.

23 Q AND, WHERE DID YOU GUYS PICK UP THIS TRUCK?

24 A HE PICKED IT UP. I DIDN'T PICK IT UP.

1 Q YOU WEREN'T WITH HIM WHEN HE PICKED IT UP?  
2 A NO.  
3 Q DID HE COME AND PICK YOU UP AT SOME LOCATION?  
4 A WHEN HE PICKED THE WHOLE DRILL TEAM UP WHERE THE BUS  
5 DROPPED US OFF AT.  
6 Q DID ALL OF YOU GET IN THE TRUCK THEN?  
7 A HE HAD TO -- HE TOOK THEM BY GROUPS.  
8 Q DID HE SINGLE-HANDEDLY DELIVER EVERYBODY HOME THAT GOT  
9 OFF THE BUS?  
10 A I ASSUME, IN A GROUP.  
11 Q NO, THAT'S WHAT I'M ASKING YOU, DID THEY ALL GET IN HIS  
12 TRUCK?  
13 A YES.  
14 Q WERE YOU IN THE TRUCK ALSO?  
15 A NO, NOT THAT TRIP, NOT THE FIRST OR SECOND TRIP; THE  
16 WEST SIDE TRIP WAS LAST.  
17 Q YOU LIVED ON THE WEST SIDE VICINITY?  
18 A YES.  
19 Q WHEN YOU GOT INTO THE TRUCK WHO ELSE GOT INTO THE TRUCK  
20 WITH YOU?  
21 A ROSHANDA TURNER.  
22 Q ROSHANDA?  
23 A UH HUH.  
24 Q AND, WHO ELSE?

1 A AND, JUNIOR.

2 Q AND, WHERE DID THE FOUR OF YOU GO?

3 A THERE WAS ONE MORE, VERNON; ONE MORE PERSON.

4 Q DO YOU KNOW VERNON'S LAST NAME?

5 A JACKSON.

6 Q NOW, CAN YOU TELL ME EXACTLY HOW THE PEOPLE GOT DROPPED  
7 OFF THAT WERE IN THE TRUCK WITH YOU?

8 A FIRST HE TOOK -- HE WASN'T DRIVING AT FIRST, HE WAS ON  
9 THE PASSENGER SIDE BECAUSE HE SAID HE TIRED, SO VERNON WAS  
10 DRIVING AND THEN WE DROPPED VERNON OFF, AND THEN SO LARRY STARTED  
11 DRIVING AND JUNIOR WAS ASLEEP BECAUSE HE SAID HE WAS TIRED, AND  
12 THEN WE WENT TO ROSHANDA HOUSE TO DROP HER OFF, THEN AFTER WE  
13 DROPPED HER OFF IT WAS MY TURN SUPPOSED TO BE DROPPED OFF, BUT HE  
14 NEVER MADE ME TO GET DROPPED OFF.

15 Q BUT, HE WAS DRIVING THE VEHICLE AT THAT TIME?

16 A YES.

17 Q WHERE DID YOU FOLKS GO WHEN HE WENT PAST YOUR HOUSE?

18 A TO HARRY WEBB'S HOUSE.

19 Q AND, WHO WAS IN THE VEHICLE WHEN YOU GOT TO HARRY WEBB'S  
20 HOUSE?

21 A LARRY, ME, AND HARRY.

22 Q THERE WAS NO OTHER GIRL WITH YOU?

23 A NO.

24 Q WHAT DID HARRY WEBB DO WHEN YOU GOT TO THE HOUSE?

1           A     HE GOT OUT OF THE TRUCK AND WENT IN THE HOUSE.  
2           Q     THEN WHAT HAPPENED AFTER THAT?  
3           A     IT WAS JUST ME AND LARRY IN THE TRUCK.  
4           Q     APPROXIMATELY WHAT TIME OF EVENING WAS THAT? CAN YOU  
5 RECALL?  
6           A     IT WAS LATE, REAL LATE, AFTER 12:00.  
7           Q     HOW MUCH TIME DID THE TWO OF YOU SPEND IN THE DRIVEWAY  
8 AT HARRY WEBB'S HOUSE?  
9           A     NO MORE THAN LIKE 20 MINUTES.  
10          Q     WAS THERE ANY NECKING OR ANY KISSING GOING ON BETWEEN  
11 THE TWO OF YOU AT THAT PARTICULAR TIME?  
12          A     YEAH, HE KISSED ME.  
13          Q     HOW MANY TIMES?  
14          A     I DON'T RECALL THAT.  
15          Q     DID YOU PROTEST IN ANY WAY? TELL US WHAT YOU DID WHEN  
16 HE KISSED YOU?  
17          A     I WAS LIKE, IT WAS A SHOCK BECAUSE IT WAS HIM.  
18          Q     THE QUESTION IS, WHAT DID YOU DO?  
19          A     I DIDN'T DO NOTHING.  
20          Q     NOW, YOU INDICATED AT THAT TIME THAT HE DID SOMETHING  
21 WITH HIS HANDS?  
22          A     YES.  
23          Q     AND, WHAT DID HE DO TO YOU WITH HIS HAND?  
24          A     HE WENT UP MY SKIRT AND HE STARTED FINGERING ME.

1 Q NOW, YOU INDICATED TO THE DISTRICT ATTORNEY'S OFFICE  
2 THAT HE HAD MADE PENETRATION?  
3 A WHAT?  
4 Q YOU HAVE INDICATED THAT HE HAD STUCK HIS FINGER INTO  
5 YOUR VAGINA?  
6 A YES.  
7 Q HOW DID YOU MAKE THAT DETERMINATION?  
8 A IT WAS LIKE I WAS SITTING THERE AND HE WAS JUST GOING  
9 UP, AND I WAS LIKE IT'S TIME TO GO.  
10 Q WHAT DID YOU SAY AT THAT TIME?  
11 A I SAID, "I'M READY TO GO HOME."  
12 Q DID HE THEN TAKE YOU HOME?  
13 A YES.  
14 Q DID YOU PROTEST IN ANY WAY? DID YOU YELL, KICK, SCREAM,  
15 SCRATCH, OR ANYTHING?  
16 A NO.  
17 Q YOU JUST SAID, "IT'S TIME TO GO HOME"?  
18 A "I'M READY TO GO HOME."  
19 Q DO YOU KNOW ABOUT WHAT TIME IT WAS YOU GOT HOME?  
20 A NO.  
21 Q DID THERE BECOME A TIME WHEN YOU TOLD SOMEBODY ABOUT  
22 WHAT HAD HAPPENED TO YOU?  
23 A YES.  
24 Q NOW, THIS INCIDENT FIRST OCCURRED IN NOVEMBER OF '93,

1 WHEN DID YOU FIRST TELL SOMEBODY ABOUT IT?  
2 A I TOLD CHANELL LIKE A COUPLE OF DAYS AFTER.  
3 Q DID THERE BECOME A TIME IN MAY OF 1994 WHEN YOU WROTE  
4 SOME OF THIS DOWN?  
5 A YES.  
6 Q COULD YOU EXPLAIN TO ME THE CIRCUMSTANCES, AND WHAT  
7 CAUSED YOU TO WRITE IT DOWN? AND, WHO WAS PRESENT, AND WHERE YOU  
8 DID IT, AND THAT KIND OF THING? DO YOU KNOW WHOSE HOUSE YOU WERE  
9 AT?  
10 A YES.  
11 Q WHOSE HOUSE?  
12 A MY GRANDMOTHER'S.  
13 Q WHAT IS YOUR GRANDMOTHER'S NAME?  
14 A LOUISE SANDERS.  
15 Q AND, WHO ELSE WAS PRESENT WHEN THIS HAPPENED?  
16 A MY AUNT DORIS WILLIAMS.  
17 Q AND, WHO ELSE?  
18 A ME AND ROSHANDA.  
19 Q DID THE OTHER YOUNG LADY CHANELL JACKSON COME OVER ALSO?  
20 A YEAH, SHE CAME OVER THE NEXT DAY.  
21 Q AND, THAT PARTICULAR NIGHT YOU WROTE OUT A STATEMENT?  
22 A UH HUH.  
23 Q AND, DID THE POLICE COME OUT THAT NIGHT?  
24 A YES.



1 Q CAN YOU RECALL IF YOU TALKED TO A DETECTIVE THAT NIGHT  
2 BY THE NAME OF RISENHOOVER? OR, DO YOU RECALL THE NAMES AT ALL?  
3 A I DON'T RECALL THE NAMES.  
4 Q AS A RESULT OF THE CONVERSATIONS YOU HAD WITH THE  
5 POLICE, WERE YOU TAKEN BY A RELATIVE OR PARENTS FOR MEDICAL  
6 EXAMINATION?  
7 A MY GUARDIAN, MY GRANDMOTHER.  
8 Q YOUR GRANDMOTHER IS YOUR LEGAL GUARDIAN?  
9 A YES.  
10 Q WHERE DID SHE TAKE YOU? IF YOU KNOW.  
11 A I DON'T REMEMBER THE PLACE.  
12 Q DID YOU GO TO TWO SEPARATE PLACES?  
13 A NO, I WENT TO ONE.  
14 Q COULD IT HAVE POSSIBLY BEEN THE FREMONT MEDICAL CENTER?  
15 A NO.  
16 Q WAS IT S.A.I.N.T.?  
17 A YES.  
18 Q AND, DO YOU RECALL WHO THE DOCTOR WAS THAT EXAMINED YOU?  
19 A NO, I DON'T REMEMBER HER NAME.  
20 Q DID ANYBODY ELSE TELL YOU THE RESULTS OF THAT  
21 EXAMINATION?  
22 A NO.  
23 Q AM I CORRECT YOU WERE SEXUALLY ACTIVE BEFORE THIS  
24 INCIDENT OCCURRED?

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A YES.

Q HAVE YOU EVER MADE A COMPLAINT TO THE POLICE ABOUT  
ANYBODY ELSE SEXUALLY MOLESTING YOU?

A NO.

BY MR. ARCHIE: COURT'S INDULGENCE?

BY THE COURT: YES.

BY MR. ARCHIE: I HAVE NO FURTHER QUESTIONS, YOUR  
HONOR.

BY THE COURT: REDIRECT?

BY MR. ROJAS: YOUR HONOR, I HAVE JUST ONE QUESTION.

\* \* \* \* \*

1 REDIRECT EXAMINATION

2 \* \* \* \* \*

3  
4 BY MR. ROJAS:

5 Q YOU WERE ASKED BY THE DEFENSE ATTORNEY WHY EXACTLY YOU  
6 DIDN'T SAY ANYTHING, DID YOU WANT TO FINISH ANSWERING THAT  
7 QUESTION?

8 A YES.

9 Q WHY DIDN'T YOU SAY ANYTHING?

10 A BECAUSE I DIDN'T KNOW WHAT HE WAS GOING TO DO TO ME --  
11 LARRY.

12 Q WHEN HE CAME ON TO YOU AND HAD YOU IN THE CAR --

13 A (INTERPOSING) IN THE TRUCK.

14 Q EXCUSE ME, IN THE TRUCK, IS THERE ALSO A REASON WHY YOU  
15 DIDN'T SAY ANYTHING TO HIM THERE?

16 A NO, NOT REALLY. LIKE I SAID, I DIDN'T KNOW WHAT HE WAS  
17 GOING TO DO.

18 Q WERE YOU SURPRISED AT ALL?

19 A YES.

20 Q WHY WERE YOU SURPRISED?

21 A BECAUSE HE WAS THE TYPE OF PERSON THAT HE WAS  
22 GOODIE-GOODIE TWO SHOES, HE WAS SO MUCH INTO CHURCH.

23 Q BUT, AT NO TIME DID YOU EVER CONSENT TO THIS?

24 A NO.

1 Q DID THERE COME A TIME AFTER THIS SEXUAL CONTACT IN  
2 FEBRUARY -- PRESIDENTS' DAY IN FEBRUARY OF 1994; IS THAT CORRECT?

3 A UH HUH.

4 Q BEFORE I GO ON, DID THIS INCIDENT OCCUR IN CLARK COUNTY,  
5 NORTH LAS VEGAS, NEVADA?

6 A YES.

7 Q AFTER THIS INCIDENT OCCURRED IN CLARK COUNTY, NORTH LAS  
8 VEGAS, NEVADA, DID HE CONTINUE TO TRY TO HAVE CONTACT WITH YOU?

9 A NO.

10 Q DID HE TALK TO YOU ABOUT SEXUAL INTERCOURSE OR ANYTHING  
11 ELSE AGAIN?

12 A NO.

13 BY MR. ROJAS: THAT'S ALL THE QUESTIONS I HAVE, YOUR  
14 HONOR.

15 BY THE COURT: ANY RECROSS, COUNSEL?

16 BY MR. ARCHIE: NO, YOUR HONOR.

17 BY THE COURT: OKAY.

18 MISS SANDERS, YOU ARE EXCUSED FOR NOW. YOU NEED TO GO  
19 BACK IN THE ROOM WHERE YOU WERE WAITING. DON'T TALK ABOUT YOUR  
20 TESTIMONY TO ANYBODY ELSE.

21 (THE WITNESS WAS EXCUSED.)

22 BY MR. ARCHIE: BEFORE THE NEXT WITNESS IS CALLED COULD  
23 WE TAKE A SHORT RECESS?

24 BY THE COURT: YES, YOU BEAT ME TO THE PUNCH.

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WE'LL COME BACK IN ABOUT 10 MINUTES, AT ABOUT 20 AFTER.

(WHEREUPON A SHORT RECESS WAS  
TAKEN.)

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AFTER RECESS

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BY THE COURT: THE STATE MAY CALL YOUR NEXT WITNESS.

BY MR. ROJAS: YOUR HONOR, THE STATE CALLS ROSHANDA  
TURNER.

BY THE COURT: OKAY.

COME UP HERE AND BE SWORN.

\* \* \* \* \*

1 ROSHANDA TURNER,  
2 HAVING BEEN FIRST DULY SWORN TO TELL THE TRUTH, THE WHOLE TRUTH  
3 AND NOTHING BUT THE TRUTH, TESTIFIED AS FOLLOWS:  
4

5 BY THE BAILIFF: YOU MAY BE SEATED.

6 STATE TO THE COURT YOUR NAME AND SPELL YOUR FIRST AND  
7 LAST NAMES?

8 BY THE WITNESS: ROSHANDA TURNER, R-O-S-H-A-N-D-A,  
9 T-U-R-N-E-R.

10

11 DIRECT EXAMINATION

12 BY MR. ROJAS:

13 Q ROSHANDA, HOW OLD ARE YOU?

14 A 13.

15 Q DO YOU MIND IF I CALL YOU ROSHANDA?

16 A YES.

17 Q YOU ARE 13 YEARS OLD, ARE YOU INVOLVED IN ANY EXTRA  
18 CURRICULAR ACTIVITIES?

19 A WHAT DO YOU MEAN?

20 Q WERE YOU INVOLVED OR ARE YOU STILL PRESENTLY INVOLVED IN  
21 ANY TEAMS?

22 A OUT OF SCHOOL? LIKE IN SCHOOL I AM IN BAND; THAT'S  
23 ABOUT IT.

24 Q I DIRECT YOUR ATTENTION BACK TO 1993 AND 1994, WERE YOU

1 INVOLVED IN ANY DRILL TEAMS?

2 A YES.

3 Q WHICH ONE WAS THAT?

4 A QUEENETTES.

5 Q WHAT EXACTLY DO THE QUEENETTES DO?

6 A DO COMPETITION IN PARADES AND STUFF AS A DRILL TEAM.

7 Q WHAT EXACTLY DID YOU DO IN THE QUEENETTES?

8 A WHEN I FIRST IN THE DRILL TEAM I WAS IN LINE, BUT THEN I

9 WORKED MY WAY UP TO BE JUNIOR CAPTAIN.

10 Q WHEN EXACTLY WAS IT YOU JOINED?

11 A I DON'T REMEMBER.

12 Q WAS IT IN 1993?

13 A I DON'T REMEMBER.

14 Q DID THIS DRILL TEAM, THE QUEENETTES, HAVE A DIRECTOR?

15 A YES.

16 Q AND, WHO WAS THE DIRECTOR?

17 A LARRY THOMAS.

18 Q DO YOU SEE HIM IN COURT TODAY?

19 A YES.

20 Q COULD YOU PLEASE POINT TO HIM AND IDENTIFY AN ARTICLE OF

21 HIS CLOTHING?

22 A HE GOT ON A BROWN -- I DON'T KNOW WHAT IT IS, BUT IT'S

23 BROWN, AND GOT ON SOME BROWN SLIPPERS; DARK SKINNED AND KIND OF

24 BALD HEADED, AND GOT ON A BROWN OUTFIT (INDICATING).



1 BY THE COURT: THE RECORD WILL REFLECT THE  
2 IDENTIFICATION OF THE DEFENDANT.

3 BY MR. ROJAS:

4 Q DID THERE EVER COME A TIME THAT THE DEFENDANT STARTED  
5 TALKING TO YOU ABOUT POSSIBLE SEXUAL ACTIVITIES?

6 A YES.

7 Q WHEN WAS THAT?

8 A I DON'T REMEMBER THE FIRST TIME.

9 Q DO YOU REMEMBER BACK IN NOVEMBER OF 1993, THAT WOULD BE  
10 AROUND THANKSGIVING OF 1993 -- NOT THIS LAST THANKSGIVING, BUT  
11 THE THANKSGIVING BEFORE?

12 A YES.

13 Q WHEN DID YOU HAVE CONTACT WITH HIM?

14 A I DON'T REMEMBER WHEN BACK THEN.

15 Q DID THERE COME AN INCIDENT AT ANY TIME DURING THAT  
16 PERIOD THAT HE PLACED HIS HANDS UPON YOU?

17 A YES.

18 Q COULD YOU PLEASE TELL THE COURT HOW EXACTLY HE PLACED  
19 HIS HANDS UPON YOU?

20 A THE FIRST TIME --

21 BY MR. ARCHIE: I'D OBJECT, YOUR HONOR, UNTIL A  
22 FOUNDATION IS LAID AS TO TIME, LOCATION, AND PLACE. I'M SOMEWHAT  
23 CONFUSED BECAUSE SHE INDICATED WHEN HE ASKED THE QUESTION THAT  
24 SHE DIDN'T REMEMBER. SO, I AM A LITTLE LOST.

1 BY THE COURT: LAY A GENERAL FRAMEWORK, COUNSEL.  
2 BY MR. ROJAS:  
3 Q NOW, DO YOU REMEMBER YOUR FIRST DAY ON THE QUEENETTES?  
4 A NO.  
5 Q DO YOU REMEMBER YOUR FIRST EVENT?  
6 A YES.  
7 Q WHAT WAS THAT?  
8 A IT WAS OUT OF TOWN AT CALIFORNIA; IT WAS A COMPETITION,  
9 WORLD ON WHEELS.  
10 Q WAS IT AT THE BEGINNING OF THE YEAR OR TOWARDS THE END,  
11 TOWARDS CHRISTMAS?  
12 A TOWARDS THE END OF '93.  
13 Q TOWARDS THE END OF '93. HAD YOU BEEN ON THE TEAM AWHILE  
14 AT THAT TIME?  
15 A NOT REALLY, NOT A LONG TIME.  
16 Q WERE YOU ON THE TEAM BETWEEN THE MONTHS OF AUGUST 1993,  
17 AND SEPTEMBER 1993?  
18 A YES.  
19 Q AND, DID THERE COME ANY TIME WHERE THE DEFENDANT PLACED  
20 HIS HANDS ON YOU AT THAT TIME?  
21 A YES.  
22 Q COULD YOU PLEASE TELL THE COURT EXACTLY WHAT HE DID?  
23 A AUGUST 13, I WAS OVER AUGUST 13 --  
24 Q (INTERPOSING) I KNOW YOU ARE NERVOUS, BUT RELAX,

1       OKAY?

2               WOULD YOU LIKE TO TAKE A LITTLE BREAK?

3       A       NO.

4       Q       CAN YOU TELL ME EXACTLY WHAT HAPPENED?

5       A       IT WAS AUGUST 13 AND ON SHAWANDA (PHONETIC) DRIVEWAY AND

6       GETTING READY TO GO AND SHE GETTING HER ....

7       Q       JUST GET YOURSELF TOGETHER FOR A SECOND.

8               ROSHANDA, WHY DON'T YOU GO AHEAD AND TELL US WHAT

9       HAPPENED BETWEEN THESE DATES WHEN YOU SAY YOU WERE AT SHAWANDA'S

10       (PHONETIC) HOUSE?

11       A       IN HER DRIVEWAY.

12       Q       IS THAT IN NORTH LAS VEGAS, CLARK COUNTY, NEVADA?

13       A       ON THE WEST SIDE.

14       Q       AND, EXACTLY WHERE? IS THAT IN LAS VEGAS?

15       A       YES.

16       Q       AND, IN CLARK COUNTY?

17       A       UH HUH.

18       Q       OKAY.

19               NOW, WHEN YOU SAY THE WEST SIDE, WHERE DO YOU MEAN?

20       A       ON THE WEST SIDE OF TOWN.

21       Q       NOW, LET ME ASK YOU WHAT EXACTLY HAPPENED WHILE YOU WERE

22       AT SHAWANDA'S (PHONETIC) HOUSE?

23       A       WE WERE SITTING IN THE CAR WAITING FOR SHAWANDA

24       (PHONETIC) TO COME BACK OUT AND LARRY LOOKED AT ME -- FIRST HE

1 MOUTHING AT ME ALL DAY AT PRACTICE.

2 Q DID HE SAY ANYTHING TO YOU AT PRACTICE?

3 A NOT REALLY, JUST SMILING AT ME ALL DAY AT PRACTICE; I

4 DIDN'T KNOW WHAT WAS GOING ON AT FIRST, THEN WHEN WE IN THE CAR

5 HE LIKE PUTTING HIS HANDS OVER AND I WAS LOOKING AT HIM FUNNY,

6 REAL FUNNY, AND THEN THAT'S WHEN SHAWANDA (PHONETIC) CAME BACK

7 OUTSIDE.

8 LIKE AT THAT TIME HE WAS ON MY SIDE, YOU KNOW, TRYING TO

9 FEEL ON ME AND THEN WHEN SHAWANDA (PHONETIC) CAME BACK OUT --

10 Q (INTERPOSING) YOU SAID HE WAS TRYING TO PLACE HIS HANDS

11 ON YOU?

12 A YES.

13 Q COULD YOU PLEASE TELL THE COURT WHAT EXACTLY YOU MEAN?

14 A DOWN, LIKE DOWN TO MY PRIVATE PARTS.

15 Q WHEN YOU SAY YOUR PRIVATE PARTS, CAN YOU INDICATE

16 EXACTLY WHERE YOU MEAN? DO YOU MEAN THE PELVIC AREA? YOUR

17 VAGINAL AREA?

18 A THAT NIGHT HE WAS JUST RUNNING ON TOP OF MY CLOTHES

19 BECAUSE SHAWANDA (PHONETIC) ON HER WAY BACK OUT THE DOOR.

20 Q WAS HE RUBBING ON THE PRIVATE AREA?

21 A YES.

22 Q WAS HE RUBBING ANY OTHER PRIVATE AREAS?

23 A ON MY BREASTS.

24 Q WAS HE TOUCHING YOUR BREAST WITH HIS HAND OR RUBBING ON

1 TOP OF THE CLOTHING?

2 A ON TOP OF MY CLOTHES.

3 Q WAS HE SAYING ANYTHING ELSE TO YOU?

4 A NO.

5 Q WAS HE SMILING AT YOU?

6 A YES. WHEN SHAWANDA (PHONETIC) GOT BACK IN THE CAR --

7 Q (INTERPOSING) WHILE HE WAS RUBBING YOU WAS HE TRYING TO

8 KISS YOU?

9 A NO.

10 Q SO, HOW LONG DID THIS LAST?

11 A WHAT LAST?

12 Q THE RUBBING OF YOUR PRIVATE PART?

13 A NOT LONG.

14 Q WOULD YOU SAY MORE THAN A MINUTE?

15 A YES.

16 Q AND, WHEN DID SHAWANDA (PHONETIC) COME BACK IN THE CAR?

17 A NOT TOO LONG AFTER SHE WENT IN.

18 Q WHAT DID HE DO THEN WHEN SHAWANDA (PHONETIC) CAME BACK

19 OUTSIDE?

20 A HE JUST MOVED BACK TO THE SIDE WHERE HE WAS AT AND START

21 UP THE TRUCK AND WE LEFT, AND HE TOOK ME HOME.

22 Q ON THE WAY HOME DID HE MAKE ANY -- DID HE SAY ANYTHING

23 TO YOU?

24 A NO.

1 Q WAS THIS BETWEEN THOSE DATES THAT YOU HAVE MENTIONED  
2 PRIOR, AUGUST AND SEPTEMBER?

3 A (NODS HEAD)

4 Q NOW, DID THERE COME A TIME IN AUGUST OF THAT SAME YEAR,  
5 1993, THAT YOU HAD ANOTHER INCIDENT WITH HIM?

6 A YES.

7 Q WHEN WAS THAT?

8 A THE NIGHT WE WENT TO -- WE WAS ON OUR WAY TO COMPETITION  
9 AND WE WERE ALL IN THE CIRCLE WAITING FOR THE BUS SO WE CAN  
10 LEAVE, AND HE ASKED ME WAS I GOING TO SIT WITH HIM AND I LOOKED  
11 AT HIM REAL FUNNY LIKE, YOU KNOW, AND WE GOT ON THE BUS THEN AND  
12 HE WAS GIVING EVERYBODY THEY SEATS TO SIT DOWN, AND I ENDED UP  
13 SITTING IN THE SEAT BY MYSELF, AND I END UP SITTING WITH HIM.

14 Q DID HE ASSIGN THE SEATS ON THIS BUS?

15 A YES.

16 Q NOW, WAS HE DIRECTOR OF THE TEAM?

17 A YES.

18 Q DID THIS TEAM MEAN A LOT TO YOU?

19 A YES.

20 Q DID YOU WANT TO BELONG TO THIS TEAM?

21 A YES.

22 Q DID HE HAVE THE ABILITY TO REMOVE PEOPLE FROM THIS TEAM?

23 A YES.

24 Q DID YOU EVER SEE HIM TAKE SOMEBODY OFF THE TEAM?

1 A EVERY DAY.

2 Q NOW, AS YOU WERE GOING ON YOUR WAY TO CALIFORNIA WHERE  
3 EXACTLY WERE YOU SITTING?

4 A BESIDE HIM ON THE BUS, WE WAS LIKE TO THE MIDDLE.

5 Q WHEN HE SAT DOWN, WHAT DID HE DO?

6 A LIKE WHEN WE FIRST GET READY TO TAKE OFF HE ALWAYS LIKE  
7 BE GOING UP DOWN THE AISLES GETTING FOOD FOR PEOPLE AND THEN COME  
8 AND SIT DOWN.

9 IT WAS A LONG TIME BEFORE HE SAT DOWN AND SAID ANYTHING.

10 Q WHEN HE DID SIT DOWN DID HE SAY ANYTHING TO YOU?

11 A YES.

12 Q WHAT DID HE SAY?

13 A I DON'T REMEMBER.

14 Q DID HE AT THAT TIME EVER PLACE HIS HAND ON YOU?

15 A YES.

16 Q TELL ME EXACTLY WHAT HE DID?

17 A CAME AND SIT DOWN, AND I FORGOT WHAT HE SAID TO ME, THEN  
18 HE LIKE --

19 BY MR. ARCHIE: YOUR HONOR, MAY I TAKE THE WITNESS ON  
20 VOIR DIRE?

21 BY MR. ROJAS: FOR WHAT PURPOSE?

22 BY MR. ARCHIE: MY QUESTION WOULD BE THAT ON THE BUS I'M  
23 ASSUMING WE'RE GOING SOMEWHERE, MY QUESTION IS WERE WE LEAVING  
24 TOWN? AND, PERHAPS THIS CRIME OCCURRED OUT OF THE JURISDICTION

1 OF THE STATE OF NEVADA, ACROSS STATE LINES, AND THEN IT'S  
2 IRRELEVANT TO WHAT HE IS CHARGED WITH.

3 I'M TRYING TO ESTABLISH WHERE THEY WERE GOING AND WHERE  
4 THEY WERE WHEN THE CRIME ALLEGEDLY OCCURRED. IF THEY CROSSED THE  
5 STATE LINE AND WERE IN CALIFORNIA THEN WE'RE IN THE WRONG  
6 JURISDICTION FOR THIS PARTICULAR COUNT.

7 BY MR. ROJAS: I DON'T MIND MR. ARCHIE HAVING VOIR DIRE  
8 TO ASK HER THAT QUESTION OF WHERE IT WAS.

9 BY THE COURT: OKAY.

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BY MR. ARCHIE:

Q THIS BUS YOU WERE ON WHERE WAS THE BUS HEADED TO?

A CALIFORNIA.

Q DO YOU KNOW HOW LONG YOU WERE ON THE BUS BEFORE HE CAME SAT DOWN NEXT TO YOU?

A NO.

Q HOW LONG DID THE TRIP TAKE?

A WELL, WE LEFT AT LIKE -- SOMETIMES WE ALWAYS LEAVE IN MORNING AND DON'T GET THERE UNTIL DAYLIGHT THE NEXT MORNING.

Q DO YOU KNOW WHERE THE CASINOS ARE AT STATELINE, NEVADA?

A YES.

Q WHERE THE PRIMADONNA AND WHISKEY PETE'S ARE, HAD YOU EASY WENT PAST THOSE?

A YES.

BY THE COURT: SHE ANSWERED YES.

BY MR. ARCHIE: THEN I'D ASK, YOUR HONOR, THAT BE EXCLUDED FROM THIS LINE OF QUESTIONING; IT SEEMS THE CRIME OCCURRED IN THE STATE OF CALIFORNIA.

BY THE COURT: EXACTLY WHICH COUNT ARE WE TALKING ABOUT?

BY MR. ARCHIE: I BELIEVE COUNT IX, YOUR HONOR.

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24

BY MR. ROJAS: IF WE MAY APPROACH THE BENCH, YOUR HONOR?

BY THE COURT: I THINK WE HAVE A PROBLEM ON COUNT VIII

OR IX.

(BENCH CONFERENCE BETWEEN  
COURT AND COUNSEL OFF  
THE RECORD.)

\* \* \* \* \*

1 DIRECT EXAMINATION (CONTINUED).

2 \* \* \* \* \*

3  
4 BY MR. ROJAS:

5 Q I AM GOING TO STOP YOU ASKING YOU QUESTIONS ABOUT THE  
6 TRIP, ROSHANDA, FOR OTHER REASONS -- I WILL TELL YOU LATER -- YOU  
7 WERE OUTSIDE OUR JURISDICTION AND I CAN'T ASK ABOUT THE EVENTS  
8 THAT HAPPENED WHILE YOU WERE OUTSIDE OUR JURISDICTION.

9 I CAN ASK IF YOU REMEMBER ON OCTOBER 11, 1993, IF YOU  
10 HAD ANY CONTACT WITH THE DEFENDANT?

11 A YES.

12 Q AND, CAN YOU TELL THE COURT EXACTLY WHAT TYPE OF CONTACT  
13 YOU HAD WITH THE DEFENDANT ON THIS DATE?

14 A YES.

15 Q TELL US EXACTLY WHAT HAPPENED?

16 A THAT DAY HE DIDN'T COME TO PICK ME UP FOR DRILL TEAM  
17 PRACTICE FOR SOME REASON, I DON'T KNOW. MY GRANDMA BROUGHT ME UP  
18 TO THE PRACTICE, AND THE GIRLS AND THE DRUMMERS HAD WENT OUT TO  
19 GO SELL RAFFLE TICKETS FOR THE DRILL TEAM, AND WHEN I GOT UP  
20 THERE, YOU KNOW, HE TOLD ME IT WAS TOO LATE FOR ME TO GO SELL  
21 RAFFLE TICKETS.

22 SO, I STAYED UP THERE WITH HIM AND SOME OTHER DRUMMERS,  
23 THEN WHEN THE GIRLS GOT BACK FROM SELLING THE RAFFLE TICKETS  
24 PRACTICE WAS OVER, AND THEN WHEN WE WAS LEAVING WE HAD DROPPED

1 EVERYBODY OFF AT PRACTICE.

2 AND, THEN WE WERE -- I WAS IN THE CAR WITH LARRY AND WE  
3 RODE PAST MY HOUSE AND WE ENDED UP IN NORTHTOWN. I WAS LIKE,  
4 "WHERE WE GOING?" AND, HE DIDN'T SAY NOTHING. THEN WE ENDED UP  
5 AT THESE APARTMENTS ACROSS THE STREET FROM SARATOGA PALMS IN THIS  
6 DARK AREA BEHIND.

7 Q WHERE EXACTLY DID YOU END UP?

8 BY MR. ARCHIE: I COULDN'T MAKE IT OUT, JUDGE.

9 BY MR. ROJAS:

10 Q ROSHANDA, WE'LL WORK THROUGH IT.

11 NOW, YOU STOPPED WHERE AT?

12 A I DON'T KNOW THE NAME OF THE APARTMENT; THEY BEHIND JIM  
13 BRIDGER. IT WAS THIS DARK AREA BEHIND THOSE APARTMENTS. FIRST  
14 WE'RE AT HIS WIFE'S CAR; I DON'T KNOW THE NAMES, IT WAS A RED  
15 CAR, BUT I DON'T KNOW WHAT KIND OF CAR IT WAS.

16 Q WERE YOU BOTH ALONE IN THAT CAR?

17 A YES.

18 Q WHILE YOU WERE BOTH ALONE IN THAT CAR WHAT HAPPENED?

19 A FIRST WE JUST SITTING THERE AND HE DIDN'T SAY ANYTHING,  
20 BUT THE MUSIC WAS JUST PLAYING, AND THEN HE GOT ON THE SAME SIDE  
21 I WAS ON, AND THEN ALL OF A SUDDEN, YOU KNOW, HE STARTED LIFTING  
22 UP MY SKIRT. I DIDN'T SAY NOTHING BECAUSE I WAS SHOCKED.

23 Q WHY WERE YOU SHOCKED?

24 A BECAUSE HE MY DIRECTOR. I SUPPOSED TO BE SHOCKED, YOU

1 KNOW, HE WAS 27 OR 26 YEARS OLD AND I'M 12 YEARS OLD. I'M GOING  
2 TO BE SHOCKED.

3 Q WERE YOU 12 YEARS OLD AT THE TIME THIS HAPPENED?

4 A YES.

5 Q WHAT EXACTLY DID HE DO AFTER HE STARTED TO LIFT UP YOUR  
6 SKIRT?

7 A HE TRIED TO INSERT HIS PENIS INTO MY VAGINA, BUT I WAS A  
8 VIRGIN AND IT WOULDN'T GO IN ALL THE WAY. SO THEN HE STOPPED,  
9 AND THEN WHEN WE GOT READY TO PULL OUT THE PARKING LOT, HE SAID,  
10 "YOU HUNGRY?" I SAY, "YES." WE WENT TO KENTUCKY FRIED CHICKEN.  
11 I START ROLLING UP AND DOWN MY WINDOW BECAUSE I WAS NERVOUS, AND  
12 HE TURNED TO ME AND HE SAID, "YOU ALL RIGHT?" I WAS LIKE I  
13 DIDN'T SAY NOTHING, AND THEN HE TOOK ME HOME AND I DIDN'T SAY  
14 NOTHING TO MY MOMMA ABOUT IT BECAUSE I WAS SCARED.

15 SO, THAT WAS THE FIRST NIGHT IT HAPPENED.

16 Q SO, AT THAT TIME HE WASN'T ABLE TO INSERT HIS PENIS  
17 INSIDE OF YOU; IS THAT CORRECT?

18 A NO.

19 Q DID HE PLACE HIS PENIS INTO YOUR VAGINAL OPENING?

20 A YES.

21 Q DID HE ATTEMPT TO PLACE IT ALL THE WAY INSIDE?

22 A NO, NOT ALL THE WAY.

23 Q DID THERE COME A DAY A FEW DAYS LATER POSSIBLY THAT YOU  
24 GUYS HAD THE SAME TYPE OF ACTIVITY?

1           A     YES, BECAUSE THE FIRST TIME ON OCTOBER 11, HE SAID,  
2     "WELL, SINCE I COULDN'T GET IT IN ALL THE WAY TODAY WE'RE GOING  
3     TO TRY IT AGAIN FRIDAY," AND FRIDAY WAS OCTOBER THE 15TH.  
4           Q     WHAT HAPPENED ON OCTOBER 15?  
5           A     I THINK WE WAS GOING TO THE LAKE OR SOMETHING WITH THE  
6     DRILL TEAM. I REALLY DON'T REMEMBER THE SECOND DAY THAT  
7     EVERYTHING HAPPENED, I JUST REMEMBER THE DATE.  
8           Q     BUT, BRINGING YOU BACK TO OCTOBER 11TH, WHEN THIS  
9     INCIDENT HAPPENED THAT HE PLACED HIS PENIS IN AND IT WOULDN'T GO  
10    ALL THE WAY INSIDE OF YOU, WERE YOU IN CLARK COUNTY, NORTH LAS  
11    VEGAS?  
12          A     YES.  
13          Q     NEVADA?  
14          A     YES.  
15          Q     AND, ON OCTOBER 15, WHERE EXACTLY WAS IT THAT YOU WERE  
16    WHEN HE INITIATED THIS SUBSEQUENT SEXUAL CONTACT?  
17          A     I DON'T KNOW.  
18          Q     WERE YOU IN NORTH LAS VEGAS?  
19          A     I THINK THAT FRIDAY ME AND SOME OF THE OTHER GIRLS IN  
20    THE DRILL TEAM AND SOME OF THE DRUMMERS WENT TO THE LAKE, BUT I  
21    REALLY DON'T REMEMBER.  
22          Q     DID THERE COME A TIME YOU HAD SEXUAL CONTACT WITH HIM ON  
23    THE 15TH ALSO?  
24          A     YES.

1 Q TELL ME EXACTLY WHAT HAPPENED?

2 A I DON'T REALLY REMEMBER THAT SECOND TIME; I JUST KNOW --  
3 I KNOW IT WAS THE SECOND, I KNOW OCTOBER 15 BECAUSE I WROTE IT IN  
4 MY DIARY; I JUST DON'T REMEMBER WHAT HAPPENED REALLY.

5 Q BUT, YOU DO REMEMBER THE OCTOBER 11TH INCIDENT; IS THAT  
6 CORRECT?

7 A YES.

8 Q ON THE OCTOBER 11TH INCIDENT, DID HE HAVE YOU DOWN  
9 NAKED?

10 A I WASN'T NAKED ALL THE WAY, NO.

11 Q DID HE THE PANTS OFF?

12 A HE HAD THEM DOWN, BUT NOT OFF ALL THE WAY.

13 Q DID YOU SEE HIS PENIS?

14 A NO, NOT THE FIRST TIME.

15 Q DID YOU FEEL IT?

16 BY MR. ARCHIE: (INTERPOSING) YOUR HONOR, I WOULD  
17 OBJECT TO THE LINE OF QUESTIONING. IT IS OBVIOUS THIS SHE  
18 REMEMBERS AND SHE CAN NARRATE WHAT HAPPENED IN THIS PARTICULAR  
19 INCIDENT.

20 BY THE COURT: SHE'S TALKING ABOUT THE OCTOBER 11TH  
21 INCIDENT?

22 BY MR. ROJAS: RIGHT. I WANT TO BREAK IT DOWN. SHE  
23 GAVE A NARRATIVE AND I WISH THE COURT WOULD GIVE ME LEEWAY TO  
24 BREAK DOWN SOME SPECIFIC EVENTS.

1               SHE IS NOT TALKING WITH SPECIFICITY WITH HER ANSWERS, AS  
2               WAS SHOWN BY "PRIVATE PARTS."  
3               BY THE COURT: LET'S LET HER TRY TO DO IT IN NARRATIVE  
4               FORM. IF YOU NEED TO GO BEYOND THAT WE CAN DO IT, BUT LET HER  
5               TRY IT.  
6               BY MR. ROJAS: OKAY.  
7               NO PROBLEM. I WILL RETRACT THAT QUESTION, YOUR HONOR.  
8               BY THE COURT: OKAY.  
9               BY MR. ROJAS:  
10              Q       WE'RE GOING TO JUMP BACK SINCE YOU DON'T REMEMBER THE  
11              15TH -- YOU REMEMBER VAGUELY -- BUT LET'S JUMP BACK TO THE 11TH,  
12              SOMETHING YOU DO REMEMBER?  
13              A       OKAY.  
14              Q       YOU FIRST TOLD US THAT HE HAD TAKEN OFF YOUR CLOTHING;  
15              IS THAT CORRECT?  
16              A       MY SKIRT BUT NOT MY SHIRT.  
17              Q       WHERE WERE YOU WHEN THIS OCCURRED?  
18              A       WHERE WAS I?  
19              Q       YES.  
20              A       IN THE CAR IN THE PASSENGER SEAT.  
21              Q       DID HE COME OVER?  
22              A       YES.  
23              Q       HOW WAS IT THAT HE CAME OVER TO YOU?  
24              A       IN BETWEEN THE DRIVER'S SEAT AND THE PASSENGER SEAT -- I



1 THINK THE CAR WAS A STICK SHIFT OR SOMETHING -- IT HAD LIKE A  
2 LITTLE THING RIGHT HERE IN THE MIDDLE (INDICATING) AND HE LIKE  
3 CAME OVER THE THING WHERE IT WASN'T THAT BIG WHERE HE COULDN'T  
4 GET ON MY SIDE WITH ME, BUT HE LIKE GOT ON THE SAME SIDE WITH ME,  
5 AND JUST START TAKING OFF MY, PULLING OFF MY SKIRT AND TAKING  
6 DOWN MY FISHNETS AND MY BRIEFS.

7 Q DID HE TAKE THOSE OFF?

8 A YES.

9 Q AND, WHAT DID YOU FEEL NEXT? WHAT HAPPENED NEXT?

10 A HE JUST START TAKING DOWN MY PANTIES, AND THEN THAT'S  
11 WHEN I LIKE DID LIKE THAT (INDICATING), I JACKED UP A LITTLE BIT  
12 AND THEN I DIDN'T SAY NOTHING BECAUSE I WAS SCARED THEN THAT'S  
13 WHEN HE LIKE START PULLING HIS PANTS DOWN AND THEN INSERTED HIS  
14 PENIS INSIDE MY VAGINA, BUT HE COULDN'T GET IN ALL THE WAY  
15 BECAUSE I KEPT PUSHING UP LIKE THAT BECAUSE I WAS A VIRGIN.

16 Q NOW, YOU HAD NEVER CONSENTED TO THIS ACT, HAD YOU?

17 A (SHAKES HEAD)

18 Q DID YOU EVER PRIOR TO THIS DATE TELL HIM YOU WANTED TO  
19 HAVE SEXUAL INTERCOURSE WITH HIM?

20 A NO.

21 Q HAD YOU EVER TALKED TO HIM ABOUT SEX?

22 A NO.

23 Q NOW, DID THERE COME A TIME IN NOVEMBER THAT YOU ALSO HAD  
24 SEXUAL INTERCOURSE WITH THIS GENTLEMAN, THE DEFENDANT?

1           A     I DON'T KNOW BUT IT HAPPENED SO MANY TIMES.

2           Q     NOW, REMEMBER THAT OCTOBER, AT THE END OF OCTOBER WE

3     HAVE HALLOWEEN, OKAY? IN NOVEMBER WE HAVE THANKSGIVING, AND WAS

4     THERE A TIME AT ALL YOU CAN RECOLLECT IN NOVEMBER 1993 THAT YOU

5     HAD SEXUAL INTERCOURSE WITH THE DEFENDANT?

6           A     NOT RIGHT OFF THE TOP OF MY HEAD.

7           Q     DID YOU CONTINUE TO HAVE SEXUAL INTERCOURSE WITH THE

8     DEFENDANT?

9           A     (NODS HEAD)

10          Q     WHEN YOU SAY "SEXUAL INTERCOURSE" COULD YOU PLEASE

11     EXPLAIN TO THE COURT WHAT EXACTLY YOU MEAN?

12          A     WHEN HE INSERT HIS PENIS INTO MY VAGINA.

13          Q     ON THESE OCCASIONS DID HE EJACULATE, TO THE BEST OF YOUR

14     -- APPROXIMATELY HOW MANY TIMES DID IT HAPPEN?

15          A     15.

16          Q     HOW, DO YOU KNOW THAT IT HAPPENED?

17          A     BECAUSE I WROTE IT IN MY DIARY.

18          Q     NOW, THE FIRST TIME WAS THAT OCTOBER 11TH?

19          A     (NODS HEAD)

20          Q     WHEN IS THE LAST TIME THAT YOU SAW HIM?

21          A     THAT I SAW HIM?

22          Q     YEAH.

23          A     THAT YOU HAD ANY RELATIONSHIPS WITH HIM?

24          A     MAY 1ST.

1 Q NOW, NOW TO THE BEST OF YOUR KNOWLEDGE, AND IT'S VERY  
2 IMPORTANT YOU THINK ABOUT MY QUESTION AND ANSWER IT. YOU STARTED  
3 ON OCTOBER -- I WANT YOU TO JUST TAKE A SECOND AND REMEMBER, TRY  
4 TO THINK ABOUT NOVEMBER OF 1993, AND WOULD YOU TAKE A SECOND TO  
5 DO THAT?

6 A YES.

7 Q THANKSGIVING, DID YOU HAVE SEXUAL INTERCOURSE WITH THE  
8 DEFENDANT IN NOVEMBER OF 1993?

9 A (PAUSE) I DON'T REMEMBER BACK THAT FAR.

10 Q IF I GOT YOU YOUR DIARY, WOULD THAT HELP REFRESH YOUR  
11 MEMORY?

12 A (NODS HEAD)

13 Q SHOWING YOU WHAT HAS BEEN MARKED AS STATE'S PROPOSED  
14 EXHIBIT NUMBER 1, DO YOU RECOGNIZE IT?

15 A (NODS HEAD)

16 Q DO YOU RECOGNIZE THAT?

17 A YES.

18 Q HOW IS IT THAT YOU RECOGNIZE IT?

19 A COULD YOU REPEAT THAT AGAIN?

20 Q ROSHANDA, HOW IS IT THAT YOU RECOGNIZE WHAT I JUST  
21 HANDED YOU?

22 A BECAUSE IT'S MY BOOK, IT'S MY DIARY.

23 Q HOW DO YOU KNOW IT'S YOUR DIARY?

24 A BECAUSE FROM THE COVER I KNOW IT'S MINE.

1 Q LOOK INSIDE OF IT, DO YOU RECOGNIZE ANY OF WRITING  
2 INSIDE OF IT?

3 A YES.

4 Q WHO WROTE THAT WRITING?

5 A ME, MY NAME RIGHT HERE (INDICATING).

6 Q WHEN DID YOU WRITE THAT WRITING?

7 A JANUARY 10TH WAS THE FIRST TIME I STARTED WRITING  
8 ANYTHING ABOUT LARRY.

9 Q THAT IS JANUARY 10TH OF WHAT YEAR?

10 A '94.

11 Q NOW, PRIOR TO JANUARY 10TH, DID YOU HAVE SEX WITH HIM?

12 A WHAT DO YOU MEAN PRIOR TO?

13 Q BEFORE 1994 DID YOU HAVE SEX WITH HIM?

14 A YES, IN '93, OCTOBER THE 11TH.

15 Q DID YOU HAVE SEX AFTER THAT, BUT BEFORE YOU HAD MADE  
16 THAT ENTRY INTO THE DIARY?

17 A I DIDN'T START WRITING IN MY DIARY UNTIL JANUARY 10TH,  
18 BUT THEN I WENT BACK WHEN THEY ASKED ME TO REMEMBER THAT HAPPENED  
19 IN MAY OF '94, AND I WENT BACK IN MY DIARY AND WROTE EVERYTHING  
20 DOWN LIKE FROM -- I TOLD HER I PUT '93 ON THE TOP INSTEAD OF '94,  
21 SO I WENT BACK IN THE DIARY OF '93 AND WROTE EVERYTHING THAT WAS  
22 GOING ON TOO.

23 Q DO YOU HAVE THOSE ENTRIES FOR '93?

24 A (PAUSE)



1 BY MR. WALTON: I THINK WE SHOULD GET THAT CLEAR FROM  
2 HER, YOUR HONOR.

3 BY MR. ROJAS: I'D LIKE TO CLARIFY THIS ON MY OWN.

4 BY THE COURT: I'D LIKE TO ASK THE GROUP THERE PLEASE  
5 NOT JOIN IN THE CONVERSATION UP HERE. THEY GAVE ME THIS LITTLE  
6 WHIMPY GAVEL. I DON'T EVER WANT TO HAVE TO USE IT.

7 PLEASE, YOU KNOW, REMAIN SILENT DURING THE PROCEEDINGS.

8 BY MR. ROJAS:

9 Q LISTEN TO THE QUESTIONS I'M ASKING YOU, WHO ASKED YOU IN  
10 MAY ABOUT THIS INCIDENT?

11 A LOUISE SANDERS.

12 Q AT THAT TIME DID YOU HAVE ENTRIES IN YOUR DIARY?

13 A WHAT YOU MEAN? DID I WROTE IN THE DIARY BEFORE SHE  
14 ASKED ME?

15 Q YES.

16 A YES.

17 Q DID YOU HAVE WHAT HAD OCCURRED IN OCTOBER, NOVEMBER, AND  
18 DECEMBER OF '93 IN YOUR DIARY AT THAT TIME?

19 A NOT OF '93. I DIDN'T START WRITING UNTIL JANUARY 10TH,  
20 BUT IN MAY OF LAST YEAR I DID REMEMBER WHAT HAPPENED IN '93. I  
21 JUST HAPPENED WROTE IT DOWN.

22 Q SO, WHAT DID YOU DO WHEN SHE ASKED YOU ABOUT THIS?

23 A WHEN SHE FIRST ASKED ME I DENIED IT BECAUSE I DIDN'T  
24 WANT TO TELL ON LARRY, BUT THEN AFTER CHANELL AND THEM START

1 TELLING, THEN I FINALLY TOLD.

2 Q LET ME ASK YOU, DID YOU GO BACK TO YOUR DIARY AT ALL  
3 AFTER LOUISE ASKED YOU?

4 A NO, BECAUSE THE POLICE HAD IT.

5 Q WHEN IS IT THEN THAT YOU WENT BACK AND WROTE IN WHAT  
6 HAPPENED IN '93?

7 A I HAD ALREADY WROTE IT IN THERE; BEFORE LOUISE ASKED ME  
8 I HAD ALREADY WROTE IT IN THERE.

9 Q SO, YOU HAD WRITTEN IT BEFORE LOUISE ASKED YOU?

10 A YES.

11 Q WHEN EXACTLY DID YOU WRITE IN WHAT HAPPENED IN '93?

12 A I DON'T REMEMBER, IT WAS LAST YEAR THOUGH, BUT THEN I  
13 DON'T REMEMBER WHAT DAY IT WAS -- IT WAS IN MAY SOMETIME.

14 Q AND, WHY IS IT THAT YOU WENT BACK AND WROTE THIS?

15 A BECAUSE I TOLD MYSELF I STARTED WRITING IN THIS DIARY IN  
16 '94, AND SO EVERYTHING THAT WENT ON IN '93 I DIDN'T WRITE BECAUSE  
17 THIS IS MY '94 BOOK.

18 Q BUT, YOU DID GO BACK IN MAY AND WRITE IT IN ANYWAY?

19 A UH HUH.

20 Q WERE YOU AT THE DIRECTION OF THE POLICE DEPARTMENT TO  
21 WRITE IN THAT DIARY?

22 A NO.

23 Q WERE YOU AT THE DIRECTION OF LOUISE SANDERS TO WRITE IN  
24 THAT DIARY?

1 A NO.  
2 Q WERE YOU AT ANYBODY'S DIRECTION TO WRITE IN THAT  
3 DIARY?  
4 A NO.  
5 Q WHY IS IT EXACTLY YOU WROTE THOSE ENTRIES IN THE DIARY?  
6 DID YOU WRITE THEM TO BETTER REFRESH YOUR MEMORY?  
7 A YEAH, WHEN I CAME TO COURT --  
8 BY MR. WALTON: (INTERPOSING) OBJECTION, YOUR HONOR,  
9 LEADING QUESTION.  
10 BY THE COURT: SUSTAINED.  
11 BY MR. ROJAS:  
12 Q IF I SHOWED YOU THAT DIARY WOULD IT REFRESH YOUR MEMORY  
13 AS TO WHAT HAPPENED IN OCTOBER?  
14 A WOULD IT THE REFRESH MY MEMORY?  
15 Q YES, WOULD IT HELP TO REFRESH YOUR MEMORY EXACTLY WHAT  
16 HAPPENED?  
17 A YES.  
18 BY MR. WALTON: YOUR HONOR, COULD WE APPROACH?  
19 BY THE COURT: SURE.  
20 (BENCH CONFERENCE BETWEEN  
21 COURT AND COUNSEL, OFF THE  
22 RECORD.)  
23 BY MR. ROJAS:  
24 Q NOW, CAN I HAVE YOU LOOK IN YOUR DIARY AT ANYTHING THAT



1 WOULD REFRESH YOUR MEMORY AS TO ANY SEXUAL INTERCOURSE THAT YOU  
2 HAD WITH THE DEFENDANT IN THIS CASE IN NOVEMBER OF 1993? AND,  
3 YOU GOT PLENTY OF TIME.

4 A NO.

5 Q OKAY.

6 THERE IS NOTHING AS TO NOVEMBER OF 1993?

7 A (SHAKES HEAD)

8 Q IS THERE ANYTHING AS TO DECEMBER 1993 IN THAT DIARY THAT  
9 WOULD REFRESH YOUR MEMORY?

10 A I REMEMBER IN DECEMBER '93, BUT I DON'T HAVE IT IN HERE  
11 (INDICATING). I REMEMBER. I JUST DON'T REMEMBER THE DAY.

12 Q DO YOU REMEMBER HAVING SEXUAL INTERCOURSE WITH HIM ON  
13 DECEMBER 1993? THAT'S TWO MONTHS AFTER THE FIRST TIME, A YEAR  
14 FROM THIS LAST DECEMBER WE JUST CELEBRATED.

15 A (PAUSE) I DON'T REMEMBER WAY BACK THEN.

16 Q DO YOU REMEMBER THAT CHRISTMAS?

17 A YEAH.

18 Q DO YOU REMEMBER WHERE YOU WERE AT?

19 A THE DRILL TEAM HAD A CHRISTMAS PARTY AND I AIN'T SHOW  
20 UP.

21 Q PRIOR TO THAT CHRISTMAS PARTY, DID YOU HAVE ANY  
22 COMMUNICATIONS WITH THE DEFENDANT?

23 A DID I HAVE ANY COMMUNICATION? LIKE HOW?

24 Q LIKE DID HE TALK TO YOU AT ALL DURING DECEMBER THAT

1 YEAR?

2 A YEAH.

3 Q WHAT DID HE SAY TO YOU?

4 BY MR. WALTON: (INTERPOSING) YOUR HONOR, I OBJECT.  
5 PLEASE ASK COUNSEL TO LAY A FOUNDATION, WHEN, WHERE, HOW THE  
6 CONVERSATION TOOK PLACE?

7 BY THE COURT: WE HAVE A TIMEFRAME. I'LL LET HIM  
8 CONTINUE WITH THE QUESTIONS AND NARROW IT IN, IF SHE REMEMBERS  
9 ANYTHING.

10 BY MR. ROJAS:

11 Q DID YOU HAVE ANY CONTACT WITH HIM IN DECEMBER OF 1993?

12 A I REMEMBER HAVING CONTACT WITH HIM AT THE LAKE, BUT I  
13 DON'T REMEMBER WHAT DAY IT WAS.

14 Q THAT'S OKAY, ROSHANDA, JUST RELAX. DID HE TALK TO YOU  
15 AT ALL ABOUT SEX IN DECEMBER OF 1993?

16 A YES.

17 Q WHAT COMMENTS WOULD HE MAKE?

18 A LIKE IT BE LIKE A DAY IN THE WEEK, MONDAY, TUESDAY, AND  
19 HE BE LIKE, "FRIDAY THE DRILL TEAM IS GOING TO THE LAKE," OR  
20 SOMETHING LIKE THAT, "WE GOING TO DO THIS AND WE GOING TO DO  
21 THAT," AND ALWAYS BE LIKE THAT, EVERY TIME I COME TO PRACTICE IT  
22 BE LIKE, "WE GOING TO DO THIS AND WE GOING TO DO THAT."

23 Q DID THERE EVER COME A TIME YOU DID DO THIS AND THAT?

24 A YES.

1 Q WHAT DO YOU MEAN "THIS AND THAT"? TAPE)?

2 A EVIDENTLY SOMETHING REALLY HAVE TO HAPPENED IF I HAD SEX  
3 WITH HIM 15 TIMES.

4 Q WE WANT TO GET IT ON THE RECORD AND TO THE JUDGE WHEN IT  
5 HAPPENED; WE HAVE TO HAVE A TIMEFRAME. WE'RE TRYING TO WORK WITH  
6 THAT, AND JUST TRY TO WORK WITH ME. WE'RE TALKING ABOUT  
7 DECEMBER, WAS THAT LAKE INCIDENT IN DECEMBER, AROUND CHRISTMAS  
8 TIME?

9 A YEAH.

10 Q AND, AT THAT TIME DID HE HAVE SEXUAL INTERCOURSE WITH  
11 YOU?

12 A YES.

13 Q DID HE PLACE HIS PENIS INTO YOUR VAGINA?

14 BY MR. ARCHIE: OBJECTION, YOUR HONOR, AGAIN LEADING.  
15 NOT A PROPER FOUNDATION.

16 BY THE COURT: SUSTAINED.

17 BY MR. ROJAS:

18 Q WHEN YOU SAY "SEXUAL INTERCOURSE" WHAT DO YOU MEAN?

19 A WHEN HE INSERT HIS PENIS INTO MY VAGINA.

20 Q THAT WAS DECEMBER 1993?

21 A YES, WENT IT WAS JUST ME AND HIM, I WAS ON THE PASSENGER  
22 SIDE, RIGHT, AND HE THEN TOLD ME TO LAY DOWN. HE WAS DRIVING ON  
23 OUR WAY UP TO THE LAKE AND HE TOLD ME TO LAY DOWN, AND I LAY DOWN  
24 AND HE TOLD ME TO LAY BACK THIS WAY TOWARDS HIM, ON OUR WAY TO

1 THE LAKE HE WAS FEELING ON MY BREASTS UNDER MY BREASTS, FEELING  
2 ON MY BARE SKIN ON MY BREAST WHEN WE ON OUR WAY TO THE LAKE, THEN  
3 FINALLY PULLED UP TO SOME PARKING SPACE, THAT'S WHEN WE HAD SEX  
4 AGAIN.

5 Q HOW IS IT THAT IT OCCURRED?

6 A WE WAS JUST SITTING LISTENING TO THE MUSIC LIKE USUAL,  
7 AND THEN I THINK AROUND THAT TIME IT WAS AROUND THIRD TIME IT HAD  
8 HAPPENED OR SOMETHING, THEN I HAD, YOU KNOW, CAME ATTRACTED TO  
9 LARRY, AND IT WAS JUST LIKE, "WELL THEN IF HE WANT TO HAVE SEX  
10 WITH ME I WANT TO HAVE SEX WITH HIM." SO THEN, IT JUST HAPPENED.

11 Q HOW OLD WERE YOU AT THIS TIME?

12 A 12 STILL.

13 Q YOU WERE 12 YEARS OLD?

14 A YES.

15 Q HE WAS THE DIRECTOR OF DRILL TEAM STILL AT THIS TIME;  
16 CORRECT?

17 A YES.

18 Q HE COULD TERMINATE YOU FROM THE DRILL TEAM; IS THAT  
19 CORRECT?

20 A WHAT THAT MEAN?

21 Q DID HE DECIDE WHO WAS ON OR OFF THE DRILL TEAM?

22 A YES.

23 Q NOW, WOULD YOU SAY YOU WERE MATURE AT THAT TIME?

24 A NO.

1 Q WOULD YOU CONSIDER YOURSELF A LITTLE GIRL AT THAT TIME?  
2 A YEAH.  
3 Q I NOW DIRECT YOUR ATTENTION BACK TO STARTING OFF WITH  
4 JANUARY OF THIS YEAR, DID THERE COME A TIME IN JANUARY THIS YEAR  
5 THAT YOU HAD SEXUAL INTERCOURSE WITH HIM?  
6 A OF THIS YEAR?  
7 Q NOT THIS YEAR, I MEAN 1994, JANUARY OF 1994?  
8 A YEAH, ON THE 11TH.  
9 Q ON THE 11TH OF JANUARY?  
10 A UH HUH.  
11 Q ALL RIGHT.  
12 AND, TELL ME EXACTLY WHAT HAPPENED?  
13 A I REALLY DON'T REMEMBER WHAT HAPPENED, YOU KNOW, WHAT  
14 HAPPENED REALLY; I DON'T REALLY REMEMBER WHAT HAPPENED.  
15 Q DO YOU REMEMBER THE SUPERBOWL ON THE 26TH AT ALL?  
16 A YEAH.  
17 Q DID YOU HAVE SEX WITH HIM ON THAT DAY?  
18 A YES.  
19 Q DO YOU REMEMBER THAT DAY?  
20 A YES.  
21 Q TELL ME HOW IT IS YOU REMEMBER THAT DAY?  
22 A WE WAS OVER HIS MOMMA HOUSE GEORGIA, ALL WATCHING THE  
23 SUPERBOWL, THE DRUMMERS AND GIRLS WAS THERE AND EVERYBODY WAS  
24 THERE, YOU KNOW.

1 Q WHERE WAS HIS MOTHER'S HOUSE AT?  
2 A RIGHT UP THE STREET FROM HIS HOUSE.  
3 Q IS THAT IN NORTH LAS VEGAS?  
4 A I GUESS.  
5 Q IS THAT IN CLARK COUNTY?  
6 A YES.  
7 Q GO AHEAD?  
8 A AND, WE WAS JUST SITTING THERE WATCHING THE GAME, AND  
9 THEN THE GAME, YOU KNOW, WAS OVER AND IT WAS DARK TIME BY THEN  
10 AND HE WAS TAKING EVERYBODY HOME LIKE HE USUALLY DO, AND WE ENDED  
11 UP OVER AT JUNIOR'S HOUSE, HARRY WEBB'S, WE ENDED OVER HIS HOUSE  
12 UP IN HIS ROOM, AND JUNIOR LEFT OUT AND WE HAD SEX AGAIN.  
13 Q AND, HOW OLD WERE YOU THEN?  
14 A STILL 12.  
15 Q AND, HE AT THAT TIME WAS STILL THE DIRECTOR OF DRILL  
16 TEAM; IS THAT CORRECT?  
17 A YES.  
18 Q DID THERE COME AN OCCASION IN FEBRUARY, MAYBE ON  
19 FEBRUARY 5TH, '94, THAT YOU HAD CONTACT WITH THE DEFENDANT?  
20 A YES.  
21 Q AND, WHAT OCCURRED ON THAT DAY?  
22 A THE SAME THING AFTER PRACTICE IT WAS ALWAYS THE SAME  
23 THING HE ALWAYS TAKE BABY GIRL HOME LAST -- THAT WAS ME -- AND SO  
24 THEN WE ENDED OVER AT JUNIOR HOUSE ONCE AGAIN AND IT HAPPENED

1 AGAIN.

2 Q HOW OLD WERE YOU THEN?

3 A STILL 12.

4 Q AND, JUNIOR'S HOUSE IS LOCATED WHERE?

5 A 2101 CONSTANCE.

6 Q IS THAT IN NORTH LAS VEGAS, CLARK COUNTY, NEVADA?

7 A UH HUH.

8 Q WHAT AGE WERE YOU AGAIN?

9 A 12.

10 Q ON THE 25TH OF THAT MONTH, DID YOU COME IN CONTACT WITH

11 THE DEFENDANT?

12 A (NODS HEAD)

13 Q WHERE IS IT, AND HOW IS IT THAT YOU CAME IN CONTACT WITH

14 THE DEFENDANT?

15 A THE DRILL TEAM PRACTICE ONCE AGAIN SAME-O, WE END UP

16 JUNIOR HOUSE; THE SAME THING HAPPENED OVER AND OVER AGAIN.

17 Q AND, ON THIS DAY DID YOU ALSO HAVE SEXUAL INTERCOURSE

18 WITH HIM?

19 A YES.

20 Q WHEN I SAY SEXUAL INTERCOURSE, DOES THAT MEAN -- I DON'T

21 WANT TO LEAD YOU, THERE IS GOING TO BE AN OBJECTION -- WHAT

22 HAPPENED?

23 A HE INSERTED HIS PENIS INTO MY VAGINA LIKE ANY OTHER

24 TIME.

1 Q HOW OLD WERE YOU THEN?  
2 A STILL 12.  
3 Q STILL 12 YEARS OLD?  
4 A YEAH.  
5 Q ON MAY 1ST, 1994, DID YOU HAVE CONTACT WITH HIM?  
6 A YES.  
7 Q COULD YOU PLEASE TELL THE COURT WHERE IT IS THAT YOU HAD  
8 CONTACT WITH HIM?  
9 A OVER HARRY WEBB HOUSE.  
10 Q COULD YOU TELL US EXACTLY WHAT HAPPENED?  
11 A I THINK THAT DAY WAS ON SUNDAY. I REALLY DON'T REMEMBER  
12 WHAT DAY IT WAS ACTUALLY I THINK IT WAS A SUNDAY I WAS AT HOME  
13 AND HE CALLED -- I PAGED HIM, AND HE CALLED ME BACK, FIRST WE'RE  
14 JUST SITTING ON THE PHONE TALKING ABOUT NOTHING REALLY AND HE  
15 SAID, "I'M OVER JUNIOR HOUSE, WANT TO COME OVER HERE?" I SAID,  
16 "YEAH," AND HE CAME TO PICK ME UP AND WE WENT OVER JUNIOR HOUSE  
17 AND WE END UP IN THE ROOM TOGETHER, JUST ME AND HIM, JUNIOR LEFT.  
18 AND, SAME OLD THING, SAME-O SAME-O.  
19 Q WHEN YOU SAY SAME-O SAME-O, WHAT DO YOU MEAN?  
20 A SAME THING, WE HAD SEX AGAIN.  
21 Q DID HE INSERT HIS PENIS IN YOUR VAGINA?  
22 A YES.  
23 Q AT THAT TIME HOW OLD WERE YOU?  
24 A 13.



1 Q YOU WERE 13 YEARS OLD?  
2 A YES.  
3 Q AND, DID THIS OCCUR DURING, THE INCIDENT -- STRIKE THAT  
4 QUESTION.  
5 DURING THE INCIDENTS THAT OCCURRED BETWEEN OCTOBER 11,  
6 1993, AND MAY 1ST, 1994, THAT THIS SEXUAL ACTIVITY WAS HAPPENING,  
7 WAS THIS THE ONLY TYPE OF SEXUAL ACTIVITY YOU WERE HAVING WITH  
8 THE DEFENDANT?  
9 A I DON'T UNDERSTAND YOUR QUESTION?  
10 Q WAS THERE ANYTHING ELSE THAT HE WAS DOING? WAS THERE  
11 ANYTHING BESIDES SEXUAL INTERCOURSE?  
12 A YEAH.  
13 Q WHAT ELSE WAS HE DOING?  
14 A PUTTING HIS LIPS ON MY VAGINA, STICKING HIS FINGER IN MY  
15 VAGINA. THE SAME THING, ALL THE SAME.  
16 Q WHEN HE PUT HIS TONGUE ON YOUR VAGINA, DID HE PENETRATE  
17 YOUR VAGINA AT ALL? DID HE STICK HIS TONGUE INTO YOUR VAGINA AT  
18 ALL?  
19 A YES.  
20 Q DID THESE INCIDENTS OCCUR BETWEEN OCTOBER 11TH, 1993,  
21 AND MAY 1ST, 1994?  
22 A YES.  
23 Q TO THE BEST OF YOUR KNOWLEDGE DID THEY OCCUR IN NORTH  
24 LAS VEGAS, CLARK COUNTY, NEVADA?

1           A     I DON'T REMEMBER WHERE AT, BUT YOU KNOW EVERY TIME WE  
2     HAD SEX HE DID THAT TO ME BEFORE WE HAD SEX.

3           Q     CAN YOU THINK OF ONE TIME WHERE IT WAS AT HARRY WEBB'S  
4     HOUSE?

5           A     WHAT?

6           Q     CAN YOU THINK OF ONE TIME IT HAPPENED AT HARRY WEBB'S  
7     HOUSE?

8           A     THE LAST TIME.

9           BY MR. ROJAS: I'LL PASS THE WITNESS FOR NOW, YOUR  
10    HONOR.

11           BY THE COURT: COUNSEL?

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CROSS EXAMINATION

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BY MR. ARCHIE:

Q ROSHANDA, I AM THE DEFENSE ATTORNEY. I HAVE TO ASK YOU  
SOME QUESTIONS ALSO. WOULD YOU TRY TO HELP ME OUT BY SPEAKING  
RATHER SLOWLY FOR ME? I AM AN OLD MAN AND I DON'T HEAR TOO GOOD.  
YOU SPEAK ENTIRELY TOO FAST FOR ME.

THE LAST TIME YOU HAD SEXUAL INTERCOURSE WITH LARRY  
THOMAS, WHAT WAS THAT DATE?

A MAY 1ST.

Q OF WHAT YEAR?

A 1994.

Q AND, WHERE WERE YOU WHEN THIS OCCURRED?

A OVER HARRY WEBB HOUSE AT 2101 CONSTANCE.

Q CAN YOU TELL ME THE LOCATION WHERE YOU WERE? WERE YOU  
IN A BEDROOM OR LIVING ROOM OR WHAT?

A WE WAS IN JUNIOR ROOM.

Q IN JUNIOR'S ROOM?

A YES.

Q DOES HE LIVE THERE ALONE OR IS THAT HIS PARENT'S  
APARTMENT?

A THAT'S HIS GRANDPA'S HOUSE.

Q HIS GRANDPA'S HOUSE?

1 A YES.

2 Q WHO WAS PRESENT IN THE HOUSE WHILE YOU GUYS WERE HERE?

3 A HIS GRANDPA GET AROUND REAL SLOW BECAUSE HE OLD, AND HE  
4 WAS ALWAYS IN THE BEDROOM, AND THEN JUNIOR LIKE SNEAK ME IN THE  
5 ROOM AND THEN LARRY COME IN THE ROOM AND THEN IT END UP LIKE  
6 THAT.

7 Q WHAT TIME OF DAY DID THIS HAPPEN ON MAY 1ST, 1994?

8 A IN THE DAYTIME.

9 Q GOT ANY IDEA ABOUT WHAT TIME OF DAY? WAS IT MORNING?  
10 WAS IT AFTERNOON?

11 A RIGHT IN THE AFTERNOON.

12 Q DO YOU HAVE ANY IDEA WHAT DAY OF THE WEEK THAT WOULD  
13 HAVE BEEN?

14 A SUNDAY.

15 Q THE FIRST TIME THAT YOU HAD A SEXUAL INCIDENT WITH THE  
16 DEFENDANT, DO YOU RECALL THAT DATE?

17 A OCTOBER THE 11TH OF '93.

18 Q WHAT WAS THE SIGNIFICANCE OF OCTOBER 11TH, 1993, THAT  
19 WOULD CAUSE YOU TO REMEMBER?

20 A WHAT YOU MEAN? LIKE WHAT MADE ME REMEMBER SO GOOD?

21 Q YES.

22 A BECAUSE THAT WAS THE DAY I CAME UN-VIRGIN BY MR. LARRY  
23 THOMAS.

24 Q WHERE WERE YOU THAT DAY?

1 A WHERE WAS I?  
2 Q YES.  
3 A WITH LARRY?  
4 Q YES.  
5 A AT THESE APARTMENTS ACROSS THE STREET FROM SARATOGA  
6 APARTMENTS BEHIND JIM BRIDGER.  
7 Q SARATOGA APARTMENTS?  
8 A YES, RIGHT ACROSS FROM THERE A DARK AREA.  
9 Q ABOUT WHAT TIME OF DAY WAS IT?  
10 A NIGHT.  
11 Q WHAT TIME?  
12 A I DON'T KNOW; IT WAS SOMEWHERE AFTER DRILL TEAM  
13 PRACTICE; IT WAS PROBABLY AROUND 8:00.  
14 Q WHAT TIME DO YOU NORMALLY END DRILL TEAM PRACTICE?  
15 A FROM 4:00 TO WHATEVER TIME HE LET US OUT.  
16 Q IS THAT NORMALLY 4:00 TO 6:00?  
17 A SOMETIMES, SOMETIMES MAY CONTINUE TO 7:30 OR SOMETHING  
18 Q DO YOU REMEMBER ANYTHING ELSE ABOUT THE INCIDENT OF  
19 OCTOBER 11 THAT YOU WOULD CONSIDER IT WAS IMPORTANT? WAS IT A  
20 SIGNIFICANT SCHOOL DAY? DID YOU DO ANYTHING OF GREAT  
21 SIGNIFICANCE THAT DAY?  
22 A LIKE WHAT?  
23 Q SOMETHING ELSE THAT WOULD JOG YOUR MEMORY BESIDES THE  
24 FACT OF LOSING YOUR VIRGINITY?

1 A NO.

2 Q WHEN WAS THE SECOND TIME YOU HAD INTERCOURSE WITH HIM?

3 A OCTOBER THE 15TH OF '93, THAT FRIDAY.

4 Q DID YOU WRITE THAT DOWN?

5 A NO.

6 Q DID YOU WRITE DOWN OCTOBER 11TH ALSO?

7 A NO.

8 Q WHEN WAS THE NEXT TIME THAT YOU HAD INTERCOURSE WITH

9 HIM?

10 A I DON'T REMEMBER.

11 Q DO YOU KNOW HOW MANY TIMES YOU HAD SEXUAL INTERCOURSE

12 WITH HIM DURING THE YEAR 1993?

13 A NO.

14 Q DO YOU RECALL IN 1994 WHAT DATE THAT YOU TURNED 13?

15 A MY BIRTHDAY?

16 Q YES.

17 A APRIL 20TH.

18 Q NOW, AT WHAT POINT IN TIME DID YOU FINALLY DECIDE IF HE

19 WANTED TO HAVE SEX WITH YOU IT WAS ALL RIGHT WITH YOU TO HAVE SEX

20 WITH HIM?

21 A AROUND THE THIRD OR FOURTH TIME.

22 Q THAT WAS STILL IN 1993?

23 A YEAH, WHEN I WAS 12.

24 Q SO, WHEN YOU TURNED 13, AT LEAST WITH WHAT ABILITY YOU

1 HAD TO CONSENT IT WAS A CONSENTUAL RELATIONSHIP? IN OTHER WORDS,  
2 YOU WERE SATISFIED TO BE HAVING AN AFFAIR WITH LARRY?

3 A I GUESS.

4 Q THE INCIDENTS THAT OCCURRED IN 1993, DID YOU WRITE THEM  
5 DOWN ANYWHERE AT ALL?

6 A NO.

7 Q ROSHANDA, I NOTICE THAT IN YOUR DIARY THAT IT STARTS ON  
8 JANUARY 10TH; IS THAT CORRECT?

9 A UH HUH.

10 Q CAN YOU TELL ME WHAT HAPPENED TO THE FIRST NINE PAGES?

11 A I DON'T KNOW. THEY WAS IN THERE.

12 Q AND, YOU HAD WRITING ON THOSE FIRST NINE PAGES ALSO?

13 A YEAH, WHEN I GAVE IT TO THE POLICE THE FIRST NINE PAGES  
14 WAS IN THERE, IT'S REAL LOOSE BECAUSE IT'S OLD. I DON'T KNOW  
15 WHAT HAPPENED TO THEM.

16 Q YOU DON'T KNOW WHAT HAPPENED TO THOSE PAGES?

17 A NO.

18 Q ARE THERE ANY OTHER PAGES MISSING THAT YOU ARE AWARE OF  
19 JUST BY BROWSING THROUGH THE DIARY?

20 A NO.

21 Q I NOTICE THAT IN THAT PARTICULAR DIARY YOU DIDN'T FILL  
22 IN EVERY PAGE OF THE DIARY; CAN YOU TELL ME WHY NOT?

23 A BECAUSE -- I DON'T REMEMBER, BUT IT'S IN HERE THAT LARRY  
24 ASKED ME TO STOP WRITING IN MY DIARY BECAUSE MY MOM MIGHT SEE IT,

1 AND I TOLD HIM OKAY I STOPPED, BUT THEN I WENT BACK ON THE DAYS  
2 THAT IT HAPPENED AND I DIDN'T WRITE EVERYTHING, BUT I WROTE THE  
3 TIMES AND DATES -- I DIDN'T WROTE THE TIMES BUT I WROTE THE DATES  
4 WE DID HAVE SEX.

5 Q OKAY.

6 I NOTICED -- YOU LOOK AT THE DATE OF JANUARY 26TH AND  
7 FEBRUARY 5TH, THERE IS A NUMBER SOMEBODY HAS WRITTEN IN AT THE  
8 TOP OF THE PAGE THE NUMBER 4 AND NUMBER 5, DID YOU WRITE THAT IN  
9 OR DO YOU KNOW HOW IT GOT THERE?

10 A ON THIS PAGE (INDICATING)?

11 BY MR. ARCHIE: LET ME COME OVER THERE.

12 BY MR. ROJAS: MAY I APPROACH ALSO?

13 BY THE COURT: YES.

14 BY MR. ARCHIE:

15 Q YES, THE NUMBER 4 AT THE TOP, DID YOU WRITE THAT THERE?

16 A NO.

17 Q LOOK AT JANUARY 27TH. WHAT PAGE IS THAT?

18 FEBRUARY THE 25TH, WOULD YOU LOOK AT THAT? IT HAS THE  
19 NUMBER 6 ON IT, DID YOU PUT THAT THERE?

20 A NO, BUT I DID WRITE THIS PART RIGHT HERE. I DIDN'T  
21 WRITE THE NUMBERS AT THE TOP.

22 Q YOU DIDN'T WRITE THE NUMBERS AT THE TOP?

23 A NO.

24 Q SOMEBODY WROTE IN THE UPPER LEFT HAND CORNER ON JANUARY



1 26TH IT LOOKS LIKE THE WORD "PERIOD." DID YOU WRITE THAT IN  
2 THERE?

3 A YEAH.

4 Q CAN YOU READ THIS? I DON'T WANT YOU TO READ IT OUT  
5 LOUD, BUT CAN YOU READ IT? IT'S FADED THROUGH. CAN YOU READ IT?

6 A UH HUH.

7 Q THIS NUMBER, THERE IS A NUMBER 1 IN THE UPPER LEFT HAND  
8 CORNER JANUARY 13, DID YOU INSERT THAT THERE?

9 A I DIDN'T WRITE NO NUMBERS AT THE TOP, I JUST WROTE WAS  
10 ON THE PAGES, WHERE IT SAYS 1994 AT THE TOP, THAT'S ALL I WROTE  
11 ON THERE.

12 Q AND, ANY OF THESE NUMBERS INSERTED YOU HAVE NO IDEA?

13 A NO. I PUT THIS PART RIGHT HERE ON THE TOP THESE DAYS I  
14 HAVE MY PERIOD. IT'S MY DIARY.

15 Q IT'S YOUR DIARY.

16 CAN YOU TELL ME WHAT THE LAST DATE OF ENTRY IS IN YOUR  
17 DIARY? WHAT THE LAST DATE YOU WROTE IN IT?

18 A NOPE.

19 Q YOU DON'T HAVE ANY INDEPENDENT MEMORY OF THE LAST TIME  
20 YOU USED IT?

21 A NOT THE LAST TIME I WROTE A LOT OF STUFF ON IT, BUT THE  
22 LAST TIME I WROTE ANYTHING ABOUT LARRY IS MAY 1ST, AND IT'S IN  
23 HERE RIGHT NOW.

24 BY MR. ARCHIE: MAY WE HAVE THE COURT'S INDULGENCE?

1 WE'RE HAVING TROUBLE WITH DATES.

2 BY THE COURT: OKAY.

3 BY MR. ARCHIE:

4 Q I'D LIKE TO DRAW YOUR ATTENTION TO THE DATE OF JANUARY  
5 26TH, 1994, DO YOU RECALL WHETHER OR NOT YOU WERE ON YOUR PERIOD  
6 ON THAT DATE? I MEAN, DO YOU HAVE INDEPENDENT MEMORY, FIRST OF  
7 ALL.

8 BY THE COURT: (INTERPOSING) BEFORE YOU LOOK IN YOUR  
9 DIARY, DO YOU JUST REMEMBER?

10 BY THE WITNESS: NO.

11 BY MR. ARCHIE:

12 Q BUT, IF YOU LOOK AT THE DIARY IT WOULD CAUSE YOU TO BE  
13 ABLE TO REMEMBER WHETHER YOU WERE ON YOUR PERIOD ON THAT DATE?

14 A YEAH, BECAUSE IT WRITTEN IN HERE.

15 Q COULD YOU TELL ME BY LOOKING AT THE DIARY DOES IT MAKE  
16 YOUR MEMORY BETTER?

17 A NOT BY LOOKING AT THE COVER LIKE THIS (INDICATING).

18 Q WHEN YOU LOOK AT THE DATE, WHAT DOES THAT TELL YOU?  
19 YOUR HONOR, MAY I LEAD?

20 BY THE COURT: YES.

21 BY MR. ARCHIE:

22 Q JANUARY 26TH, WERE YOU ON YOUR PERIOD?

23 A YES.

24 Q WERE YOU ACTUALLY BLEEDING ON THAT DATE?

1 A YEAH.

2 Q ARE YOU TELLING THE COURT THEN ON JANUARY 26TH THAT YOU  
3 DID HAVE SEX WITH LARRY ON THAT PARTICULAR DATE?

4 A YES.

5 Q AND, WHAT HAPPENED WITH THE BLOOD? I DIDN'T SEE  
6 ANYTHING IN THE REPORT THAT YOU SAID YOU WERE BLEEDING OR  
7 ANYTHING OF THAT SORT?

8 A IT'S RIGHT HERE (INDICATING).

9 Q I MEAN, DID YOU TELL THE POLICE THAT OR ANYTHING?

10 A NO.

11 Q DID YOU HAVE A SANITARY NAPKIN ON OR TAMPON ON, OR  
12 ANYTHING LIKE THAT ON THAT PARTICULAR DATE?

13 A YEAH.

14 Q YOU DIDN'T INDICATE THAT IN ANY OF THE POLICE REPORTS  
15 THOUGH, DID YOU?

16 A BECAUSE I DIDN'T WANT TO TELL MY BUSINESS IN THE REPORTS  
17 ABOUT I WAS ON MY PERIOD.

18 YOU ALL DIDN'T ASK BY MY PERIOD YOU ASKED ABOUT LARRY.

19 Q BUT THEY ASKED YOU WHAT HAPPENED?

20 A I TOLD YOU ALL WHAT HAPPENED. I AIN'T GOING TO LYING ON  
21 HIM.

22 Q I DON'T WANT YOU TO LIE. I JUST WANT YOU TO TELL ME THE  
23 SEQUENCE OF EVENTS OF WHAT HAPPENED JUST PRIOR TO THE TIME YOU  
24 HAD SEXUAL INTERCOURSE WITH HIM ON JANUARY 26TH, AND DON'T LEAVE

1 ANYTHING OUT; TELL ME WHAT HAPPENED?

2 A THAT DAY WE HAD DRILL TEAM PRACTICE, YES, I WAS ON  
3 PERIOD. YOU GET OFF AND ON. SO THEN I GUESS THAT DAY I GOT OFF  
4 MY PERIOD AND THEN THAT NIGHT WE HAD SEX. I DON'T STAY ON MY  
5 PERIOD FOR THREE, FOUR MONTHS.

6 Q NO, BUT WHAT DAY DID YOU START?

7 A WHAT DAY DID I START? I DON'T KNOW. YOU WANT ME TO  
8 LOOK IN HERE AND SEE?

9 Q YES.

10 A ON THE 22ND.

11 Q LET ME ASK YOU THIS, DID YOU ALSO STATE TO THE DISTRICT  
12 ATTORNEY'S OFFICE THAT JANUARY 26TH WAS SUPERBOWL DAY?

13 A I DON'T KNOW WHAT DAY THE SUPERBOWL WAS ON.

14 Q YOU DON'T REMEMBER SAYING THAT?

15 A I REMEMBER SAYING THAT I DID HAVE SEX WITH LARRY ON THE  
16 26TH, BUT I DON'T KNOW WHAT DAY THE SUPERBOWL ON. I AIN'T INTO  
17 FOOTBALL.

18 Q BUT, YOU ARE DENYING THEN YOU MADE THAT STATEMENT ON  
19 DIRECT EXAMINATION?

20 A MAKE WHAT STATEMENT ABOUT WHAT?

21 Q THAT YOU HAD SEX WITH HIM ON SUPERBOWL DAY, THAT YOU  
22 MEMBERS OF THE DRILL TEAM WERE AT SOMEBODY'S HOUSE?

23 A WE WERE AT HIS MOMMA'S HOUSE WATCHING THE GAME.

24 Q THAT WAS THE 26TH?

1           A     I GUESS THAT'S THE DAY OF THE SUPERBOWL.

2           Q     IF I TELL YOU THE SUPERBOWL OCCURRED ON JANUARY 30TH  
3           WHICH WAS A SUNDAY, NOT ON THE 26TH WHICH WAS A WEDNESDAY THAT  
4           WOULD REFRESH YOUR RECOLLECTION?

5           A     I DON'T KNOW ABOUT DAYS. I JUST KNOW THE DAY OF THE  
6           SUPERBOWL; I DON'T KNOW WHAT DAY IT WAS ON; I DON'T KNOW THE  
7           DATE, AND I DON'T KNOW THE MONTH, BUT I JUST KNOW BY LIKE WHEN MY  
8           ATTORNEY ASKED ME HE SAID WE GOING TO TAKE YOU BACK LIKE, DID  
9           ANYTHING HAPPEN ON THE SUPERBOWL AND EASTER AND STUFF LIKE THAT,  
10          THAT'S HOW I ANSWERED HIS QUESTIONS.

11          Q     AND, COULD YOU LOOK ON JANUARY 30TH WHICH IS SUPERBOWL  
12          SUNDAY AND SEE IF YOU HAVE ANY NOTES CONCERNING HAVING SEX WITH  
13          LARRY ON SUNDAY JANUARY 30TH, WHICH WOULD HAVE BEEN SUPERBOWL  
14          1994?

15          A     NO.

16          Q     DO YOU HAVE ANY NOTES IN JANUARY 26TH, 1994, THAT  
17          INDICATE THAT YOU HAD SEX WITH HIM ON THAT DATE?

18          A     SAY THAT QUESTION AGAIN?

19          Q     DO YOU HAVE ANY NOTES IN YOUR DIARY THAT SHOWS THAT YOU  
20          WROTE DOWN THAT YOU HAD SEX WITH LARRY ON JANUARY 26TH, 1994?

21          A     IT'S RIGHT HERE (INDICATING).

22          Q     JANUARY 26TH?

23          A     26TH IS RIGHT HERE (INDICATING).

24          BY MR. ARCHIE:   YOUR HONOR, WOULD THE COURT ALLOW HER

1 TO READ THIS INTO THE RECORD? I CANNOT READ IT AT ALL.

2 BY MR. ROJAS: THAT'S NOT INTO EVIDENCE, YOUR HONOR.

3 BY MR. ARCHIE: I WOULD STIPULATE TO ADMITTING THE DIARY  
4 INTO EVIDENCE AT THIS TIME, JUST FOR THE PURPOSE OF PRELIMINARY  
5 HEARING.

6 BY THE COURT: I THINK IT'S BEEN REFERRED TO ENOUGH AND  
7 WHETHER IT'S IN EVIDENCE OR NOT AT THIS POINT IT'S RELEVANT.

8 WOULD YOU READ THAT PART JANUARY 26TH, JUST THE PART  
9 THAT RELATES TO YOU HAVING SEX WITH LARRY THOMAS?

10 BY THE WITNESS: IT SAYS, "ANYWAY I HAD SEX WITH LARRY  
11 FOR THE NINTH TIME TONIGHT HE HAD ME ALL KIND OF WAYS, IT WAS  
12 NASTY. HE TOLD ME I CAN GO WITH ANYBODY BUT HIS COUSIN RONNIE  
13 BECAUSE HE WILL HURT A NIGGER OVER ME. HE TOLD ME TO THROW AWAY  
14 MY DIARY BECAUSE MY MOM MIGHT SEE ABOUT ME AND HIM."

15 BY MR. WALTON: YOUR HONOR, MAY I APPROACH?

16 BY MR. ARCHIE: IF WE CAN LOOK OVER THAT PLEASE?

17 BY THE COURT: YES.

18 BY THE WITNESS: I GOT SOME CUSS WORDS IN THERE BECAUSE  
19 IT MY DIARY.

20 BY MR. ARCHIE:

21 Q WE'RE NOT ARGUING WITH YOU, BUT JUST TRYING TO FIGURE IT  
22 OUT.

23 NOW, THE DISTRICT ATTORNEY ASKED YOU QUESTIONS ABOUT  
24 HAVING SEXUAL INTERCOURSE WITH LARRY IN NOVEMBER OF 1993, DO YOU

1 RECALL WHAT DAY IT WAS IN '93 THAT YOU WERE WITH HIM OR WHERE YOU  
2 WERE WHEN YOU WERE WITH HIM?

3 A WHEN?

4 Q IN NOVEMBER OF 1993?

5 A I SAID I AIN'T REMEMBER.

6 Q AND, DECEMBER OF 1993, WHERE DID THAT INCIDENT OCCUR?

7 A OVER JUNIOR HOUSE.

8 Q DO YOU RECALL WHAT DATE IT WAS?

9 A THE 19TH.

10 Q OF DECEMBER?

11 A (NODS HEAD)

12 Q WHAT WAS SIGNIFICANT ABOUT DECEMBER 19TH THAT WOULD MAKE  
13 YOU REMEMBER?

14 A IT WAS ANOTHER DAY, ANOTHER DAY HAVING SEX WITH LARRY.

15 Q BUT, YOU DIDN'T WRITE THAT DOWN ANYWHERE?

16 A NO.

17 Q DO YOU REMEMBER ANYTHING ELSE YOU DID ON THAT PARTICULAR  
18 DATE?

19 A NO.

20 Q HOW THEN ARE YOU ABLE TO RECALL THAT SPECIFIC DATE?

21 A HOW I REMEMBER THAT DAY SO WELL BECAUSE IT'S ONLY  
22 OBVIOUS, IT'S 10 DAYS BEFORE HIS BIRTHDAY, HIS BIRTHDAY IS 29TH,  
23 NO -- IT'S 10 DAYS BEFORE HIS BIRTHDAY.

24 Q YOU MADE SOME NOTE IT WAS 10 DAYS BEFORE HIS BIRTHDAY?

1 A I JUST REMEMBER BECAUSE I REMEMBER HIS BIRTHDAY SO WELL.  
2 Q THEN THE NEXT TIME THAT THEY CHARGE HIM WITH HAVING SEX  
3 WAS FEBRUARY THE 5TH OF -- DO YOU RECALL AN INCIDENT ON FEBRUARY  
4 5TH, 1994?  
5 A YES.  
6 Q WHAT WAS THE SIGNIFICANCE OF THAT DATE THAT MADE YOU  
7 REMEMBER?  
8 A (PAUSE)  
9 Q YOU DON'T RECALL? CAN YOU ANSWER YES OR NO?  
10 A YES.  
11 Q YES, YOU DO RECALL OR NO YOU DON'T RECALL?  
12 A CAN YOU ASK ME THAT QUESTION AGAIN, BECAUSE YOU ARE  
13 TRYING TO CONFUSE ME.  
14 Q NO, I'M NOT.  
15 A BUT, YOU AIN'T GETTING TO ME, YOU ARE TRYING BUT YOU  
16 AIN'T.  
17 Q LET ME ASK THE QUESTIONS PLEASE.  
18 ON FEBRUARY 5TH, 1994, DO YOU RECALL HAVING SEX WITH  
19 LARRY?  
20 A YES.  
21 Q I ASKED YOU WHAT WAS THE SIGNIFICANCE OF THAT DATE, WHY  
22 DO YOU REMEMBER IT?  
23 A BECAUSE IT'S IN HERE (INDICATING). I PUT IT DOWN IN MY  
24 DIARY SO I WOULDN'T HAVE TO REMEMBER IN MY HEAD.



1 Q SO YOU WOULDN'T HAVE TO REMEMBER IN YOUR HEAD.  
2 YOU TURNED 13 AS OF APRIL 20TH?  
3 A UH HUH.  
4 Q DID YOU PARTICIPATE IN A MEETING ON THE 26TH OF MAY,  
5 1994?  
6 A YES.  
7 Q CAN YOU TELL ME WHERE THAT MEETING WAS HELD?  
8 A OVER LOUISE SANDERS HOUSE.  
9 Q CAN YOU TELL ME ABOUT A TIME YOU GET THERE?  
10 A WE GET OUT OF SCHOOL AT 3:11, SO IT WAS AROUND 3:30  
11 PROBABLY SOMETIME AROUND THAT TIME.  
12 Q WHAT CAUSED YOU TO GO OVER THERE?  
13 A WE WAS GETTING READY TO GO SOMEWHERE. ARLETHA HAD MY  
14 SHIRT AT HER HOUSE AND I WENT UP THERE TO GET MY SHIRT, AND THEN  
15 HER AUNTY VERN (PHONETIC) WAS UP THERE AND SHE ASKED ME ABOUT IT,  
16 AND THEN SHE SAID, "WELL, YOU MIGHT AS WELL GO AHEAD AND TELL ME  
17 BECAUSE ARLETHA AND CHANELL HAVE ALREADY TOLD ME WHAT WAS GOING  
18 ON WITH YOU AND LARRY." I JUST WENT AHEAD AND TOLD HER WHAT  
19 HAPPENED.  
20 Q I SEE. WHO WAS THERE, BESIDES AUNTY VERN (PHONETIC) WHO  
21 WERE THE OTHER ADULTS AT THE MEETING?  
22 A AT THE MEETING?  
23 Q YES.  
24 A IT WAS MY MOM, CHANELL'S MOM, CHANELL'S AUNTY, ALL OUR

1 GUARDIANS.

2 Q YOU SAY ALL THE GUARDIANS, THEY WERE ALL YOUR FAMILY?

3 A NOT JUST MY FAMILY. THE ONLY PERSON THAT CAME FROM MY  
4 FAMILY WAS MY MOM, AND FROM ARLETHA FAMILY HER GRANDPA, AND  
5 PEOPLE THAT LIVED IN HER HOUSE, FROM CHANELL FAMILY IT WAS HER  
6 MOM AND HER AUNT NINA (PHONETIC).

7 Q DID THERE COME BECOME A TIME YOU WERE TAKEN TO A DOCTOR  
8 BY SOMEBODY? DID SOMEBODY TAKE YOU TO THE DOCTOR CONCERNING THIS  
9 CASE?

10 A ONLY AFTER WE SAID SOMETHING ABOUT IT. I HAVE TO GO  
11 TAKE A PAP SMEAR, THAT'S ABOUT IT.

12 Q DO YOU RECALL WHO TOOK YOU?

13 A MY MOMMA.

14 Q YOUR MOMMA?

15 A YES.

16 Q DO YOU KNOW WHO YOU WENT TO SEE?

17 A NO, I DON'T REMEMBER THE DOCTOR NAME.

18 Q DID THE DOCTOR TELL YOU ANY OF THE RESULTS OF THE  
19 EXAMINATION THAT HE CONDUCTED ON YOU?

20 A SOMETHING ABOUT A YEAST INFECTION OR SOMETHING LIKE  
21 THAT.

22 Q BUT, THE DOCTOR DID NOT TELL YOU WHAT TYPE OF INFECTION  
23 IT WAS? HE DIDN'T GIVE YOU A NAME FOR IT?

24 A FOR WHAT?

1 Q THE INFECTION THAT YOU HAD?  
2 A A YEAST INFECTION, THAT'S ALL; THAT'S ALL I HAD.  
3 Q THEY DIDN'T BREAK IT DOWN TO SAY WHAT TYPE OF YEAST  
4 INFECTION THAT YOU HAD?  
5 A NO.  
6 BY MR. ARCHIE: THAT'S ALL I HAVE, YOUR HONOR.  
7 BY THE COURT: REDIRECT?  
8 \* \* \* \* \*  
9  
10  
11  
12  
13  
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1 REDIRECT EXAMINATION

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4 BY MR. ROJAS:

5 Q THE ONLY QUESTIONS I WANT TO ASK, DO YOU HAVE AN ENTRY  
6 FOR FEBRUARY THE 25TH, 1994, IN THAT DIARY?

7 A YES.

8 Q PLEASE READ IT?

9 A JUST SAID, "TODAY IS SATURDAY, ME AND LARRY TENTH TIME  
10 HAVING SEX." "

11 Q HOW OLD WERE YOU THEN?

12 A 12.

13 Q DO YOU HAVE AN ENTRY FOR MAY 1ST, 1994?

14 A YES.

15 Q COULD YOU PLEASE READ IT FOR THE RECORD?

16 A "TODAY IS ME AND LARRY'S 15TH TIME HAVING SEX."

17 Q WHEN DID YOU WRITE THESE ENTRIES IN YOUR DIARY?

18 A BEFORE I TALKED TO LOUISE.

19 Q BUT, DID YOU WRITE THESE AFTER YOU HAD THE INCIDENT OR  
20 DID YOU COME BACK AFTER YOU TALKED TO LOUISE AND WRITE THESE?

21 A HE ASKED ME STOP WRITING, SO THEN I WRITE EVERYTHING  
22 THAT HAPPENED TO ME THAT DAY, I JUST WROTE EVERYTHING THAT  
23 HAPPENED BETWEEN ME AND HIM. HE DIDN'T KNOW I WAS STILL WRITING  
24 IN IT.

1 Q SO, CORRECT ME IF I'M WRONG -- MAY I LEAD ON THIS  
2 QUESTION?  
3 BY THE COURT: LET ME HEAR IT.  
4 BY MR. ROJAS:  
5 Q HERE IS THE QUESTION, YOU HAVE AN ENTRY FOR FEBRUARY THE  
6 25TH, RIGHT? THAT YOU AND LARRY'S 10TH TIME TODAY WAS HAVING  
7 SEX?  
8 A YES.  
9 Q WHEN DID YOU WRITE THAT ENTRY INTO THE JOURNAL?  
10 A AFTER HE BROUGHT ME HOME.  
11 Q WOULD THAT BE ON FEBRUARY THE 25TH?  
12 A ON FEBRUARY 25TH -- FEBRUARY 5TH, YEAH.  
13 Q NOW, YOU HAVE ANOTHER ONE ON FEBRUARY THE 25TH; IS THAT  
14 CORRECT?  
15 A YES.  
16 Q AND, WHAT DOES THAT ONE SAY?  
17 A "TODAY IS ME AND LARRY'S ELEVENTH TIME HAVING SEX. HE  
18 GIVE ME A BIG HICKIE ON MY NECK."  
19 Q DID ANYONE ELSE SEE THAT HICKIE?  
20 A YES.  
21 Q WHO?  
22 A HIS MOMMA.  
23 Q WHAT IS HIS MOTHER'S NAME?  
24 A GEORGIA THOMAS.

1 Q DID YOU WRITE AN ENTRY AFTER THAT SEXUAL INTERCOURSE  
2 WITH HIM?  
3 A DID I WRITE ANYTHING ELSE IN HERE?  
4 Q NO, DID YOU NOTE ANYWHERE IN YOUR DIARY THAT SEX HAD  
5 OCCURRED ON FEBRUARY THE 25TH?  
6 A YEAH, RIGHT HERE (INDICATING) .  
7 Q WHEN DID YOU WRITE THAT?  
8 A AFTER IT HAPPENED WHEN HE BROUGHT ME HOME.  
9 Q DID YOU WRITE IT FOR MAY 1ST ALSO?  
10 A UH HUH.  
11 Q WHEN DID YOU WRITE THE ONE FOR MAY 1ST?  
12 A AFTER HE BROUGHT ME HOME.  
13 Q WHERE IN THAT DIARY ARE THE 1993 ENTRIES? THAT IS WHAT  
14 I WANT TO FIND OUT?  
15 A IT'S NOT IN HERE.  
16 Q WHEN YOU HANDED THAT DIARY OVER TO THE NORTH LAS VEGAS  
17 POLICE DEPARTMENT, WAS IT IN THERE?  
18 A (NODS HEAD)  
19 BY MR. ROJAS: OKAY.  
20 I'LL PASS THE WITNESS.  
21 BY THE COURT: RECROSS?  
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1 A NO.

2 BY MR. ARCHIE: NO FURTHER QUESTIONS.

3 BY MR. ROJAS: NO FURTHER QUESTIONS.

4 BY THE COURT: THANK YOU.

5 YOU ARE EXCUSED. PLEASE GO BACK IN THAT ROOM YOU WERE  
6 IN. YOU ARE DONE FOR TODAY.

7 (THE WITNESS WAS EXCUSED.)

8 BY THE COURT: DOES THE STATE HAVE MORE WITNESSES?

9 BY MR. ROJAS: NO, YOUR HONOR, THE STATE HAS NO FURTHER  
10 WITNESSES, BUT AT THIS TIME THE STATE MOVES THAT STATE'S PROPOSED  
11 EXHIBIT NUMBER 1 BE INTRODUCED INTO EVIDENCE, AND AT THIS TIME  
12 THE STATE WOULD ALSO LIKE TO PROPOSE STATE'S PROPOSED EXHIBIT 2,  
13 WHICH I'M GOING TO HAVE MARKED AND SHOW TO DEFENSE COUNSEL.

14 THIS IS A CERTIFIED COPY OF THE BOOKING SHEET FOR THE  
15 DEFENDANT, MORE IMPORTANTLY FOR THAT IDENTIFICATION NUMBER THAT  
16 HAS BEEN TAKEN JUDICIAL NOTICE OF TODAY.

17 BY THE COURT: COUNSEL, WOULD YOU GET THE DIARY?

18 BY MR. ROJAS: YES, YOUR HONOR. I WILL BE PLACING THIS  
19 PAGE BACK INTO THE DIARY FOR THE RECORD.

20 BY MR. ARCHIE: NO OBJECTION.

21 BY MR. ROJAS: I WILL BE HANDING THE DIARY BACK TO THE  
22 CLERK.

23 BY MR. ARCHIE: THERE WOULD BE NO OBJECTION TO STATE'S  
24 EXHIBIT 2 OR STATE'S EXHIBIT NUMBER 1, YOUR HONOR; NO OBJECTION.



1 BY MR. ROJAS: I'D GIVE THIS TO, YOUR HONOR, AND DRAW  
2 YOUR ATTENTION TO THE DATE OF BIRTH?

3 BY THE COURT: DECEMBER 29, 1966?

4 BY MR. ROJAS: THAT'S CORRECT, THAT'S THE DATE OF BIRTH  
5 AND ID NUMBER 84662, MR. LARRY JAMES THOMAS.

6 BY THE COURT: SO, HE WOULD HAVE BEEN OVER THE AGE OF 18  
7 YEARS OF AGE AT ANY TIME THESE EVENTS OCCURRED?

8 BY MR. ROJAS: THAT IS CORRECT, THAT'S WHY THAT PROOF IS  
9 BEING OFFERED.

10 BY THE COURT: I'LL ADMIT EXHIBITS 1 AND 2.

11 (STATE'S EXHIBITS 1 AND 2

12 WERE ADMITTED.)

13 BY THE COURT: PURSUANT TO DISCUSSIONS IN CHAMBERS, I DO  
14 WANT THE STATE TO AGREE -- SINCE AT LEAST SOME OF THESE COUNTS  
15 ARE TO BE BOUND UP, I HAVE JURISDICTION OVER THE CASE, AND I WANT  
16 THE STATE TO AGREE ON THE RECORD IT WILL COME UP WITH A SIMPLE  
17 WAY OF PROVIDING THE CONTENTS OF THE DIARY TO DEFENSE COUNSEL.  
18 ONE OF THE WAYS WE DISCUSSED WAS TO HAVE THE YOUNG LADY READ IT  
19 AND HAVE IT TRANSCRIBED WITH COUNSEL THERE SO THAT THEY CAN GET  
20 AN ACCURATE ACCOUNT.

21 BY MR. ROJAS: IF DEFENSE WOULD PREPARE AN ORDER THAT  
22 WOULD BE NO PROBLEM.

23 BY MR. ARCHIE: WE'LL DO SO, YOUR HONOR.

24 BY THE COURT: IT'S BECOME VERY RELEVANT DURING THE

1 COURSE OF THE PROCEEDINGS TODAY. I THINK THE DEFENSE IS ENTITLED  
2 TO THE ENTIRE DIARY.

3 BY MR. ROJAS: THE STATE HAS NO OPPOSITION.

4 BY THE COURT: THE STATE RESTS AT THIS POINT?

5 BY MR. ROJAS: YOUR HONOR, THE STATE WOULD REST AS TO  
6 IT'S CASE.

7 BY THE COURT: OKAY.

8 AND, WILL THE DEFENSE PUT ON ANY WITNESSES?

9 BY MR. ARCHIE: YOUR HONOR, WE'LL NOT PUT ON WITNESSES  
10 AT THIS TIME.

11 I HAVE GONE OVER WITH THE DEFENDANT HIS RIGHT TO TAKE  
12 THE STAND AND CALL WITNESSES, AND HE IS GOING TO ACCEPT THE  
13 ADVICE OF COUNSEL AND NOT CALL WITNESSES AT THIS TIME.

14 WE'D LIKE AN OPPORTUNITY TO MAKE A MOTION TO DISMISS  
15 VARIOUS COUNTS WE BELIEVE HAVE NOT BEEN SUFFICIENTLY PROVEN WITH  
16 A SCINTILLA OF EVIDENCE TO JUSTIFY THE CASE BEING BOUND OVER.

17 BY THE COURT: LET'S HEAR THAT.

18 BY MR. ROJAS: IF I CAN HAVE A CHANCE BECAUSE I HAVE A  
19 FEELING THIS IS GOING TO CHANGE SIGNIFICANTLY HERE IN THE NEXT  
20 FEW MINUTES TO GET THIS OUT?

21 BY MR. ARCHIE: GO AHEAD.

22 BY THE COURT: ALL RIGHT.

23 YOU MAY PROCEED WITH YOUR ARGUMENT, COUNSEL.

24 BY MR. ARCHIE: YOUR HONOR, AS TO CHANELL JACKSON, COUNT

1 I AND COUNT II, THE DEFENDANT IN COUNT I IS CHARGED WITH SEXUAL  
2 ASSAULT, AND IN COUNT II HE IS CHARGED WITH STATUTORY SEXUAL  
3 SEDUCTION.

4 I BELIEVE THE FACTS DO NOT SHOW A SEXUAL ASSAULT, AND AT  
5 MOST FOR PURPOSES OF BIND OVER THEY MAY SHOW A STATUTORY SEXUAL  
6 SEDUCTION. I'D ASK THE COURT TO TAKE JUDICIAL NOTICE OF THE  
7 DEFINITIONS OF THESE TWO STATUTES.

8 BY THE COURT: I HAVE THE STATUTES IN FRONT OF ME; I'VE  
9 BEEN LOOKING AT THOSE MYSELF.

10 BY MR. ARCHIE: AS TO COUNT I AND II --

11 BY THE COURT: (INTERPOSING) LET'S DO IT ONE AT A TIME  
12 SO THAT WE CAN DEAL WITH EACH ONE AS THEY COME UP.

13 BY MR. ROJAS: YOUR HONOR, I DID NOT KNOW -- I DID  
14 INFORM THE COURT IN CHAMBERS WE'D BE ASKING TO AMEND THAT. I  
15 DIDN'T KNOW IF YOU WANTED ME TO DO THAT RIGHT NOW AS WE GO  
16 THROUGH THE COUNTS AND ANY COUNTS THAT DO SURVIVE, AFTER WE  
17 DECIDE WHICH COUNTS SURVIVE, OR AT THE END OF MY CASE.

18 BY THE COURT: LET'S TAKE YOUR AMENDMENTS.

19 BY MR. WALTON: AFTER OUR OBJECTIONS.

20 BY THE COURT: YES, LET'S DO IT BY THE VICTIM THAT MAY  
21 BE THE BEST WAY TO DO IT. THAT WAY THERE IS SOME ORDER TO IT.

22 BY THE COURT: WHY DON'T YOU FIRST ADDRESS MR. ARCHIE'S  
23 ARGUMENT ABOUT DISMISSING COUNT I.

24 BY MR. ROJAS: YOUR HONOR, WE FEEL THAT WE HAVE MET THE

1 BURDEN ON THIS ONE. WE HAD CHANELL JACKSON WHO DID TESTIFY  
2 BETWEEN FEBRUARY 1994 AND MARCH 1994 SHE DID HAVE SEXUAL  
3 INTERCOURSE WITH THE DEFENDANT LARRY THOMAS IN THIS MATTER, THAT  
4 AT NO TIME HAD SHE CONSENTED TO THE SEXUAL INTERCOURSE. BASED  
5 UPON THAT WE BELIEVE THAT'S A SEXUAL ASSAULT.

6 AT THE TIME THAT THIS OCCURRED SHE WAS A 13-YEAR OLD  
7 GIRL.

8 BY THE COURT: I BELIEVE SHE WAS 14 AT THE TIME.

9 BY MR. ROJAS: EXCUSE ME, 14 YEAR-OLD GIRL. THIS WAS  
10 DIRECTOR OF THE DRILL TEAM; SHE SAID SHE WAS SURPRISED AT THE  
11 ACTION FOR IT TO BE NON-CONSENTUAL. THE STATUTE DOES NOT PUT THE  
12 BURDEN UPON THE VICTIM TO EXPRESS FOR AFFIRMATIVE EXPRESSION OF  
13 NON-CONSENT. THE VICTIM TODAY WAS ON THE STAND AND SAID IT WAS  
14 NON-CONSENTUAL, THAT IT TOOK HER BY SURPRISE, AND BASED UPON THE  
15 FACTOR HE WAS THE DIRECTOR OF THE TEAM, HE HAD THE AUTHORITY TO  
16 EITHER TAKE HER OFF THE TEAM OR KEEP HER ON THE TEAM.

17 HE IS A 27-YEAR OLD MAN AS YOU WELL KNOW FROM THE  
18 BOOKING SHEET THAT WE INTRODUCED INTO COURT. WE FEEL IT WAS  
19 AGAINST HER WILL.

20 BY THE COURT: THIS MAY GIVE AN INDICATION ON SOME OF MY  
21 RULINGS ON COUNTS DOWN THE LINE.

22 I THINK THERE IS A DIFFERENCE BETWEEN MISS JACKSON'S  
23 TESTIMONY AND FOR EXAMPLE THAT OF MISS SANDERS. MISS SANDERS  
24 TESTIFIED SPECIFICALLY THE SEX WAS AGAINST HER WILL, AND SHE

1 TESTIFIED SHE KEPT TRYING TO PUT HER KNEES TOGETHER, WHICH I  
2 THINK WOULD INDICATE SOME RESISTANCE AT THAT POINT.

3 HOWEVER, WITH MISS JACKSON WE HAD NO SUCH TESTIMONY.  
4 SHE SPECIFICALLY SAID "HE DIDN'T FORCE ME." SHE DIDN'T SAY  
5 ANYTHING ABOUT CONSENT BUT ALSO DIDN'T SAY ANYTHING ABOUT  
6 RESISTANCE, SHE ALSO DIDN'T SAY ANYTHING ABOUT THREATS IMPLIED OR  
7 OTHERWISE.

8 I AM GOING TO GRANT THE MOTION TO DISMISS COUNT I, AND  
9 WILL BE BINDING UP ON COUNT II -- I WILL DO THAT LATER.

10 DID YOU HAVE ANYTHING FURTHER AS TO THE COUNTS INVOLVING  
11 MISS JACKSON?

12 BY MR. ARCHIE: AS TO JACKSON, NO, YOUR HONOR.

13 BY THE COURT: THE STATE.

14 BY MR. ROJAS: THE STATE HAS NOTHING AS TO JACKSON, YOUR  
15 HONOR.

16 BY MR. ARCHIE: YOUR HONOR, AS TO ARLETHA SANDERS, THAT  
17 WOULD BE COUNT III, COUNT IV, COUNT V, COUNT VI, AND COUNT VII,  
18 IT WOULD INDICATE, YOUR HONOR -- WE START WITH COUNT III --  
19 WE'RE CHARGED WITH AGAINST HER WILL, COUNT IV SEXUAL ASSAULT  
20 THEY'RE ALLEGING AGAINST HER WILL; COUNT V, IT CHANGES A LITTLE  
21 BIT AS TO WHAT THE CHARGE IS. SO, I WILL ADDRESS COUNT III AND  
22 COUNT IV.

23 I WAS INDICATING TO THE COURT -- I KNOW YOU HAVE SORT OF  
24 TELEGRAPHED TO ME WHAT THE COURT IS PLANNING TO DO, BUT I DIDN'T

1 FEEL THAT THERE WAS ANY STRONG ASSERTION BY THE VICTIM TO EXHIBIT  
2 A STRONG DESIRE NOT TO HAVE SEXUAL INTERCOURSE WITH THE  
3 DEFENDANT. SO, I'M SAYING IT WAS CONSENTUAL BECAUSE THERE WAS NO  
4 VERBALIZATION OF "NO." SO, WHAT SHE DID NOT AMOUNT TO A SHOWING  
5 THAT THIS WAS WITHOUT HER CONSENT. THAT'S MY STATEMENT AS TO  
6 COUNTS III AND IV.

7 BY THE COURT: I WOULD IMAGINE COUNT VI AS WELL, SEXUAL  
8 ASSAULT?

9 BY MR. ARCHIE: YES.

10 BY THE COURT: OKAY.

11 AS TO COUNT III, I BELIEVE THE TESTIMONY SHOWED THAT  
12 MISS SANDERS REALLY DIDN'T HAVE A CHANCE TO PROTEST OR SHOW ANY  
13 KIND OF CONSENT. SHE TESTIFIED IT HAPPENED VERY SUDDENLY WITHOUT  
14 ANY KIND OF WARNING.

15 SO, I THINK THAT IN THAT CASE THE SEXUAL ASSAULT HAS  
16 BEEN SHOWN BASED ON THE STANDARD YOU HAVE TO SHOW AT PRELIMINARY  
17 HEARING, WHICH YOU KNOW ISN'T MUCH.

18 I AM GOING TO LET COUNTS IV, V, VI, AND VII STAND AS  
19 THEY ARE. THE EVIDENCE MAY NOT HAVE BEEN REAL STRONG BUT SHE DID  
20 SPECIFICALLY TESTIFY IT WAS AGAINST HER WILL, AND SHE ALSO  
21 TESTIFIED THAT SHE KEPT CLOSING HER LEGS, GIVEN SHE WAS ONLY 14  
22 AT THE TIME THERE IS AN ELEMENT IN THERE OF YOUTH AND  
23 RESPONSIBILITY.

24 BY MR. ARCHIE: COULD I POINT OUT ONE THING TO THE

1 COURT? COUNTS IV, V, VI, AND VII THEY ALL ALLEGEDLY OCCURRED ON  
2 THE SAME DATE, FEBRUARY 12TH, AND I DIDN'T HEAR ANY EVIDENCE --

3 BY MR. ROJAS: (INTERPOSING) THAT'S WHERE I'D ASK YOU  
4 TO AMEND, YOUR HONOR -- I DON'T WANT TO CUT HIM OFF.

5 BY MR. ARCHIE: WHAT I'M INDICATING IS THERE WAS NO  
6 EVIDENCE THAT SHOWED CONSISTENTLY THERE WAS FOUR SEPARATE  
7 INCIDENTS THAT OCCURRED ON THAT DATE. SO, THAT WOULD INDICATE  
8 THESE ARE DUPLICITOUS PLEADINGS BECAUSE THERE WAS NO TESTIMONY OF  
9 FOUR. I THINK AT THE MOST THERE WAS TESTIMONY OF TWO, THAT HE  
10 INSERTED THE PENIS INTO THE VAGINA, THAT HE LICKED THE VAGINA,  
11 WHICH WOULD BE COUNT VI, AND THERE WAS AN ATTEMPT TO -- I THINK  
12 THAT WOULD BE IT. EVEN COUNT VII WOULD SEEM TO BE A DUPLICATION  
13 OF COUNT VI.

14 BY THE COURT: THEY ARE I AGREE WITH YOU, BUT THE REASON  
15 I'M LEAVING THEM IS BECAUSE I THINK IT'S A JURY QUESTION. I  
16 THINK YOU CERTAINLY HAVE A GOOD GROUND TO GO TO THE JURY AND  
17 CLAIM STATUTORY SEXUAL SEDUCTION HERE. I THINK THE STATE IS  
18 ENTITLED TO PLEAD BOTH UNDER THE CIRCUMSTANCES AND IT COULD GO  
19 EITHER WAY IN FRONT OF THE JURY. I THINK THE STATE IS ENTITLED  
20 TO DO THAT.

21 WHAT I INTEND TO DO, IN ADDITION TO REMOVING OF COURSE  
22 THE BAIL ON COUNT I WITH THE DUPLICITOUS PLEADINGS, I AM GOING TO  
23 REMOVE THE \$5,000 BAIL ON EACH COUNT FOR STATUTORY SEXUAL  
24 SEDUCTION. SO, HE IS ONLY ON BAIL FOR THE ACT AS OPPOSED TO THE

1 CHARGE. SO, AT THE END OF THIS I WILL BE REDUCING BAIL  
2 ACCORDINGLY.

3 NOW, YOU HAVE A MOTION TO AMEND?

4 BY MR. ROJAS: YES, YOUR HONOR.

5 AS TO COUNTS IV, V, VI, AND NUMBER VII, YOUR HONOR, WE'D  
6 ASK THIS COURT AMEND IT TO FEBRUARY 21ST. THERE WAS NO EVIDENCE  
7 PRESENTED AS TO FEBRUARY 12TH, BUT IT WAS FEBRUARY 21ST, I  
8 BELIEVE THAT WAS A TYPOGRAPHICAL ERROR, WHICH I LEARNED OF LAST  
9 NIGHT AND DID INFORM THE COURT IN CHAMBERS AS WELL AS MR. ARCHIE.  
10 AT THIS TIME WE'D MOVE TO AMEND THE FEBRUARY DATE TO FEBRUARY  
11 21ST.

12 BY MR. ARCHIE: WE PICKED THAT UP ALSO, YOUR HONOR, BUT  
13 WE'D STILL MAKE THE SAME OBJECTION, EVEN WITH THE NEW DATE OF THE  
14 21ST.

15 BY THE COURT: I WOULD ALLOW THE AMENDMENT. I HAVE  
16 ALREADY MADE MY RULING ON OTHER COUNTS.

17 BY MR. ARCHIE: NEXT IS, I BELIEVE, COUNTS VIII, IX, X,  
18 AND THE BALANCE OF THEM MR. WALTON WILL DEAL WITH THOSE.

19 BY THE COURT: LET ME SAVE TIME ON VIII, IX, UNLESS YOU  
20 HAVE A REAL STRONG ARGUMENT THAT TOUCHING SOMEONE ON THEIR  
21 CLOTHES IS LEWDNESS WITH A MINOR, I AM GOING TO DISMISS THOSE TWO  
22 COUNTS.

23 BY MR. ROJAS: WELL, YOUR HONOR, IT'S LEWD AND  
24 LASCIVIOUS ACTS. WE'D OPPOSE THE DISMISSAL OF THOSE ACTS.



1 BY THE COURT: I'M GOING TO BE DISMISSING VIII OR IX.  
2 THE TESTIMONY WAS NOT ABOUT BODILY CONTACT BUT CONTACT OVER  
3 CLOTHES.

4 BY MR. WALTON: THANK YOU, YOUR HONOR.

5 YOUR HONOR, AS TO COUNT X, IF MY RECOLLECTION OF THE  
6 TESTIMONY IS CORRECT SHE INDICATED THAT THE DEFENDANT ATTEMPTED  
7 TO INSERT HIS PENIS INTO HER VAGINA, DUE TO THE FACT SHE WAS A  
8 VIRGIN HE COULD NOT GET IT IN, AND THAT IS AS FAR AS IT WENT.  
9 SHE INDICATED ON THE RECORD SHE SAID SHE TOLD HIM, "IT'S TIME FOR  
10 ME TO GO HOME." THERE WAS NO SEXUAL ASSAULT.

11 BY THE COURT: THE STATE?

12 BY MR. ROJAS: I DO BELIEVE IF WE HAVE A READ BACK OF  
13 HER TESTIMONY WE'D BE ABLE TO HEAR FROM HER OWN MOUTH HE WAS ABLE  
14 TO STICK IT IN AND STICK IT SOMEWHAT IN, NOT ALL THE WAY IN, AND  
15 AT THAT TIME HE PULLED IT OUT. AS THE STATUTE READS, IT'S THE  
16 SLIGHTEST PENETRATION, AND THE INCH HE GOT IN AT THAT TIME IT WAS  
17 A SEXUAL ASSAULT ON A MINOR UNDER 14 YEARS OF AGE.

18 BY THE COURT: THE TWO QUOTES I WROTE DOWN -- I AGREE  
19 THERE IS SOME QUESTION, BUT I WROTE DOWN TWO QUOTES SHE SAID --  
20 BECAUSE INITIALLY I HAD THE SAME CONCERN, AND SHE DID SAY THOUGH  
21 HE COULDN'T GET IT IN ALL THE WAY, BUT ALSO SAID IT WOULDN'T GO  
22 ALL THE WAY INSIDE.

23 I THINK THAT MEETS THE MARGINAL STANDARD OF EVIDENCE  
24 REQUIRED TO SHOW SEXUAL ASSAULT. I WILL DENY THE MOTION TO

1 DISMISS THAT COUNT.

2 I MIGHT SAVE YOU SOME TIME ON COUNT XI UNLESS THE STATE  
3 HAS GOOD ARGUMENT AS TO WHY THERE SHOULD BE A BIND OVER FOR THE  
4 INSTANCE OF NOVEMBER '93; I WAS GOING TO DISMISS THAT COUNT  
5 BECAUSE SHE COULD NOT RECALL -- THERE WAS ONE INCIDENT SHE COULD  
6 NOT RECALL ANYTHING HAPPENING DURING THE MONTH OF NOVEMBER.

7 BY MR. ROJAS: NO OBJECTION, YOUR HONOR.

8 BY MR. WALTON: YOUR HONOR, AS TO COUNT XII, AGAIN THIS  
9 IS BASED ON MY RECOLLECTION OF THE TESTIMONY ELICITED FROM THE  
10 WITNESS STAND, FIRST OF ALL THERE WAS NO PROPER FOUNDATION LAID  
11 AS TO WHEN, WHAT, WHERE, AND HOW.

12 BY MR. ROJAS: THAT SHOULD HAVE BEEN MADE DURING THE  
13 COURSE OF THE TESTIMONY.

14 BY MR. WALTON: THAT OBJECTION WAS MADE.

15 FOR THE RECORD THAT OBJECTION WAS MADE, YOUR HONOR.

16 SECONDLY, THERE WAS NO TESTIMONY TO SUPPORT THAT COUNT,  
17 UNLESS MY RECOLLECTION IS INCORRECT, BUT I THOUGHT I WAS  
18 FOLLOWING ALONG AS WE WERE GOING ALONG.

19 BY THE COURT: SHE TALKED ABOUT TWO INCIDENTS IN  
20 DECEMBER, SHE SPECIFICALLY SAID IN DECEMBER WENT OUT TO THE LAKE  
21 AND THAT IT OCCURRED AT THE LAKE IN THE PARKING LOT. THERE WAS  
22 ANOTHER TIME SHE MENTIONED SOMETHING AT JUNIOR'S HOUSE. I THINK  
23 THE INCIDENT AT THE LAKE WAS PROVED UP SUFFICIENTLY FOR AN  
24 INCIDENT IN DECEMBER OF 1993.

1 I WILL DENY THAT MOTION.

2 BY MR. WALTON: COURT'S INDULGENCE, YOUR HONOR?

3 BY THE COURT: SURE.

4 BY MR. WALTON: YOUR HONOR, IN COUNTS XIII THROUGH XVI  
5 THERE WAS SOME CONFUSION AS TO THE DATE. I RECOLLECT MENTIONING  
6 SOMETHING ABOUT JANUARY 11, AND ALSO SOMETHING ABOUT JANUARY  
7 26TH.

8 BY THE COURT: I'M NOT CONSIDERING THAT JANUARY 11  
9 INCIDENT. I DON'T THINK IT'S CHARGED; I'M NOT PAYING ANY  
10 ATTENTION TO IT.

11 BY MR. WALTON: OKAY.

12 BUT, YOUR HONOR, XIII, XIV, XV AND XVI, YOUR HONOR, OUR  
13 OBJECTION AND MOTION TO DISMISS WOULD BE BASED ON THE FACT THAT  
14 SHE SIMPLY SAID "SAME-O SAME-O" AND SHE DIDN'T EXACTLY TELL THE  
15 COURT EXACTLY WHAT HAPPENED, WHEN IT HAPPENED, AND WHERE IT  
16 HAPPENED, AND SO FORTH. WE THINK THAT INSUFFICIENT EVIDENCE WAS  
17 PRESENTED TO SUPPORT A BIND OVER ON THOSE COUNTS.

18 ALSO, YOUR HONOR, IF ANYTHING THE COUNTS SHOULD BE  
19 AMENDED FROM SEXUAL ASSAULT WITH A MINOR TO STATUTORY SEXUAL  
20 SEDUCTION, IF ANYTHING, BECAUSE SHE SAID AT THAT POINT IN TIME  
21 SHE HAD BEGAN TO AGREE AND CONSENT, AND SHE WANTED TO BE WITH THE  
22 DEFENDANT AND PARTAKE IN THE SEXUAL ACTIVITY.

23 BY THE COURT: BOTH OF THOSE -- I GUESS THE BEST WAY TO  
24 PUT IT IS THAT BOTH MAKE EXCELLENT WRIT ISSUES.

1 I HAD SOME QUESTIONS I DON'T WANT TO READ BACK  
2 EVERYTHING SHE SAID, BUT I WAS UNDER THE IMPRESSION SHE COVERED  
3 IT, AND I HAD ONE QUOTE HERE, THAT HE PUT HIS PENIS IN THE  
4 VAGINA, AND IN FACT I HAVE TWO QUOTES THAT WAY. I THINK IT WAS  
5 COVERED ON THOSE LAST FOUR COUNTS, BUT IF IT WASN'T, YOU KNOW,  
6 WHEN YOU GET THE TRANSCRIPT YOU CAN RAISE IT.

7 MY RECOLLECTION WAS IT WAS COVERED PROPERLY.

8 AS TO THE AGE ISSUE, I'M JUST DRAWING THE LINE AT 14,  
9 YOU KNOW, WE HAVE THE GIRL THE FIRST GIRL CHANELL WHO WAS OVER 14  
10 AND I BASICALLY RULE SHE HAD TO DO SOMETHING TO PROTEST BECAUSE I  
11 BELIEVE THE STATUTE PUTS THAT AGE ON HER. WITH THIS GIRL BEING  
12 13 YEARS OLD, I AM GOING TO HOLD THAT BEING THAT AGE SHE LACKED  
13 THE CAPABILITY TO CONSENT, AND DENY THE MOTION TO DISMISS THOSE.

14 ANYTHING FURTHER?

15 BY MR. ARCHIE: COULD WE GO BACK THROUGH THE REMAINING  
16 COUNTS, YOUR HONOR, AND HAVE YOU TELL US THE AMOUNT OF BAIL?

17 BY MR. WALTON: ONE LAST THING.

18 BY MR. ROJAS: COURT'S INDULGENCE, YOUR HONOR? I'M  
19 STILL TRYING TO CATCH UP.

20 BY MR. WALTON: ONE LAST THING ON COUNT XVII, YOUR  
21 HONOR, THIS IS THE ALL ENCOMPASSING ONE WHERE THEY SAID BETWEEN  
22 OCTOBER 11TH AND MAY 1ST, MY RECOLLECTION OF THE EVIDENCE WAS  
23 THAT SHE SAID, "EVERY TIME WE DID SOMETHING HE COMMITTED  
24 CUNNILINGUS ON ME PRIOR TO THE CONCLUSION OF THE SEXUAL ACT," AND

1 I WOULD SAY THAT THIS COUNT IS DUPLICITOUS OF ALL OF THEM AS A  
2 MATTER OF FACT, AND THERE WASN'T SUFFICIENT EVIDENCE TO SUPPORT  
3 THAT COUNT, AND DEFINITELY NOT TO SUPPORT A BIND OVER AS TO COUNT  
4 XVII.

5 BY THE COURT: CUNNILINGUS AND INTERCOURSE ARE SEPARATE  
6 ACTS BY THE STATUTE.

7 BY MR. WALTON: TRUE, BUT HE IS CHARGED WITH  
8 CUNNILINGUS.

9 BY MR. ARCHIE: CHARGED WITH CUNNILINGUS IN OTHER COUNTS  
10 FOR THE TIME PERIOD. THEY SAID THE FIRST ONE OCCURRED OCTOBER 11  
11 AND THE LAST ONE OCCURRED MAY 1ST '94. SO, THEY USE COUNT XVII  
12 AS A CLEAN-UP. IN OTHER WORDS, THEY ALLEGE EVERYTHING THAT THEY  
13 HAVE ALLEGED IN THE OTHER SIXTEEN COUNTS IN COUNT XVII.

14 BY MR. ROJAS: YOUR HONOR, I THINK DEFENSE COUNSEL IS  
15 MISSTATING THE WAY THE CRIMINAL COMPLAINT IS. THE WAY I SEE IT,  
16 THE CRIMINAL COMPLAINT READS THAT CUNNILINGUS WAS ACTED UPON  
17 ROSHANDA TURNER AND IF THE COURT TAKES A LOOK AT ALL THE COUNTS  
18 WE HAVE IN FRONT OF US ON ROSHANDA TURNER STARTING ON LEWDNESS  
19 WITH A MINOR, THAT BEING COUNT NUMBER VIII, THERE IS NO MENTION  
20 OF CUNNILINGUS IN ANY OF THESE COUNTS.

21 THIS WAS ALL SEXUAL INTERCOURSE COUNTS, BASED UPON THAT  
22 AS THE COURT MAY WELL KNOW THE CASE LAW DEFINES CUNNILINGUS AND  
23 SEXUAL INTERCOURSE AS DIFFERENT AND SEPARATE OFFENSES. WE HAVE  
24 THE ABILITY -- THE STATE -- TO PUT IN THE STATUTE, WHICH CHARGES

1 HIM WITH A CUNNILINGUS OFFENSE ALSO TO ROSHANDA TURNER.

2 BY THE COURT: I THINK SHE TESTIFIED THAT IT HAPPENED  
3 FREQUENTLY. THE STATE HAS CHARGED ONE TIME AND THEY'RE SEPARATE  
4 ACTS, I'M GOING TO DENY THE MOTION ON THAT AS WELL.

5 LET'S GO THROUGH THESE. I WILL DO BAIL AT THE SAME TIME  
6 I'M GOING THROUGH THEM.

7 I FIND PROBABLE CAUSE THAT LARRY JAMES THOMAS HAS  
8 COMMITTED THE FOLLOWING OFFENSES, AND I'LL GO THROUGH THE  
9 DISMISSALS WHILE I DO IT.

10 COUNT I IS TO BE DISMISSED, COUNT II BOUND OVER.

11 BY MR. ARCHIE: BAIL ON THAT IS WHAT?

12 BY THE COURT: \$5,000.

13 BY MR. ROJAS: IS THAT THE STANDARD BAIL?

14 BY THE COURT: YES.

15 BY MR. ROJAS: YOUR HONOR, THE STATE'S POSITION IS WE'D  
16 LIKE TO ARGUE AS TO BAIL ON THIS AFTER WE KNOW THE EVIDENCE HAS  
17 BEEN PRESENTED.

18 BY MR. ARCHIE: CAN WE FIGURE OUT WHAT WE HAVE? I WANT  
19 TO ARGUE FOR LOWER BAIL ALSO.

20 LET'S FIGURE OUT WHAT WE HAVE AND NOT HEAR ARGUMENT ON  
21 THAT.

22 BY THE COURT: COUNT III, SEXUAL ASSAULT TO BE BOUND  
23 OVER, \$5,000 BAIL; COUNT IV, SEXUAL ASSAULT, BOUND OVER, \$5,000  
24 BAIL; COUNT V, STATUTORY SEXUAL SEDUCTION, BOUND OVER, ZERO

1 DOLLARS BAIL, I GUESS.

2 BY MR. WALTON: THAT REFLECTS YOUR INTENT ALSO ON COUNT  
3 II?

4 BY THE COURT: I DISMISSED COUNT I, COUNT II STILL HAS  
5 THE BAIL.

6 BY MR. WALTON: RIGHT.

7 BY THE COURT: SO, WE ARE UP TO COUNT V.

8 COUNT V IS BOUND OVER, BAIL IS ZERO; VI IS BOUND OVER,  
9 BAIL \$5,000; VII IS BOUND OVER, BAIL IS ZERO; VIII AND IX ARE  
10 DISMISSED, AND THEN COUNTS X THROUGH XVII, I BELIEVE -- YEAH, X  
11 THROUGH XVII ARE BOUND OVER ON EACH OF THOSE, AND BAIL IS \$5,000  
12 A COUNT.

13 I THINK THAT PUTS BAIL RIGHT NOW AT \$60,000.

14 BY MR. ARCHIE: \$55,000; WE HAVE ELEVEN COUNTS BOUND  
15 OVER, \$55,000 BAIL.

16 BY THE COURT: \$55,000 BAIL, AND I ORDER THAT MR. THOMAS  
17 BE BOUND OVER TO THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE  
18 OF NEVADA, IN AND FOR THE COUNTY OF CLARK, LOCATED AT THE CLARK  
19 COUNTY COURTHOUSE IN LAS VEGAS, NEVADA.

20 BY THE CLERK: JANUARY 26TH, AT 9:00 A.M., IN  
21 DEPARTMENT NUMBER THIRTEEN.

22 BY MR. ARCHIE: YOUR HONOR, I WANTED TO BE HEARD AS TO  
23 BAIL. I BELIEVE THE STATE WISHED TO OPPOSE MY MOTION.

24 BY THE COURT: OKAY.

1 BY MR. ROJAS: YES, I'D LIKE TO OPPOSE THE MOTION.

2 BY THE COURT: WE'LL DO IT IN THAT ORDER, AS OPPOSED TO  
3 HIM MOVING FOR MORE AND YOU OPPOSING HIS MOTION.

4 BY MR. ARCHIE: YES.

5 YOUR HONOR, THE BAIL WAS INITIALLY I BELIEVE ALMOST  
6 \$170,000, AND THE DEFENDANT HAS NO FINANCES WITH WHICH TO MAKE  
7 THAT BAIL.

8 BY THE COURT: I BELIEVE JUDGE KELLY CUT THAT IN HALF;  
9 IS THAT RIGHT?

10 BY MR. ARCHIE: YES, TO \$75,000. AS A RESULT OF THE  
11 COURT'S ACTION TODAY IT'S NOW \$55,000.

12 THE DEFENDANT WAS BORN IN TULULA, LOUISIANA, AND HAS  
13 LIVED A MAJORITY OF HIS LIFE HERE IN SOUTHERN NEVADA. HE IS  
14 MARRIED WITH ONE CHILD AND HE HAS FAMILY SUPPORT, THE PEOPLE YOU  
15 SEE IN COURT TODAY (INDICATING), INCLUDING HIS BROTHER WHO IS A  
16 PASTOR IN THE LOCAL CHURCH.

17 WE'D ASK THE COURT TO ALLOW THE DEFENDANT TO BE PLACED  
18 UNDER HOUSE ARREST. YOU HAVE SEEN FROM THE STATE'S EXHIBIT, I  
19 BELIEVE EXHIBIT NUMBER 1, THE ID PRINTOUT, THAT HE HAS NO PRIOR  
20 ARREST RECORD WHATSOEVER UNTIL THIS PARTICULAR INCIDENT OCCURRED.  
21 WE FEEL THAT IF YOU WERE TO ALLOW HIM HOUSE ARREST THROUGH THE  
22 SUPPORT OF FAMILY MEMBERS AND OTHERS IN THE COMMUNITY THEY'D BE  
23 ABLE TO INSURE THE COURT THAT HE WOULD REMAIN AT HOME AND ONLY  
24 LEAVE FOR PURPOSES OF GOING TO WORK.



1           ACCORDING TO HIS BROTHER REVEREND THOMAS HE STILL HAS A  
2       JOB AT BALLY'S GRAND, AND WOULD BE ALLOWED TO RETURN TO WORK IF  
3       IN FACT THE COURT ALLOW US TO HAVE A REASONABLE BOND, THAT IS WE  
4       DON'T BELIEVE HE'D BE AN ADDITIONAL THREAT TO THE COMMUNITY, AND  
5       AS I SAID THEY WOULD INSURE HE HAVE NO CONTACT WITH ANY MEMBERS  
6       OF THE DRILL TEAM OR ANY WITNESSES IN THIS PARTICULAR CASE.

7           OF COURSE WE KNOW THAT IT WILL TAKE SOMETIME TO DO THE  
8       WRIT OF HABEAS COURSE, AND IF NECESSARY TO PREPARE FOR THE MATTER  
9       TO GO TO TRIAL, AND IF MY CLIENT IS IN CUSTODY -- IT'S MY  
10      EXPERIENCE THEY PSYCHOLOGICALLY DETERIORATE WHILE IN CUSTODY, IF  
11      A PERSON IS NOT OF THAT PARTICULAR MIND SET IN TERMS OF BEING  
12      INVOLVED IN PRISON ACTIVITY, AND I ASK THE COURT IF YOU WOULD  
13      ALLOW US TO DO THAT.

14          AT ANY TIME IF THE COURT THOUGHT HE WAS ABUSING HOUSE  
15      ARREST, THE DISTRICT ATTORNEY'S OFFICE COULD NOTIFY THE COURT AND  
16      WE CAN COME BACK AND SEE IF IN FACT IT'S NECESSARY TO PLACE HIM  
17      BACK IN CUSTODY.

18          SOMETIMES THE DISTRICT ATTORNEY OFFICE SAYS, "GEE, WHEN  
19      YOU ARE FACING SO MUCH POTENTIAL PRISON TIME YOU ARE A FLIGHT  
20      RISK." HE HAS NO PLACE TO GO. EVERYBODY IN HIS FAMILY LIVES  
21      HERE. HE'S NEVER LIVED ANYWHERE ELSE SINCE HE'S BEEN IN THE CITY  
22      OF LAS VEGAS. HIS CONDUCT PRIOR TO THIS HAS BEEN TOTALLY  
23      ABOVEBOARD, EVERYONE IN THE COMMUNITY HAD THE HIGHEST REGARD FOR  
24      HIM AND MOST OF THEM STILL DO.

1 WE'RE SOMEWHAT AMAZED THAT WE FIND OURSELVES IN THIS  
2 SITUATION HERE REPRESENTING HIM IN COURT TODAY.

3 I SUBMIT IT.

4 BY THE COURT: IF HE WAS GIVEN HOUSE ARREST, WOULD HE BE  
5 ABLE TO LIVE IN AN AREA THAT IS NOT AROUND WHERE THESE GIRLS  
6 LIVE? OR, DO THEY ALL LIVE IN HIS AREA?

7 BY MR. ARCHIE: MAY HIS BROTHER ADDRESS THE COURT?  
8 REVEREND, IS THERE SOMEPLACE WE CAN PUT OUTSIDE OF THE WESTSIDE  
9 COMMUNITY?

10 BY THE REVEREND THOMAS: YES, IF THE JUDGE WOULD PERMIT  
11 HIM TO STAY AT MY HOUSE.

12 BY MR. ARCHIE: WHERE IS THAT?

13 BY THE REVEREND THOMAS: LAMB AND CRAIG.

14 BY THE COURT: OKAY.

15 BY MR. ARCHIE: FAR ENOUGH AWAY.

16 BY THE COURT: WE HAD A TRAFFIC TICKET THAT WAS RIGHT IN  
17 THAT AREA THIS MORNING.

18 BY THE COURT: THANK YOU.

19 THE STATE?

20 BY MR. ROJAS: AT THIS TIME THE STATE WOULD ADAMANTLY  
21 OPPOSE ANY MOTION FOR BAIL REDUCTION. IN FACT, AT THIS TIME  
22 AFTER ALL THE EVIDENCE HAS BEEN PRESENTED THE STATE WOULD ASK  
23 THAT THE BAIL IN THIS MATTER BE INCREASED, YOUR HONOR.

24 WE BASE THIS MOTION ON VARIOUS GROUNDS: FIRST OF ALL,

1 WE FEEL THAT THE DEFENDANT WOULD HAVE NO TIES TO THE COMMUNITY.  
2 WE HAVE SEEN NO PAPERWORK TO SUBSTANTIATE THAT HIS OTHER JOB IS  
3 STILL AVAILABLE AND WE DO KNOW FROM THE RECORD THAT ONE JOB THAT  
4 HE HAD IS NOT GOING TO BE AVAILABLE TO HIM, AND THAT'S THE JOB  
5 WITH THE QUEENETTES. BECAUSE I DON'T KNOW ANY EMPLOYER WHO IS  
6 GOING TO HIRE AN EMPLOYEE THAT HAD BEEN HAVING SEXUAL INTERCOURSE  
7 WITH 12-YEAR OLD GIRLS.

8 NOW, JUDGE, TO BE HONEST WITH YOU I'M APPALLED AT THIS  
9 ACTION, AND THAT'S WHY I'M ASKING THE COURT -- YOU KNOW, IN MY  
10 TWO YEARS AT THE DISTRICT ATTORNEY'S OFFICE I HAVE NEVER SEEN  
11 ANYTHING LIKE THIS. THIS MAN WAS CARRYING ON SEXUAL INTERCOURSE  
12 WITH GIRLS OF 12 AND 13 YEARS OF AGE. THESE ARE GIRLS THAT HE  
13 KNEW WERE IMMATURE, GIRLS THAT HE KNEW WOULD NOT HAVE BEEN IN  
14 THEIR SEXUAL PRIME, BUT ARE WE ASKING TOO MUCH OF THE DEFENDANT?

15 HE IS 27 YEARS OLD, HE'S SAME AGE AS I AM. I CAN ASSURE  
16 THIS COURT I'M NOT GOING AROUND HAVING SEX WITH 12-YEAR OLD GIRLS  
17 BECAUSE I JUST WASN'T BROUGHT UP THAT WAY. YOUR HONOR, TO PLACE  
18 THE DEFENDANT BACK INTO THE COMMUNITY IN NORTH LAS VEGAS WHERE  
19 THERE ARE 12 AND 13-YEAR OLD GIRLS AND KNOWING WHAT HAS BEEN  
20 PRESENTED HERE AT THIS PRELIMINARY HEARING -- AND, I DO  
21 UNDERSTAND THAT THE WEAK COUNTS HAVE BEEN DISMISSED, BUT THERE  
22 SURE ARE SUBSTANTIALLY A LOT OF GOOD COUNTS AGAINST THE  
23 DEFENDANT, YOUR HONOR, AND TO PLACE HIM BACK INTO THIS COMMUNITY,  
24 WHICH HAS BEEN APPALLED AT WHAT HE'S BEEN DOING WITH 12-YEAR OLD

1 GIRLS, IT WOULD BE A SLAP TO NORTH LAS VEGAS AS WELL AS TO ANY OF  
2 THE OTHER COMMUNITIES.

3 YOUR HONOR, BASED UPON THAT, AND BASED UPON (A) WE DON'T  
4 FEEL HE HAS SUBSTANTIAL TIES, YOUR HONOR; BASED UPON WE DO  
5 BELIEVE HE'S A MENACE TO THE COMMUNITY AND TO SPECIFICALLY 12 AND  
6 13-YEAR OLD GIRLS, WHO JUST REALLY SOMETIMES DON'T KNOW HOW TO  
7 SAY NO, BUT, HEY, THERE IS AN OLD SAYING -- I DON'T WANT TO SAY  
8 IT IN THIS COURT TODAY BECAUSE I WILL PISS A LOT OF PEOPLE OFF.

9 ANYWAY, YOUR HONOR, I BELIEVE THIS INDIVIDUAL IS A  
10 SUBSTANTIAL FLIGHT RISK. DEFENSE COUNSEL STOOD UP AND SAID THIS  
11 DEFENDANT HAS NO PLACE TO GO. HE HAS ONE PLACE TO GO, YOUR  
12 HONOR, A PLACE WHERE HE BELONGS AND THAT IS IN JAIL FOR WHAT HE  
13 DID UNTIL HE HAS HIS TRIAL.

14 THANK YOU.

15 BY MR. ARCHIE: YOUR HONOR, IF I MAY BE HEARD BRIEFLY?

16 BY THE COURT: SURE.

17 BY MR. ARCHIE: THE RHETORIC WAS VERY INFLAMMATORY,  
18 THANK GOD WE DON'T HAVE A JURY.

19 YOUR HONOR, I'D REMIND THE COURT THAT WE'VE BEEN AWARE  
20 OF THIS INVESTIGATION SINCE MAY OF LAST YEAR, AND THE POLICE HAVE  
21 EVEN ASKED HIM TO COME IN TO BE INTERVIEWED, WHICH HE DID DO. IT  
22 WASN'T AS IF THEY SURPRISED HIM AND SWOOPED DOWN AND ARRESTED  
23 HIM. WE HAVE KNOWN FOR ABOUT EIGHT OR NINE MONTHS THIS  
24 INVESTIGATION WAS GOING ON AND HE MADE NO ATTEMPT TO FLEE.

1 I'D ALSO REMIND THE COURT EVEN THOUGH WE'VE HAD A  
2 PRELIMINARY HEARING, AND YOU BOUND HIM OVER, THAT'S NOT PROOF  
3 BEYOND A REASONABLE DOUBT.

4 I KNOW THAT THE DISTRICT ATTORNEY HAS ALREADY JUDGED HIM  
5 THAT HE IS GUILTY. BUT, I WOULD REMIND THE COURT OF A LITTLE BIT  
6 OF A HISTORY LESSON, THE MCMARTIN SCHOOL KIDS IN SOUTHERN  
7 CALIFORNIA, THEY HAD 23 CHILDREN AT A NURSERY SCHOOL THAT CLAIMED  
8 THEY WERE SEXUALLY MOLESTED, AND THERE WAS OTHER THINGS THAT  
9 HAPPENED, AND THE CASE WENT ON FOR FIVE YEARS AT A COST OF \$3  
10 MILLION, AND LATER BOTH PEOPLE WERE FOUND NOT GUILTY OF THE  
11 CRIME.

12 SO, I AM ASKING THE COURT NOT TO BE SO OVERLY IMPRESSED  
13 BY WHAT HAS BEEN HEARD HERE, THAT WE'D BECOME SO INFLAMMED THAT  
14 WE WOULDN'T GIVE THE DEFENDANT THE BENEFIT OF THE CONSTITUTIONAL  
15 PRIVILEGE OF BEING CONSIDERED INNOCENT UNTIL PROVEN GUILTY.

16 I'M PRETTY GOOD AT WHAT I DO AND I SEE THINGS CAN BE  
17 DONE WITH THIS CASE AND I AM HOPE FULL I CAN WIN IT -- SOMETIMES  
18 I CAN AND SOMETIMES I CAN'T -- BUT AT THIS POINT I'D HOPE THE  
19 COURT NOT MAKE A JUDGMENT OF GUILT, AND ONLY MAKE A JUDGMENT OF  
20 WHAT THE NEEDS ARE TO PROTECT THE CHILDREN OF THIS COMMUNITY, AND  
21 AT THE SAME TIME GIVE SOME CONSIDERATION TO THE DEFENDANT AND HIS  
22 FAMILY.

23 I'D AGREE WITH THE STATE OF WHAT THEY'RE TRYING TO SAY  
24 AND OUR UTTERMOST CONCERN IS TO MAKE SURE THE CHILDREN IN OUR

1 COMMUNITY ARE PROTECTED, AND WE DON'T ALLOW PEOPLE TO GO FREE TO  
2 DAMAGE THEM ANY FARTHER. I DON'T KNOW WHAT CAUSED THIS TO  
3 HAPPEN, AND THEY COULD BE TELLING THE TRUTH, AND THEY MAY NOT,  
4 BUT I'M ASKING THE COURT NOT TO JUDGE, NOT TO BE INFLAMMATORY AT  
5 THIS TIME BUT SIMPLY GIVE US AN OPPORTUNITY TO GO FORWARD AND  
6 DEFEND THIS MAN?

7 BY MR. ROJAS: IF I MAY ALSO RESPOND? MAY I HAVE A WORD  
8 ALSO IN THIS?

9 BY THE COURT: SURE.

10 BY MR. ROJAS: THE ONLY THING I WANTED TO BRING TO THE  
11 COURT'S ATTENTION IS HE IS GOING TO HAVE THIS OPPORTUNITY TO  
12 DEFEND AND THAT WILL BE ON JANUARY 26TH, 1995. THERE ARE  
13 MILLIONS OF DEFENDANTS THAT ARE SITTING IN OUR PRISONS TODAY WHO  
14 HAVE DEFENSE COUNSEL WAITING FOR THEM, AS WELL AS HAVE TRIALS  
15 SET, AND THOSE SITUATIONS DO NOT NOT PRECLUDE OR PREVENT THOSE  
16 DEFENDANTS FROM HAVING A FAIR TRIAL, BEING REPRESENTED BY  
17 ADEQUATE COUNSEL.

18 THE COURT IN THIS CASE WOULD HAVE TO WEIGH ALL THE  
19 EVIDENCE, AND THE COURT HAS HEARD SOME OF THE EVIDENCE, AND AS WE  
20 POINTED OUT BEFORE MANY OF THE WEAKER COUNTS HAVE BEEN DISMISSED.  
21 ONE OF THE THINGS THE COURT CAN DO IS WEIGH THE EVIDENCE IN FRONT  
22 OF IT, THE COURT RECOGNIZES THERE ARE VERY STRONG COUNTS HERE AND  
23 SOME OF THESE STRONG COUNTS, YOUR HONOR, CARRY LIFE SENTENCES.

24 THE DEFENDANT DIDN'T FLEE DURING AN INVESTIGATION, BUT

1 IT'S DIFFERENT WHEN YOU ARE LOOKING INTO THE FIRE AND FACING A  
2 POSSIBILITY OF SEVEN LIFE SENTENCES, AS WELL AS WHAT THE  
3 STATUTORY SEXUAL SEDUCTIONS CARRY, THE DEFENDANT IS FACING AN  
4 AWFUL LONG TIME IN PRISON.

5 BASED UPON THAT WE BELIEVE THAT AT THIS TIME HE'S A  
6 SUBSTANTIAL FLIGHT RISK DUE TO HIS AGE AND HIS LACK OF  
7 EMPLOYMENT, AND ALSO IS A MENACE TO THE COMMUNITY.

8 BY MR. ARCHIE: SUBMITTED, YOUR HONOR.

9 BY MR. ROJAS: SUBMIT, YOUR HONOR.

10 BY THE COURT: I CERTAINLY DON'T MAKE ANY JUDGMENTS AS  
11 TO MR. THOMAS' GUILT OR NOT. I THINK I HAVE STATED IN THIS CASE  
12 EARLIER THAT UNTIL A FEW WEEKS AGO I WAS DOING WHAT MR. ARCHIE  
13 DOES AND I UNDERSTAND WHAT HIS ARGUMENTS ARE.

14 I THOUGHT BAIL COMING IN WAS REASONABLE WHEN IT WAS CUT  
15 IN HALF BY JUDGE KELLY TO \$85,000, AND THEN TODAY WE HAVE KNOCKED  
16 ANOTHER \$30,000 OFF THAT DOWN TO \$55,000.

17 ONE OF THINGS I HAVE TO CONSIDER IN SETTING BAIL THOUGH  
18 IS WHAT IF THE CHARGES ARE TRUE? WHAT IF HE IS GUILTY? WHAT IF  
19 HE DID DO THESE THINGS? I KNOW THE FAMILY DOESN'T THINK HE DID  
20 THEM. I HAVE TO CONSIDER ALL SIDES, AND I AM COMFORTABLE WITH  
21 BAIL THE WAY IT IS NOW, \$55,000.

22 YOU ARE CERTAINLY FREE TO RENEW THAT IF YOU GET SOME  
23 PAPERWORK OF HIS JOB YOU CAN RENEW IT IN FRONT OF JUDGE CHAIREZ,  
24 BUT I AM GOING TO LEAVE IT WHERE IT IS AT RIGHT NOW.

1 BY MR. ARCHIE: THANK YOU, YOUR HONOR.  
2 BY THE CLERK: DO YOU WANT THE DIARY RETURNED TO THE  
3 DISTRICT ATTORNEY?  
4 BY THE COURT: WANT TO RELEASE IT?  
5 BY MR. ARCHIE: I HAVE NO OBJECTION RELEASING IT TO THE  
6 DISTRICT ATTORNEY'S OFFICE IF YOU WANT TO KEEP TRACK.  
7 BY THE COURT: WHY DON'T WE RELEASE IT TO YOU, AND YOU  
8 GUYS HAVE A GENTLEMEN'S AGREEMENT WHAT'S GOING TO HAPPEN. IF  
9 THERE IS A PROBLEM JUST GIVE ME A CALL.  
10 BY MR. ROJAS: WELL, I DON'T WANT THE RESPONSIBILITY OF  
11 THE DIARY.  
12 BY THE COURT: OKAY.  
13 BY MR. WALTON: PROBLEM IS, YOUR HONOR --  
14 BY MR. ROJAS: (INTERPOSING) I WILL TAKE IT, YOUR  
15 HONOR. THERE HAS ALSO BEEN A TEAM CHIEF AS WELL AS ANOTHER  
16 SEXUAL ASSAULT UNIT THAT MIGHT WANT TO TAKE A LOOK AT IT.  
17 BY THE COURT: WE ALL OF LOOKED AT IT, WE KNOW WHAT WAS  
18 IN THERE. SO, IT'S NOT LIKE ANYBODY IS GOING TO TRY TO FOOL WITH  
19 IT, OR ANYTHING.  
20 BY MR. ROJAS: FOR THE RECORD, I WANTED TO SHOW THIS TO  
21 MR. ARCHIE SO HE CAN NOTE THE PRESENCE OF HOW THE DIARY LOOKS  
22 BEFORE I TAKE CONTROL OF THE DIARY.  
23 BY THE COURT: OKAY.  
24 BY MR. ROJAS: YOUR HONOR, THE DIARY RIGHT NOW IS



1 MISSING THE FIRST 10 PAGES?

2 BY THE COURT: YOU REMEMBER WE COUNTED THE PAGES IN MY  
3 OFFICE, HOW MANY PAGES HAD WRITING ON IT.

4 BY MR. ROJAS: WE HAVE 17 PAGES, YOUR HONOR, IN THIS  
5 DIARY THAT SAYS ON THE FRONT, "ONE YEAR DIARY," PLUS TELEPHONE  
6 NUMBERS, A DIAGRAM WITH STRIPES, THREE HEARTS, ONE BEING A RED,  
7 YELLOW AND BLUE BALLOON.

8 BY THE COURT: THERE ARE SOME TELEPHONE NUMBERS WRITTEN  
9 IN THE BACK, BUT I DIDN'T SEE THEY HAD ANY KIND OF NARRATIVE  
10 ENTRY TO DO WITH THIS CASE.

11 BY MR. ROJAS: AT THIS TIME, IF I CAN HAVE MR. ARCHIE  
12 AGREE THAT THERE WILL BE NO OBJECTION TO THE INTRODUCTION OF THE  
13 DIARY FOR TRIAL PURPOSES, CONCERNING MY HAVING CONTROL OF IT.

14 BY MR. ARCHIE: NO OBJECTION. I WILL NOT MAKE ANY ISSUE  
15 OF CHAIN OF CUSTODY.

16 BY THE COURT: AS YOU TALK TO THE SEXUAL ASSAULT PEOPLE,  
17 PLEASE REMIND THEM THERE IS AN AGREEMENT THERE IS TO BE SOME KIND  
18 OF TRANSCRIPTION DONE ON THIS SO THEY GET EVERY WORD THAT'S IN  
19 THERE.

20 BY MR. ROJAS: YES, SIR.

21 BY THE COURT: OKAY.

22 YOU'VE GOTTEN THE DATE FOR DISTRICT COURT?

23 BY MR. ARCHIE: YES, YOUR HONOR.

24 BY THE COURT: OKAY.

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IF THERE IS NOTHING FURTHER WE WILL BE IN RECESS.

\* \* \* \* \*

ATTEST: FULL, TRUE AND ACCURATE TRANSCRIPT OF THE PROCEEDINGS  
HAD, PREPARED AND TRANSCRIBED TO THE BEST OF MY KNOWLEDGE, SKILL  
AND ABILITY.

  
WARREN G. HANS, CSR #19

CASE NO. C125353

ORIGINAL

MAR 20 8 26 AM '95

DEPT. NO. XIII

*Loretta B. Brown*  
CLERK

DISTRICT COURT

CLARK COUNTY, NEVADA

-oOo-

THE STATE OF NEVADA,

Plaintiff,

vs.

LARRY JAMES THOMAS,  
#0846620

Defendant.

REPORTER'S TRANSCRIPT

OF

NOT GUILTY PLEA

BEFORE THE HON. DON P. CHAIREZ, DISTRICT JUDGE

FRIDAY, FEBRUARY 17, 1995

9:00 a.m.

## Appearances:

For the State:

JAY L. SIEGEL, ESQ.  
Deputy District Attorney

For the Defendant:

STANLEY A. WALTON, ESQ.

Reported by: Roberta L. Thibodeau  
CCR No. 358

1 LAS VEGAS, CLARK COUNTY, NV., FRI., FEBRUARY 17, 1995

2 9:00 a.m.

3 -oOo-

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

5  
6 THE COURT: Larry James Thomas, case No.  
7 C125353, the State of Nevada versus Larry James Thomas.  
8 The record will show the presence of the defendant in  
9 custody with his attorney Mr. Stan Walton, Chip Siegel  
10 on behalf of the State of Nevada. This is also for a  
11 continuation of the initial arraignment and for the  
12 defendant's motion for a bail reduction or O.R. release  
13 or in the alternative, house arrest.

14 Is he prepared to enter a plea today,  
15 Mr. Walton?

16 MR. WALTON: Yes, Your Honor. I'm appearing  
17 and confirming on behalf of Mr. Archie, Your Honor.

18 THE COURT: Is he pleading not guilty to all  
19 of the counts?

20 MR. WALTON: He is, Your Honor.

21 THE COURT: Okay. Mr. Thomas, have you seen  
22 a copy of the Information filed in this case charging  
23 you with 13 felony counts?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Is your true name Larry James

1 Thomas?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: How old are you?

4 THE DEFENDANT: 28.

5 THE COURT: How far did you go in school?

6 THE DEFENDANT: 12th grade, sir.

7 THE COURT: Did you learn how to read and  
8 write while you were in the 12th grade?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Did you have a chance to read the  
11 13 felony counts that the State is accusing you of?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And you understand why you're  
14 here; is that correct?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: And you've discussed this over  
17 with your attorneys, Mr. Walton and Mr. Archie?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Will you waive a full reading of  
20 the entire Information?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And are you prepared to enter a  
23 plea?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: What would your plea be to the 13

1 felony counts filed against you; guilty or not guilty?

2 THE DEFENDANT: Not guilty, sir.

3 THE COURT: As to all 13 counts?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: You're also entitled to have a  
6 speedy jury trial. Do you want to invoke your right to  
7 a speedy trial and have it within 60 days or do you  
8 want to waive and give up your right to a speedy trial?

9 THE DEFENDANT: No, sir.

10 THE COURT: You want a speedy trial?

11 THE DEFENDANT: No, sir.

12 THE COURT: You waive your right to a speedy  
13 trial?

14 THE DEFENDANT: Yes, sir. I waive my right.

15 THE COURT: You waive your right to a speedy  
16 trial. Okay, we'll set it in the ordinary course.

17 MR. WALTON: To be totally honest with you,  
18 we have a capital case that starts the end of May.  
19 It's going to be July or August before we're able to  
20 take one like this to trial.

21 THE CLERK: We're not free until October.

22 THE COURT: We could put it on in June. Do  
23 we have June available? We'll set it within 60 days.  
24 Set it in April.

25 THE CLERK: We don't have anything in April.

1 THE COURT: Nothing?

2 THE CLERK: Nothing. You're gone --

3 THE COURT: I know, but Judge Brennan will be  
4 here. I want cases set while Brennan is here. I don't  
5 want him getting paid for just sitting around in the  
6 office.

7 THE CLERK: April 24th with the calendar call  
8 April 20th.

9 THE COURT: Let's make sure there's something  
10 for him to do.

11 THE CLERK: April 24th and April 20th.

12 THE COURT: With respect to the motion for an  
13 O.R., the motion is denied. With respect to your  
14 motion to reduce bail, the motion is denied. With  
15 respect to the motion for house arrest, the motion is  
16 denied, and that's essentially because the sexual  
17 assault with a minor under 14 years of age. I just  
18 don't want to take a chance, Mr. Walton.

19 MR. WALTON: Your Honor, the purpose of bail  
20 is just to ensure the defendant will be present for  
21 trial and making his court appearances.


22 THE COURT: That's true, but also -- I also  
23 have an obligation to protect the public, and if I feel  
24 there's a chance that he may go out and molest more  
25 children, I don't want to take that chance. That's why

1 I want to give him a trial date between now and April.  
2 The other thing is we're looking at 13 counts. Those  
3 are a lot of counts, so -- and I admit he has a clean  
4 record. I admit he's been a lifelong resident, but to  
5 me, I consider this extremely serious.

6 MR. WALTON: Thank you, Your Honor.

7  
8 -oOo-  
9

10 ATTEST: FULL, TRUE AND ACCURATE TRANSCRIPT OF  
11 PROCEEDINGS.  
12  
13

14   
15 ROBERTA L. THIBODEAU  
16 CCR No. 358  
17  
18  
19  
20  
21  
22  
23  
24  
25



C125353

DPT. 13

DATE: 7/7

TIME: 10:00

Badge Numbers: 27-76

TYPE: CIR 139-174

EXCUSALS:

28

31 NIS

35

36

39

42

68

71

143 NIS

147

157

171

34

57

may be late - test

Return to  
Room 1013

80  
~~78~~  
73

AA2745

AK

JUROR INFORMATION

070896

C1

BADGE NUMBER: 027

JUROR NAME : MCHUGH, LORETTA M

PRIOR JUROR : YES

YRS. EDUC. : 12

YRS. RESID. : 13

CITIZEN : YES

LANG. PROB. : NO

FELONY CONV.: NO

JUROR OCCUP.: RETIRED

SP. OCCUP. : RETIRED

I.D. NUMBER : 620025

CITY/ST/ZIP : HENDERSON NV

89014

=====

BADGE NUMBER: 028

JUROR NAME : MELARAGNO, BARBARA L

PRIOR JUROR : NO

YRS. EDUC. : 12

YRS. RESID. : 01

CITIZEN : YES

LANG. PROB. : NO

FELONY CONV.: NO

JUROR OCCUP.: TRANSPORTATION AIDE

SP. OCCUP. : RETIRED

I.D. NUMBER : 1532345

CITY/ST/ZIP : LAS VEGAS NV

89126

JUROR INFORMATION  
070896  
C9

*DC. Challenge  
# 29 for cause  
No: no reason  
to challenge  
1: denied  
request*

BADGE NUMBER: 029

JUROR NAME : GARDNER, GREGORY LEN

PRIOR JUROR : NO  
YRS. EDUC. : 14  
YRS. RESID. : 28  
CITIZEN : YES  
LANG. PROB. : NO  
FELONY CONV.: NO

JUROR OCCUP.: VIP SPECIALIST  
SP. OCCUP. : HOMEMAKER  
I.D. NUMBER : 1472545  
CITY/ST/ZIP : LAS VEGAS NV

89129

=====

BADGE NUMBER: 030

*Drew-Ni-AK*

JUROR NAME : DREWNIAK, ELEANOR CREED

PRIOR JUROR : NO  
YRS. EDUC. : 16  
YRS. RESID. : 19  
CITIZEN : YES  
LANG. PROB. : NO  
FELONY CONV.: NO

JUROR OCCUP.: FINANCIAL ADVISOR  
SP. OCCUP. : INSPECTOR  
I.D. NUMBER : 552766  
CITY/ST/ZIP : LAS VEGAS NV

89115

JUROR INFORMATION

070896

09

BADGE NUMBER: 031

JUROR NAME : EVANS, JASON EVERETT

PRIOR JUROR : NO

JUROR OCCUP.: UNEMPLOYED

YRS. EDUC. : 12

SP. OCCUP. : SINGLE

YRS. RESID. : 22

CITIZEN : YES

I.D. NUMBER : 1212176

LANG. PROB. : NO

FELONY CONV.: NO

CITY/ST/ZIP : LAS VEGAS NV

89110

=====

BADGE NUMBER: 032

JUROR NAME : SIPPLE, JOHN L

PRIOR JUROR : YES

JUROR OCCUP.: RETIRED

YRS. EDUC. : 13

SP. OCCUP. : RETIRED

YRS. RESID. : 01

CITIZEN : YES

I.D. NUMBER : 1522093

LANG. PROB. : NO

FELONY CONV.: NO

CITY/ST/ZIP : LAS VEGAS NV

89130

AA2748

JUROR INFORMATION

070896

09

*Know  
St. Alam*

BADGE NUMBER: 033

JUROR NAME : KILBURN, RICHARD LYNN

PRIOR JUROR : NO  
YRS. EDUC. : 16  
YRS. RESID. : 06  
CITIZEN : YES  
LANG. PROB. : NO  
FELONY CONV.: NO

JUROR OCCUP.: CHIEF OP.OFFICER  
SP. OCCUP. : NURSE PRACTITIONER

I.D. NUMBER : 1126339

CITY/ST/ZIP : HENDERSON NV

89014

=====

BADGE NUMBER: 034

JUROR NAME : LIPTAK, JOSEPH J II

PRIOR JUROR : NO  
YRS. EDUC. : 15  
YRS. RESID. : 01  
CITIZEN : YES  
LANG. PROB. : NO  
FELONY CONV.: NO

JUROR OCCUP.: UNEMPLOYED  
SP. OCCUP. : SINGLE

I.D. NUMBER : 1532483

CITY/ST/ZIP : LAS VEGAS NV

89109

JUROR INFORMATION

070896

09

BADGE NUMBER: 035

JUROR NAME : INGRAM, BEN JR

PRIOR JUROR : NO

JUROR OCCUP.: UNEMPLOYED

YRS. EDUC. : 12

SP. OCCUP. : SINGLE

YRS. RESID. : 06

CITIZEN : YES

I.D. NUMBER : 956562

LANG. PROB. : NO

FELONY CONV.: NO

CITY/ST/ZIP : LAS VEGAS NV

89106

BADGE NUMBER: 036

JUROR NAME : NAVARRO, CARLOS J JR

PRIOR JUROR : NO

JUROR OCCUP.: OPTIMCLOGY ASSIST.

YRS. EDUC. : 15

SP. OCCUP. : MANAGER

YRS. RESID. : 18

CITIZEN : YES

I.D. NUMBER : 1591886

LANG. PROB. : NO

FELONY CONV.: NO

CITY/ST/ZIP : LAS VEGAS NV

89129