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Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN LAWRENCE DIXON,

Appellant,

v.

STATE OF NEVADA,

Respondent.

}
}
} Docket No. 77535
} District Court No. 18-6963
}
}
}

**RESPONDENT'S APPENDIX
VOLUME ONE**

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TAMI RAE SPERO
DIST. COURT CLERK

SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF HUMBOLDT

THE HONORABLE MICHAEL R. MONTERO, DISTRICT JUDGE

--oOo--

STATE OF NEVADA,

Case No. CR18-6963

Plaintiff,

Dept. No. 11

vs.

STEVEN LAWRENCE DIXON,

COPY

Defendant.

TRANSCRIPT OF PROCEEDINGS
JURY TRIAL (Partial Proceedings)
WEDNESDAY, SEPTEMBER 19, 2018

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Reported By: Leslie R. Rosenthal, CCR #819

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2 RENO, NEVADA, WEDNESDAY, SEPTEMBER 19, 2018, 1:04 P.M.

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4 THE COURT: Thank you, you may be seated.
5 Okay. Everyone should have a notepad. Do they have your
6 numbers on there? Let's see. Hold one up. Oh, perfect,
7 good, okay. Good.

8 Let's go on the record. This is in case
9 CR18-6963, State of Nevada, plaintiff, versus Steven
10 Lawrence Dixon, defendant. Let the record reflect the
11 presence of defendant and of counsel.

12 And, counsel, do you stipulate to the
13 presence of the jury?

14 MR. STERMITZ: Yes.

15 MR. STOVALL: Yes, Your Honor.

16 THE COURT: Thank you.

17 Mr. Stovall, you may call your first witness.

18 MR. STOVALL: Your Honor, that will be
19 Melissa Mayden. May I go outside and retrieve her?

20 THE COURT: Yes, you may.

21 Good afternoon, Ms. Mayden, how are you? If
22 you'd come forward, a little further forward, face the
23 clerk, raise your right hand.

24 THE CLERK: You do solemnly swear the

1 evidence you're about to give in the matter now pending
2 before this Court shall be the truth, the whole truth,
3 and nothing but the truth, so help you God?

4 THE WITNESS: I swear to God.

5 THE COURT: Thank you. Will you come over
6 here and take the witness stand, please.

7
8 MELISSA MAYDEN,

9 Having been sworn, testified as follows:

10 THE COURT: Mr. Stovall, you may proceed.

11 MR. STOVALL: Thank you, Your Honor, may I
12 use the well?

13 THE COURT: You may.

14 MR. STOVALL: Thank you.

15

16 DIRECT EXAMINATION

17

18 BY MR. STOVALL:

19 Q Please state your name and spell it for the
20 record.

21 A Melissa Mayden, M-e-l-i-s-s-a M-a-y-d-e-n.

22 Q And, Ms. Mayden, can I call you Melissa?

23 A Yeah.

24 Q Okay. Melissa, I know you're a little

1 nervous, so we'll take it slow.

2 Where did you live -- where did you live at
3 on December 13, 2017?

4 A At 3465 Ivan Drive, in Winnemucca.

5 Q Okay. In which county?

6 A Humboldt.

7 Q Okay. Could you describe the house a little
8 bit?

9 A It is a doublewide trailer on blocks on an
10 acre and a half.

11 Q And for those of the jury aren't aware where
12 Ivan Drive might be, could you describe sort of where
13 that is?

14 A It's right off of Delaney, over by the sand
15 dunes.

16 Q North of here?

17 A Yeah.

18 Q And do you know a Steve Dixon?

19 A Yes.

20 Q Okay. Is he in the courtroom today?

21 A Yes.

22 Q Would you please point to him and identify
23 him by a piece of his clothing?

24 A Sitting over there in the white shirt.

1 MR. STOVALL: Your Honor, may the record
2 reflect the witness has identified the defendant in open
3 court.

4 THE COURT: Well, there are two gentlemen
5 over there, both in white shirts.

6 THE WITNESS: No coat on, just the white
7 shirt.

8 THE COURT: Okay. The record will reflect
9 that the witness has identified Mr. Dixon.

10 MR. STOVALL: Thank you, Your Honor.

11 BY MR. STOVALL:

12 Q Could you describe how you know Mr. Dixon?

13 A I met Steve Dixon in 2002 -- maybe 2001,
14 somewhere in there, but we've been together four months
15 shy of 16 years.

16 Q Shy of 16 years.

17 And how have you been together, married,
18 girlfriend?

19 A Boyfriend, girlfriend.

20 Q Boyfriend and girlfriend, dating
21 relationship?

22 A Yes.

23 Q In those 16 years, did you ever have any
24 children in common with him?

1 A Yes.

2 Q Okay. What are their names?

3 A The two in common are Jessica and Jason.

4 Q How old is Jessica?

5 A Jessica is 15 and Jason is nine.

6 Q Okay. Do you have any other kids?

7 A Yes.

8 Q And who is that?

9 A Denver Dougherty and Jordan Mayden.

10 Q Can you spell Denver's last name?

11 A D-o-u-g-h-e-r-t-y.

12 Q And if you don't mind speaking up a little
13 bit.

14 A Sorry.

15 Q We have a court reporter. She's a trained
16 listener, but we just need to -- the jury needs to hear
17 you too.

18 A Sorry.

19 Q Who's responsible for Jason as of -- on
20 December 13, 2017?

21 A Oh, we both coparented.

22 Q Okay.

23 A He worked, and, you know, I was the
24 housewife, and we both did it.

1 Q So who had legal custody?

2 A Legal, we share.

3 Q Okay.

4 A Sorry. I have to repeat -- it's hard to
5 remember which one's which.

6 Q That's okay.

7 Now, you testified that you've lived at 3465
8 Ivan Drive?

9 A Yes.

10 Q Who all lived there with you, if any?

11 A Me -- me, Steven --

12 Q The defendant?

13 A -- was already gone, so Jordan, Jessica,
14 Jason, and his mom.

15 Q Okay. So that's six?

16 A Yes.

17 Q Okay. And how long were you living at Ivan
18 Drive?

19 A We moved to Winnemucca in 2012, and we moved
20 to that address -- we moved here April of 2012, I think
21 we moved out into the property in July of 2012,
22 somewhere, give or take. I can't remember the exact
23 date.

24 Q Okay. So you moved -- where did you move --

1 when -- excuse me. Strike all that.

2 When did you move to Ivan Drive?

3 MR. STERMITZ: Asked and answered, isn't it?

4 THE WITNESS: 2012.

5 BY MR. STOVALL:

6 Q 2012? And you moved --

7 MR. STOVALL: Sorry, Your Honor.

8 THE COURT: Thank you. And I want to
9 acknowledge that there was an objection, there was --
10 make sure and hesitate, so I can rule on it.

11 Let's just move on.

12 MR. STOVALL: I'm sorry, Your Honor, I didn't
13 hear an objection.

14 BY MR. STOVALL:

15 Q Did you buy that house?

16 A We bought it together, we went to Humboldt
17 Realty together.

18 Q Okay. Accordingly, are both your names on
19 the title?

20 A Yes.

21 Q Okay. Let's talk a little bit about December
22 13, 2017. Did anything stand out on that day?

23 A Quite a few things.

24 Q Okay. Well, let's start at the beginning.

1 A At the beginning, I just noticed he was very
2 short tempered, excuse my wording, but bitchy --

3 Q Okay.

4 A -- towards anything, you know, and
5 everything. My kids were at school. And no matter what
6 I would -- if I say, oh, I have to go to county again.
7 You know, just really short with me.

8 Q Okay. And could you give the jury some sort
9 of a timeframe when you're starting this story off?

10 A I just remember that it was around the time
11 my daughter was at practice and it was about an hour
12 before I had to go pick her up from school.

13 Q What type of practice?

14 A She's on the dance team.

15 Q Okay. Here at the school?

16 A Yes, at Lowry.

17 Q Okay. So you noticed the defendant was --
18 there was --

19 A Something was the matter, I just didn't know
20 what it was.

21 Q Okay. And so what happened -- or where were
22 you in relation to him?

23 A What do you mean?

24 Q Like were you -- was this over the phone, or

1 was this in person?

2 A No, we were in the house.

3 Q Okay.

4 A And, like I said, he was very short. And
5 then he asked me where a title was to a truck. And I
6 said, it was somewhere in the file cabinet, that since me
7 and him never finished doing the paperwork on it, it's
8 somewhere, but we hadn't like touched that paperwork in
9 forever, that I didn't know I could look for it.

10 He said, well, good, find it, you know.

11 I said, okay. I'll find it, but I've got to
12 go get the kids.

13 Q Did you know why he was asking for the title?

14 A I didn't know at first. He then told me that
15 he was going to ride with me to town to pick up my
16 daughter because he needed to go places.

17 Q Okay. Did you -- did you accordingly drive
18 into town?

19 A Yes. We got in the car --

20 Q What happened?

21 A -- and I asked him about the title.

22 Q Okay. I'm sorry. Who asked who about the
23 title?

24 A I asked Steve why he wanted the title.

1 Q Okay.

2 A And he told me because he wanted to put it in
3 his mom's name. And I asked him why?

4 Q And what did he say to that?

5 A That -- is that a long story? That he wanted
6 it in his mom's name because if things happened for --
7 other things that were coming up.

8 Q Okay.

9 A He didn't want me to have anything in my
10 name.

11 Q Okay.

12 A He wanted it in his mom's name to be safe.

13 Q To be safe. How did you feel about that when
14 he -- when he asked for that?

15 A It's nothing untypical of him when he gets in
16 those moods, so, okay, whatever. Sure, I'll find it.

17 Q Okay. Did you actually mean to follow
18 through on that?

19 A Well, yeah.

20 Q Okay.

21 A Never got to get to that point.

22 Q Okay. What happened next?

23 A While we were driving on the road to town,
24 that is when he told me that, well, with your bitchy

1 attitude apparently we're breaking up. He had -- I'm not
2 supposed to bring up the court stuff --

3 MR. STERMITZ: I can't hear it.

4 THE WITNESS: Well, I'm not supposed to bring
5 up his court stuff, so I don't know how to word it.

6 MR. STOVALL: I don't know. Okay.

7 MR. STERMITZ: It's nonresponsive, too. Can
8 she just answer the question?

9 THE COURT: Go ahead and answer the question,
10 okay?

11 THE WITNESS: Just how it was?

12 THE COURT: Well, if there's an objection,
13 I'll deal with the objection.

14 THE WITNESS: Okay.

15 THE COURT: I don't know.

16 THE WITNESS: All right. So he was -- he
17 actually has another court case coming up.

18 BY MR. STOVALL:

19 Q Okay.

20 A And that he had court dates for the
21 January 10th, 11th, and 12th coming up.

22 Q And just wanted to warn you, be careful not
23 to --

24 A I'm trying really, really hard not to --

1 Q Okay. Thank you.

2 A -- talk about that.

3 Q Okay. Please continue.

4 A And he had told me when that comes up, that
5 we would be breaking up.

6 Q Okay.

7 A And I said, oh, okay.

8 Q Did he break up with you right then?

9 A In the car. Well, not like -- I don't know
10 really what it was, it was like a breakup date.

11 Q Okay.

12 A And I said, okay.

13 And then that set him off into, so you don't
14 want to talk about it?

15 And I said, no, I don't want to talk about
16 any of this. You made up your mind. You gave me a date,
17 okay. And that's what started our argument to town was
18 because I didn't want to talk about it. And --

19 Q And so how did that make you feel being given
20 a date?

21 A I was okay with it.

22 Q Okay. And why were you okay with it?

23 A Because I was done.

24 Q Okay.

1 A I was okay with it.

2 Q Okay. So what happened next?

3 A Sorry.

4 Q There's some Kleenex right there.

5 A We went to Auto Zone and he went in and got
6 whatever he needed. And he told me to go to Maverick and
7 we went to Maverick. We didn't say anything from Auto
8 Zone to the kids. We picked up the kids, the kids got in
9 the car, and it was Jordan and Jessica.

10 We didn't talk the whole way home. When we
11 got home, I got out and I went straight into my son
12 Jason's room, which is right when you walk in the door,
13 to the right-hand side right there. And I went in there
14 because I didn't want to be around him.

15 Q Okay. What happened next?

16 A I was in the room. He got a phone call. He
17 left. So I came out of the room because he was gone.

18 Q What did you do?

19 A I played on the computer, talked with my
20 kids, and my kids were asking what was going on because
21 they could tell something, you know, especially my
22 daughter. Told her, don't worry about it. It's fine.
23 And the car pulled up and I went back in the bedroom.

24 Q Okay. Did he come into the house?

1 A Then he made a comment -- he made some kind
2 of comment, oh, she's hiding, so I came out so I didn't
3 look, you know. So I came out and I sat on the couch.

4 Q Where was the couch?

5 A Right in the living room when you walk in,
6 like to the right is Jason's room, and to the left is the
7 living room.

8 Q Okay. The front door opens to the living
9 room?

10 A Yeah. He asked to borrow my phone. I gave
11 him the phone. He went outside and used my phone, came
12 back, handed me the phone and said, how do I delete a
13 number?

14 Q Did you see the number?

15 A I saw it. I didn't recognize it. I saw the
16 number and I told him, I don't know how to delete it off.
17 He said, never mind, I'll figure it out.

18 Q Okay. Did you take the phone back?

19 A He went and deleted it apparently and then
20 gave me back my phone.

21 Q Taking a quick step back, how long was the
22 defendant gone?

23 A I would say about maybe 45 minutes to an
24 hour, maybe in there.

1 Q Okay. Okay. And he comes back, what happens
2 next?

3 A He did the phone thing, and then he gave it
4 back. And to me, I'm sorry, if you're asking, how do I
5 delete this and rubbing something in my face, it was just
6 really stupid.

7 MR. STERMITZ: Your Honor, I object. It's
8 nonresponsive.

9 THE COURT: I'm going to sustain the
10 objection.

11 Make sure you listen carefully to --

12 THE WITNESS: Okay.

13 THE COURT: -- the question and just answer
14 the question you've been asked. Okay?

15 THE WITNESS: Okay.

16 BY MR. STOVALL:

17 Q So after -- after he gives you the phone and
18 speculating it, what happened after that?

19 A I went outside.

20 Q Okay.

21 A Because I felt like he was trying to
22 antagonize me, and I didn't want to, so I went outside.

23 Q Was he outside?

24 A No, he was in the house.

1 Q Okay. What happened next?

2 A I got cold and I went back in.

3 Q Okay.

4 A Sorry, I was freezing outside.

5 Q Okay. What did you see when you got back
6 inside?

7 A Nothing. I went right back into Jason's
8 room. I was laying on my son's bunkbed.

9 Q Okay. Were you alone?

10 A Yeah.

11 Q For how long?

12 A Maybe 10 minutes, 10, 15 minutes. I was in
13 there by myself.

14 Q And then did someone come in?

15 A Steve came in.

16 Q Okay. And what happened then?

17 A He pulled up my son's computer chair to the
18 bunkbed and said, we needed to talk.

19 I said, what do you want to talk about?

20 And he said, well, we need to talk about us.

21 And I said, apparently there is no us. You
22 broke up with me. You gave me the date. I'm okay with
23 it. Why do we even have to get into it?

24 Q And what was his demeanor when you guys were

1 talking by the bed?

2 A His demeanor?

3 Q Yes.

4 A I'm sorry, cocky.

5 Q Okay. So please continue.

6 A I could tell he had left and he had obviously
7 drank and I was -- I didn't want to get into with him. I
8 just told him, you can have what you want.

9 Like well, then, fine. What are we going to
10 do?

11 Q Sure. And you said obviously he was
12 drinking.

13 A Yes.

14 Q Or obviously he drank, rather?

15 A Yeah. Because he --

16 Q How do you know that?

17 A Because I've been with him for so long, I
18 know him very well. By his eye color. By his demeanor.
19 By the way he smells when he drinks.

20 Q Okay. Please continue.

21 A So I told him that I didn't want to argue,
22 that there was no point in arguing, I was too tired to
23 argue, you know. He can have it the way he wants it and
24 it's good.

1 And he said, well, what are we going to do up
2 until court?

3 I said, I'll stay on this side. I'll sleep
4 in Jason's room. You have a bunkbed. I'll stay here.
5 You can have that side and once we figure out what
6 happens on those dates, you know, we'll go from there.

7 And he said, well, we need to talk about us.

8 And I refused to talk about us. And when I
9 refused to get into his -- trying to get me to buy into
10 the argument, he told me if I didn't want to talk about
11 us, that I could get the fuck out.

12 Q Is that his words?

13 A Yes.

14 Q Okay. And at this point did his demeanor
15 change?

16 A Yes.

17 Q How did it change?

18 A Now he's angry.

19 Q Now he's angry.

20 So what happened after that?

21 A He was getting closer like -- I don't even
22 know how to explain it. I felt uncomfortable and I got
23 up and I stood by the window.

24 Q Okay.

1 A And he was telling me, like, I'm a no good
2 piece of shit. You know, this is his house. I put
3 nothing into it. It's his. I'll leave with what I came
4 with, which was nothing. You know, get the F out.

5 Q Was that true?

6 A I got with him when I was 18 years old.

7 Q Okay. Oh, I mean about the house?

8 A No. I didn't work.

9 Q Okay.

10 A I stayed home with four kids and he worked.
11 So financially, no, I didn't put money, but he also
12 couldn't work if I wasn't home with four kids. So it
13 was -- originally it was a teammate thing, that's why we
14 went and did it.

15 Q Okay. Nevertheless, you own half the house?

16 A Yes.

17 Q Okay. So what happened next?

18 A I was standing there, and he told me that if
19 I didn't want to talk about us, that I needed to get the
20 fuck out of his house.

21 And I said, it's my house, too, and it's my
22 kids' house.

23 And he told me, no, it's not, that it's his
24 and to get the fuck out.

1 And I told him that me and my kids were not
2 going to go another time in the middle of the night, with
3 nowhere to go, while they have a home right there. That
4 I'll stay on that side of the house and he can have that
5 side. I'll leave him alone. I won't talk to him. We
6 can be done. I want to be done. Just stop. There's no
7 point to argue.

8 Q Okay.

9 A And he said that I was just like my selfish
10 cunt mother and proceeded to call me names and tell me,
11 get the fuck out.

12 Q Do you recall what those --

13 A And I told him, no, that it was my house,
14 too, and until my name was off, me and my kids didn't
15 have to lose anything again like we have so many times
16 before. I wasn't going to do it. I'm done.

17 And he said, do you want to see? And then he
18 grabbed the arms of the chair -- I ran.

19 Q Where did you -- why did you run?

20 A From previous experiences.

21 Q Okay. Where did you run to?

22 A I ran to the bathroom.

23 Q Why the bathroom?

24 A Because it's a nonobvious spot.

1 Q Okay. Where did you go in the bathroom?

2 A I was going to get in the bathtub.

3 Q Okay. Why there?

4 A So I could try to hide behind the curtain.

5 Q Okay. How long were you there?

6 A Not -- I didn't make it in there because I
7 got my foot in and I was going to get in and like half do
8 it. You can't fully close it because that makes it
9 really obvious to look behind it. Just leave it a little
10 bit.

11 And I was going to do that. And then I heard
12 my kid screaming like bloody murder. And I threw my foot
13 out, opened the door because the house, there's a circle.
14 So I went up the hallway into the bathroom and the
15 bathroom goes through the kitchen back into the living
16 room.

17 Q What were they screaming?

18 A Dad, stop.

19 Q Okay.

20 A So --

21 Q What was going through your mind at that
22 moment?

23 A I thought that he had attacked my son. That
24 was my first thought, like, oh, crap. That he was that

1 mad that he was doing that again. And like, I ran out to
2 make sure. But it -- that's not what it was.

3 Q Okay. What was it?

4 A I went through the kitchen and as I was going
5 to turn, there was flames on the damn wall, going up the
6 side of the wall. And when I turned more, it was just
7 flames. The mirror's on fire. The wall was on fire.
8 The fire's touching the ceiling.

9 And all I can hear is Jason, which is my
10 nine-year-old, he's screaming -- he's screaming really,
11 really, loud like a -- I'm sorry, Jason, I love you, but
12 like a girl.

13 And I looked at him and his face was in such
14 shock. And I looked at Steven and I looked at Jason, I
15 said, let's go. I didn't know what else to do. I'm
16 sorry. I just told them, let's go. I screamed at all my
17 kids that we needed to get out and get in the car.

18 Q Okay. How big were those flames?

19 A The wall -- the corner piece was lit. The
20 side of the wall it looked -- and the mirror, the mirror
21 was dripping, and it looked really bad. It looked like a
22 scene out of a movie to me.

23 Q Okay. Did you see what the source of the
24 flames were?

1 A The torch that he had. And my daughter, my
2 daughter was trying to yell at him stop --

3 Q Okay.

4 A -- doing it.

5 Q Okay. How did you feel when you saw your
6 wall on fire?

7 A I was worried about my kids.

8 Q Okay. And what did you do after that?

9 A I screamed at them, let's go. And Jason came
10 right to me and hugged me crying and we went out the door
11 and we get in the car and I only have one kid, only Jason
12 followed me.

13 Q Only Jason followed.

14 Let's go back to that fire. How fast was
15 that fire spreading?

16 A I wasn't paying attention. I was so
17 concerned with Jason screaming.

18 Q Okay.

19 A The only thought in my mind was I got to get
20 out. We got to go. I need to grab the kids and I got to
21 go. That's all I thought. I wasn't sitting there
22 staring at it, I wasn't. I just wanted out.

23 Q Okay. You testified earlier that you got out
24 to the car?

1 A Uh-huh.

2 Q And Jason was there. What happened next?

3 A I was waiting for the door to open for my
4 kids to come and nobody was coming. And I told Jason to
5 stay in the car, not to get out, just to stay where he
6 was and I'd be right back. And he started crying because
7 he doesn't like to be left alone. He doesn't like the
8 dark and he hates being in the car at night.

9 Q And this is --

10 A You can't get groceries out without that kid
11 not crying.

12 Q Is it now nighttime then?

13 A Yeah.

14 Q Okay. Continue, please?

15 A And I asked them to stay there, that I'd be
16 right back. I was just going to run in and tell them to
17 come on.

18 So I got out of the car. He started crying.
19 I said, look, I'll leave the door open, you know, 'cause
20 that leaves your dome light going. So I'll leave the
21 door open so the light is on.

22 And I ran up the steps. I opened the door
23 and I saw Jessica and I said, let's go.

24 Q Jessica being your daughter?

1 A Yes.

2 Q Okay. How did she respond?

3 A She said, okay, okay. And I just turned
4 immediately back out to get in the car. And I still
5 haven't seen Jordan.

6 So I was on my way back to the car kind of
7 looking like where the heck did he go? You know what I
8 mean? Because he wasn't standing in there with them.

9 Q Jordan being the older one?

10 A Yes.

11 Q Okay. So he's not responding. What do you
12 do after that?

13 A I got in the car. I told Jason, I told him
14 to come on. And he said, okay. And then the door opens
15 and Jessica came out with her dog, Rocco.

16 And I said, get in the car.

17 And she said, he's got to go potty.

18 I said, let him -- I don't care if he potty's
19 in the car. Just put him in the car. Let's go. Where
20 is your brother?

21 And she said, I don't know.

22 I said, get your brother. And she was there
23 and the door opened and I thought it was Jordan, but it
24 was Steve coming out.

1 Q So what did you do?

2 A I sat there to see what he was going to do.
3 And when he started coming across -- he came down the
4 steps, started crossing into the driveway, coming at the
5 car. So I put it in reverse and I went in reverse a
6 little bit, and I stopped.

7 Q At the time, what were you feeling?

8 A Scared.

9 Q What was the defendant doing at that time?

10 A He was screaming something I couldn't really
11 hear because of the car being started and everything.
12 But he was yelling something and waving his hands.

13 And I -- like I said, I reversed, I stopped,
14 he kept coming and he was screaming something. And I was
15 like, screw this. And I kept going backward.

16 And when I'm trying to look ahead of me,
17 because it kind of curves, and at that time he had
18 everything everywhere in the yard. I was trying not to
19 hit anything, but I'm also trying to watch for my kids
20 and he ran and he stopped and threw his beer bottle. And
21 I heard a boom and at that point Jason was right in the
22 driver's side.

23 Q Passengers -- okay.

24 A And he started screaming, sitting in his

1 seat, curled up trying to cover his face.

2 Q Okay. And did Jason say or act in any
3 specific manner afterwards?

4 A He was just scared.

5 Q Okay.

6 A And he wanted to go. Just kept saying, can
7 we leave?

8 And I said, we've got to wait for your
9 brother and your sister.

10 He just said, I want to go. I want to go.

11 MR. STERMITZ: I'm going to object to any
12 more hearsay statements from the child.

13 THE COURT: Counsel, do you understand?

14 MR. STOVALL: Yes.

15 THE COURT: Go ahead. Do you want to
16 respond?

17 MR. STOVALL: Yes, Your Honor. They're not
18 being offered for the truth of the matter asserted, but
19 what was going through his mind at the time, which, of
20 course, goes to the second count.

21 THE COURT: Okay.

22 Counsel, I'm going to overrule the objection.

23 Be careful though in the statements, okay.

24 MR. STOVALL: I understand. I understand.

1 BY MR. STOVALL:

2 Q What happened after that?

3 A At this point, I had backed up to the end of
4 the trailer, which is my kids's bedrooms to -- I could
5 see some of the yard. I couldn't see the front steps or
6 anything. And I was sitting there and I was waiting.
7 And then all of a sudden there was Jordan in front of me,
8 just that -- that Steve was with him.

9 Q Okay.

10 A , And they were talking and I just -- I was
11 just trying to like, come on, come on, let's go. But
12 they can't hear me because I'm in the car. I was just,
13 you know, very ready to go.

14 Q Did you --

15 A So all of a sudden they're talking and
16 he does -- he's talking with his hands, and he turns
17 around and he starts coming at the car. So I put it in
18 reverse again.

19 And then he turned to them and did something,
20 like, I don't know what he said, I couldn't hear. And
21 then he was pointing and doing something to the kids and
22 my kids came to the car and got in the car and we left.

23 Q Did the defendant get in the car?

24 A No.

1 Q Where did you go after that?

2 A We went to the Motel 6.

3 Q I'm sorry?

4 A Motel 6.

5 Q In this case, this all happened December 13,
6 2017. When did you report this to law enforcement?

7 A December 14th.

8 Q Okay. Why did you wait?

9 A One, by the time we got to the motel after
10 all that and we got to the motel, it was anywhere from
11 midnight to 1:00 a.m. So I was extremely exhausted, my
12 kids were exhausted, we went to bed.

13 The next day I take my kids to school from --
14 or I didn't take them to school, I went out to the house
15 and got them clothes because we didn't have anything. So
16 we drove out to the house so I could grab them something
17 so they could make it to school that day.

18 Q Okay.

19 A And we did that really quietly. Sheila was
20 there. We just came in, grabbed clothes, we left. We
21 went back to the room. The kids got dressed, I took them
22 to school, and I would say about 10:00, 11:00 o'clock is
23 when he started calling, yeah.

24 Q Calling what?

1 A Calling my phone.

2 Q Okay. Did he just call once?

3 A No. The night we left he had called
4 multiple, multiple times. Multiple -- and I kept
5 declining it, declining it, and declining it. I finally
6 shut off my phone because every time I'd answer, he was
7 just screaming. So I just shut my phone off. We went to
8 the room, got -- went to bed.

9 Q Okay. Approximately how many times did he
10 call you on the night of December 13th?

11 A The night of?

12 Q Yes. After --

13 A At least 27 to 30 times.

14 Q Okay.

15 A Over and over and over and over and over.

16 Q And that includes the morning, too?

17 A The next day --

18 MR. STERMITZ: Objection. I guess the
19 question what is the relevance here? I don't think this
20 is a divorce proceeding. This is an arson trial.
21 There's latitude in the questioning, but it has nothing
22 to do with arson.

23 THE COURT: I understand the legal objection.

24 MR. STOVALL: Your Honor, I'm just trying to

1 explain to the jury what was going on in her mind and why
2 she -- she paused before calling law enforcement.

3 THE COURT: Okay. Well, let's get to that.

4 MR. STOVALL: Okay.

5 THE COURT: I'm going to sustain the
6 objection as to the number of calls, unless there's some
7 specific relevancy to the number.

8 MR. STOVALL: Very good, Your Honor.

9 THE COURT: Okay.

10 BY MR. STOVALL:

11 Q And according -- let's get to that.

12 Why did you wait?

13 A I wasn't going to call at all. I was just
14 going to try to go and just be done.

15 Q Okay. Did you eventually call law
16 enforcement.

17 A Yes.

18 Q Why did you change your mind?

19 A Because of the threats on the phone. He just
20 wouldn't stop. And on my phone, because we both shared
21 it, we both used the phone, I had went that day. I had
22 to pick up my daughter from practice again. And she told
23 me to meet her at the town market because her and a
24 friend were going to walk --

1 MR. STERMITZ: Objection. Hearsay.

2 MR. STOVALL: Let me ask a question.

3 THE COURT: Okay.

4 BY MR. STOVALL:

5 Q Without telling me --

6 A Okay.

7 Q -- what your daughter said or anyone else,
8 other than Mr. Dixon, why did you --

9 A I did because Mr. Dixon had called me, and I
10 told him that I knew about the girl that he was talking
11 to on the side.

12 And he told me, no, he wasn't. That I was
13 crazy. Why do I always got to make stuff up? Come home.
14 Let's talk about it. You always do this.

15 I said, Steven, I'm not crazy. I see it on
16 my phone, you were on my phone. I see the messages. And
17 when I read off a line of what he had said to her, he
18 knew I saw that, and he just flipped out on the phone.
19 You know, I've seen this man mad. But --

20 MR. STERMITZ: Objection. Relevancy,
21 relevancy -- objection.

22 THE WITNESS: He told me --

23 THE COURT: Hold on. Hold on.

24 MR. STERMITZ: Objection.

1 MR. STOVALL: At this point, Your Honor,
2 we're right at the cusp of why she changed her mind to
3 call law enforcement.

4 THE COURT: Okay.

5 MR. STERMITZ: Relevancy.

6 THE COURT: Yeah. I'm struggling myself --
7 the relevancy of this at this point.

8 MR. STOVALL: If the jury asked the question
9 why -- why she waited, I'd like to have that answer in
10 front of them.

11 THE COURT: Let's move on.

12 MR. STOVALL: Yes, Your Honor.

13 Court's indulgence.

14 Your Honor, could we have a sidebar?

15 THE COURT: Sure. You may approach.

16 (Sidebar discussion held.)

17 BY MR. STOVALL:

18 Q You testified earlier that the wall was
19 burned. Was anything else burned?

20 A The wall, the side of the wall, the wall and
21 my mirror.

22 Q And what happened to that mirror?

23 A When me and the kids went home, he was in
24 jail, me and the kids went back home, it was gone. And

1 it was out in the garbage.

2 Q How do you know it was out in the garbage?

3 A Because I went and took the garbage out and
4 saw it out in the garbage.

5 Q Okay. Could you describe the mirror?

6 A It is -- it's a decorative. The outside was
7 plastic with a design, like, I don't know, not really
8 expensive design, just Wal-Mart special. And it was a
9 plastic frame with a mirror -- circle mirror in the
10 middle.

11 Q Okay. And when you got it out of the trash,
12 what did it look like?

13 A It had eggs on it and garbage and it was
14 melted.

15 Q Okay. Were the eggs part of this case, or is
16 that from something else?

17 A That was just being tossed in the garbage bag
18 with garbage.

19 Q Would you describe the burns, if any?

20 A The burns on one whole side was all blackened
21 and obviously melted like a candle, is what it looked
22 like to me.

23 Q Okay. Okay. Did all these events occur in
24 Humboldt County?

1 A Yes.

2 Q Okay.

3 MR. STOVALL: I'll pass the witness. Thank
4 you, Your Honor.

5 THE COURT: Thank you.

6 Mr. Stermitz, cross-examination?

7

8 CROSS-EXAMINATION

9

10 BY MR. STERMITZ:

11 Q Now, you saw Steve holding that torch to the
12 mirror, did you not?

13 A Yes.

14 Q It was a mirror he was --

15 A And he had held it in two spots, the wall and
16 the --

17 Q Was it the mirror that he was burning with
18 the torch? That can be just yes or no.

19 A Yes.

20 Q All right. And your daughter and Steve's mom
21 put the fire out; correct?

22 A As far as I know. I was not in the house
23 when it was put out.

24 Q When you came back into the house, the fire

1 was out, correct?

2 A Yes. When I went in to tell the children to
3 come on, it was out.

4 Q And now, you were arguing with Steve, were
5 you not?

6 A I was trying not to argue with him.

7 Q So your view is this is one-sided? This is
8 Steve arguing with you, and you not arguing with him, is
9 that --

10 A No.

11 Q That's not correct? You were arguing with
12 him. In fact, at some point did you not turn the TV
13 over --

14 A No, I didn't.

15 Q -- knocked it to the floor?

16 A My son was watching that TV while we were in
17 the room.

18 MR. STOVALL: Your Honor, I --

19 BY MR. STERMITZ:

20 Q Yes or no; did you knock the TV over?

21 A No, I did not.

22 THE COURT: Hold on. Is there an objection?

23 MR. STOVALL: Yes, there is an objection.

24 The TV didn't come up. The TV is irrelevant to whether

1 there was a fire.

2 THE COURT: Overruled.

3 MR. STOVALL: Okay. Thank you, Your Honor.

4 BY MR. STERMITZ:

5 Q Now, there were also some arguments going on
6 relative to Jordan, correct?

7 A No.

8 Q No? No discussion about Jordan getting into
9 trouble?

10 A Not that I can recall.

11 Q The house didn't burn down, correct?

12 A No.

13 Q Okay. Your children weren't physically
14 injured by the beer bottle that was thrown?

15 A Physically?

16 Q That's what I asked.

17 A Physically, no.

18 Q That's all I asked. They weren't physically
19 injured by what took place in the house, correct?

20 A Physically, no.

21 Q The two of you are not living together
22 anymore?

23 A No.

24 Q Have you resolved any kind of legal dispute

1 between the two of you on the civil side?

2 A No.

3 Q Are you in the middle of any kind of
4 litigation?

5 A No.

6 Q No? It's done?

7 A Yes.

8 Q You weren't married, so there's no divorce
9 coming down?

10 A No, I have nothing to do with him.

11 Q And ultimately, he's back in the house,
12 correct?

13 A Yes.

14 Q And did he buy you out?

15 A No.

16 MR. STERMITZ: No further questions.

17 At this time, we would ask that she be saved
18 as a potential witness for the defense.

19 THE COURT: Mr. Stovall, any further
20 redirect?

21 MR. STOVALL: Shortly, Your Honor. Thank
22 you.

23 THE COURT: Okay.

24 ///

1 REDIRECT EXAMINATION

2

3 BY MR. STOVALL:

4 Q Your children, were they placed in a
5 situation where they could be physically or mentally
6 harmed?

7 A Yes.

8 Q What situation would that be?

9 A The house being on fire.

10 Q Okay. Were there any other situations
11 where --

12 A That evening?

13 Q Yes.

14 A If the glass bottle would have went through
15 the windshield, that could have been really bad.

16 Q Okay.

17 A Or are you talking physically?

18 Q And mentally?

19 A I feel that there is a lot of mental.

20 Q What about Jason?

21 A He's nine, he doesn't quite understand.

22 Q Okay. Did his demeanor change after this?

23 A Yeah.

24 Q How did that change?

1 A I just go with the flow that some days he
2 wants his dad, some days he doesn't. He -- he's very
3 just really confused.

4 MR. STOVALL: No further questions.

5 THE COURT: Mr. Stermitz?

6

7 RECROSS-EXAMINATION

8

9 BY MR. STERMITZ:

10 Q So the two of you are no longer living as man
11 and wife, correct?

12 A No.

13 Q And the children are living with you?

14 A Yes.

15 Q And apparently your youngest son, Jordan,
16 sometimes --

17 A He's not my youngest. Jason is my youngest,
18 not Jordan.

19 Q Jason? And who is the one that's confused
20 about their father, Jason or Jordan?

21 A Jason.

22 Q Jason? And so sometimes Jason is asking for
23 his dad?

24 A Uh-huh. And sometimes I try to get him to go

1 and he refuses.

2 Q All right.

3 MR. STERMITZ: No further questions.

4 THE COURT: Ladies and gentlemen of the jury,
5 do you have any questions of this witness? And if so,
6 first just indicate by raising your hand, and we will go
7 from there.

8 Okay. Seeing no questions from the jury,
9 ma'am, you may step down.

10 And, Mr. Stovall, you may call your next
11 witness.

12 MR. STOVALL: Thank you, Your Honor.

13 That will be Jordan Mayden. Want me to go
14 get him?

15 THE COURT: You may.

16 MR. STOVALL: Thank you.

17 THE COURT: Good afternoon. How are you?

18 THE WITNESS: Good. You?

19 THE COURT: If you'd raise your right hand
20 and face the clerk.

21 THE CLERK: You do solemnly swear the
22 evidence you're about to give in the matter now pending
23 before this court shall be the truth, the whole truth,
24 and nothing but the truth, so help you God.

1 THE COURT: Is that yes?

2 THE WITNESS: Yeah.

3 THE COURT: Okay. Will you please come take
4 the witness stand.

5 JORDAN MAYDEN,

6 Having been sworn, testified as follows:

7

8 THE COURT: Counsel, you may proceed.

9 MR. STOVALL: Thank you, Your Honor.

10 Taking liberties, may I use the well?

11 THE COURT: You may.

12 MR. STOVALL: Thank you.

13

14 DIRECT EXAMINATION

15

16 BY MR. STOVALL:

17 Q Would you please state and spell your name
18 for the record?

19 A Jordan Mayden.

20 Q Could you speak up too, please?

21 A Jordan Mayden J-o-r-d-a-n M-a-y-d-e-n.

22 Q Okay. And back on December 13th, 2017, where
23 did you live?

24 A 3465 Ivan Drive.

1 Q And what county is that in?

2 A Humboldt County.

3 Q Okay. How old are you?

4 A 17.

5 Q How old were you then?

6 A 16.

7 Q Okay. On that day, did you have occasion to
8 come into contact with a Steve Dixon?

9 A Yes.

10 Q Is he in the courtroom today?

11 A Yes.

12 Q Is he in the courtroom today?

13 MR. STERMITZ: I'll stipulate to the
14 identification of Mr. Dixon.

15 THE COURT: The Court will accept the
16 stipulation.

17 MR. STOVALL: Thank you, Your Honor.

18 BY MR. STOVALL:

19 Q Jordan, back on December 13th, 2017, were you
20 in school?

21 A Yes.

22 Q Where are you?

23 A At Lowry High School.

24 Q Lowry? What grade were you in?

1 A I was a sophomore.

2 Q And on that day after school, did anything
3 happen?

4 A Yes.

5 Q Okay. Would you tell the jury a little bit
6 about what happened that day?

7 A I was in the kitchen doing dishes --

8 JUROR: Speak up, please.

9 THE COURT: Thank you. Can you speak up a
10 little bit?

11 THE REPORTER: Can you scoot just up a little
12 bit, too, so we can hear you?

13 THE COURT: Love the instructions.

14 BY MR. STOVALL:

15 Q You're a little nervous today, right?

16 A Yeah.

17 Q Okay. Go ahead.

18 A I was in the kitchen doing dishes in my
19 shorts and I saw and I heard them arguing --

20 Q You heard who?

21 A My mom and dad.

22 Q Okay. Go on.

23 A And then I was blocking it out.

24 Q Who is mom?

1 A Melissa Mayden.

2 Q And who is dad?

3 A Steve Dixon.

4 Q Okay. And you heard them arguing?

5 A Yes.

6 Q Where were they arguing?

7 A Jason's room.

8 Q Okay. What happened next?

9 A I was just -- I was doing dishes and then
10 they were still yelling. And then I saw him pick up the
11 torch and --

12 Q I'm sorry, you're going to have to speak up.

13 A I saw him pick up the torch, put it to the
14 mirror -- from the kitchen --

15 Q Where did this torch come from?

16 A We use it for a pellet stove.

17 Q Okay. What type of torch is that?

18 A It's a propane torch.

19 Q Okay.

20 A With a torch on it.

21 Q Sorry?

22 A It's a propane torch with a torch on it.

23 Q I still can't hear you.

24 A It's a green propane torch with a screw-on

1 torch.

2 Q Okay. And when -- what did the defendant do
3 with that?

4 A He lit the mirror on fire.

5 Q What mirror?

6 A The silver one on the wall.

7 Q Okay. Can you describe that mirror a little
8 bit?

9 THE COURT: Jordan, you're going to have to
10 speak up a little more. I know this is difficult, but I
11 think we're all having a difficult time hearing you,
12 okay?

13 THE WITNESS: Okay.

14 THE COURT: Don't be afraid to yell out a
15 little bit.

16 THE WITNESS: It sounds like I'm speaking
17 loud.

18 THE COURT: Sounds like it. You're young,
19 that's why. At my age, it's harder to hear. Okay. Go
20 ahead and speak up a little more.

21 THE WITNESS: Where were we?

22 BY MR. STOVALL:

23 Q Well, the defendant picked up the torch.
24 What did he do with that? You know what? You answered

1 that, excuse me.

2 You were describing that mirror.

3 A It was circular and brown and made out of
4 plastic.

5 Q Okay. And as it was hanging on the wall, do
6 you remember where he was putting that torch?

7 A Not really. I remembered the mirror caught
8 on fire first.

9 Q Okay.

10 MR. STERMITZ: I didn't hear a response.
11 What was your response?

12 THE WITNESS: Okay. What was the question?
13 I saw the mirror on fire first.

14 BY MR. STOVALL:

15 Q Okay. You saw the mirror on fire first. How
16 tall are the ceilings? Are they about this tall?

17 A About, yeah.

18 Q Okay.

19 A Same amount of feet.

20 Q Okay. And where was the defendant holding
21 that flame in relation to that wall, how far up?

22 A Arm's length, like halfway up the wall.

23 Q Okay. So about --

24 A Pretty much right there.

1 Q Okay. All right. And was he holding it
2 straight out with his arm or --

3 A Just kind of -- I remember seeing him put it
4 to the wall.

5 Q Okay.

6 A 'Cause I wasn't really paying attention.

7 Q So what happened after that?

8 A Everybody -- I say, dad, dad, he was talking
9 to my --

10 Q How did you say "dad"?

11 A I just went dad, dad, trying to get his
12 attention. And he was like just talking to somebody,
13 because right after I went, dad, obviously, he's not
14 listening. So mom said, get all your stuff, let's go.

15 Q Did he respond to you --

16 A No.

17 Q -- saying "dad"?

18 A Huh-uh.

19 Q Okay. How -- you said your roof's about --
20 or your ceiling is about as high as this ceiling?

21 A Yes.

22 Q How far up did those flames get?

23 A I don't know.

24 Q Let me back up. I'm sorry. Let me strike

1 that question.

2 Did the fire catch?

3 A Yeah.

4 Q Okay. How -- what did it look like?

5 A It was orange with like -- yeah, it was
6 orange flame.

7 Q Okay.

8 A Smoke.

9 Q And how far up did those flames go?

10 A Three to four feet.

11 Q What happened to the flames? That was a bad
12 question. Let me rephrase.

13 Did the whole house catch on fire?

14 A Not the whole house, but near the mirror,
15 yes.

16 Q The mirror?

17 A Yeah.

18 Q Did the wall catch on fire?

19 A Yeah.

20 Q Okay. Did the flames eventually go out?

21 A Yeah.

22 Q Did anyone put them out?

23 A Yeah.

24 Q Who put them out?

1 A I believe my grandma and my sister.

2 Q Okay. Did you ever -- did you have a chance
3 to look at that wall after the flames were out?

4 A Yeah.

5 Q Okay.

6 A Couple days after.

7 MR. STOVALL: Your Honor, may I approach the
8 clerk?

9 THE COURT: You may.

10 MR. STOVALL: I'd like to have these marked
11 for identification.

12 THE COURT: Okay. We'll mark for
13 identification as State's Exhibit 1. Just all one
14 exhibit, or individually?

15 MR. STOVALL: Individually.

16 THE COURT: Okay.

17 MR. STOVALL: Starting with one, so just put
18 one -- yeah.

19 THE COURT: Mr. Stovall, as soon as you have
20 one or two of these marked, can you continue while the
21 clerk marks the rest of them?

22 (Exhibits 1 - 8 marked for identification.)

23 MR. STOVALL: Of course, Your Honor.

24 May I approach the witness?

1 THE COURT: You may.

2 MR. STOVALL: May I continuously --

3 THE COURT: Yes, you may.

4 MR. STOVALL: Thank you.

5 BY MR. STOVALL:

6 Q I'm handing you what's been marked as
7 Plaintiff's Exhibit 1. What is that a picture of?

8 A The torch.

9 Q I'm sorry?

10 A The torch, stove, chair, and couch.

11 Q Okay. Whose -- whose torch is that?

12 A My dad's.

13 Q Okay. Is that a fair picture of the torch?

14 A Yes.

15 MR. STOVALL: Your Honor, I will move for its
16 admission.

17 THE COURT: Move for admission of Exhibit No.
18 1.

19 MR. STERMITZ: By fair, I assume he means
20 fair and accurate. And if that's what the gentleman
21 meant, then I will not object. I didn't think fair is an
22 accurate foundation.

23 THE COURT: Is it a fair and accurate
24 picture -- depiction of the torch?

1 THE WITNESS: Yes.

2 THE COURT: Okay. Admitted.

3 MR. STOVALL: No objection.

4 MR. STERMITZ: I don't have any objection to
5 any of the photographs.

6 MR. STOVALL: Do you stipulate to admitting
7 them all?

8 MR. STERMITZ: That's what I was attempting
9 to say.

10 THE COURT: Okay. And how many are there?

11 THE CLERK: Eight.

12 THE COURT: Eight. So the State's Exhibits 1
13 through 8 will be admitted into evidence.

14 (Exhibits 1 - 8 admitted into evidence.)

15 MR. STOVALL: Thank you, Your Honor.

16 And may I publish these to the jury?

17 THE COURT: You may.

18 So ladies and gentlemen what that means is
19 Mr. Stovall is going to hand you these eight pictures,
20 and you may look at them. And once you have, maybe we'll
21 just start with juror number eight and he can look at
22 them, just pass them down when you're done, once you're
23 done looking at them.

24 Are there two sets?

1 MR. STOVALL: Well, no. This is a copy, this
2 is what's been admitted. This is for my reference.

3 THE COURT: But if you're going to publish
4 them, go ahead and give them to the jury. They can take
5 a look at them.

6 MR. STOVALL: And I'll be holding up a copy
7 of what's been marked as 1.

8 BY MR. STOVALL:

9 Q What was this?

10 A A torch.

11 Q A torch? Was this the torch that you saw
12 that the defendant was using to burn the house?

13 A Okay.

14 THE COURT: You have to answer audibly. You
15 have to answer out loud.

16 THE WITNESS: Yes.

17 THE COURT: Okay.

18 BY MR. STOVALL:

19 Q Excuse me. All right. This is number 2.

20 What is this a picture of?

21 A TV.

22 Q Okay. Whose TV is that?

23 A All of ours.

24 Q I'm sorry?

1 A The family's TV.

2 Q Okay. Is there anything out of the ordinary
3 with that TV?

4 A Yeah, it's broken.

5 Q Okay. Do you know who broke that?

6 A I was told my dad.

7 Q Okay.

8 MR. STERMITZ: I'm going to object that he
9 was told. That's hearsay.

10 THE COURT: Okay. Let's just move on then.

11 MR. STERMITZ: I would ask that that be
12 stricken.

13 THE COURT: And that will be stricken.

14 MR. STOVALL: Okay.

15 THE COURT: So ladies and gentlemen of the
16 jury, you're going to disregard, if I strike something, I
17 need you to disregard that answer, okay?

18 BY MR. STOVALL:

19 Q This is Number 3. And isn't it correct that
20 is a copy of 2?

21 A Yes.

22 Q Okay. This is Plaintiff's 4. What is that a
23 picture of?

24 A Broken burnt wall.

1 Q Broken and burnt wall. There appears to be
2 some damage there. What is that?

3 A That's broken sheetrock.

4 Q Okay.

5 THE COURT: I don't know if anybody is
6 hearing that.

7 THE WITNESS: Broken sheetrock.

8 THE COURT: Okay.

9 BY MR. STOVALL:

10 Q All this black stuff, was that there before
11 December 13, 2017?

12 A No.

13 Q Okay. How did that black stuff get on there?

14 A Because a certain part of the wall and side
15 of it --

16 MR. STERMITZ: Your Honor, I can't hear.

17 THE REPORTER: I can't hear either.

18 THE COURT: Yeah, we can't -- no one can. I
19 wish I had a microphone, but I don't. You're just going
20 to have to speak up, young man.

21 THE WITNESS: All right.

22 THE COURT: So just tell them again what
23 you're pointing out in that picture?

24 THE WITNESS: The certain part in the wall

1 was the mirror.

2 BY MR. STOVALL:

3 Q Could you show the jury and point that to
4 them? Thank you.

5 A Circle part on the wall was the mirror. I
6 was around this corner doing dishes, and went I caught --
7 you know, flames went up, and that's close to --

8 THE COURT: And the other spot on the wall
9 you earlier testified, and I don't think the jury heard
10 it, was broken sheetrock?

11 THE WITNESS: Yeah, right there.

12 THE COURT: Point that out.

13 THE WITNESS: (Indicating.)

14 THE COURT: Okay. Thank you.

15 Mr. Stermitz, I think that catches us up.

16 MR. STERMITZ: Thank you. So the top of
17 the --

18 THE COURT: Hold on. I'm going to have to
19 have the attorneys ask questions. And if it's still not
20 explained, you can ask one when we get to that point,
21 okay?

22 BY MR. STOVALL:

23 Q And this was Plaintiff's 4, correct?

24 THE COURT: Well, I don't know how he's going

1 to know that.

2 MR. STOVALL: Okay.

3 THE COURT: Because these aren't numbered.
4 So -- and you're representing to this jury that that's
5 the photo that's been marked as Exhibit No. 4.

6 MR. STOVALL: Yes, Your Honor.

7 THE COURT: Okay. And that's the one he just
8 described.

9 MR. STOVALL: Yes. About the circle, and
10 the, I guess the punched hole in the sheetrock.

11 BY MR. STOVALL:

12 Q I'm going to hand you Plaintiff's 5. What's
13 that a picture of?

14 A It's pretty much that wall that separates the
15 kitchen from the living room.

16 Q Okay. Where would the burn -- could you
17 point and show the jury where the burn would be in
18 relationship to that picture?

19 A On this side of the wall.

20 Q Okay.

21 A Because that's the kitchen, that's the living
22 room, and the mirror was hanging right on this side when
23 you first walked in the door.

24 Q And that's Plaintiff's 5.

1 Plaintiff's 6, I'm going to hand that to you,
2 this one. What's that a picture of?

3 A That's the ceiling, the top of the wall.

4 Q That's the what?

5 A That's that wall that separates the living
6 room from the kitchen.

7 Q Okay.

8 A That's the top of the wall.

9 Q Okay. And there's some damage in there. Was
10 that damage already there?

11 A Yes, it burned paneling on the roof.

12 Q Can you show the jury that?

13 A The part that was hanging down right there,
14 that was already there, that's been there for a while,
15 because the furnace was built there.

16 Q Okay. What about the -- the black marks on
17 there, was that there?

18 A No. I'm guessing that's from the flame
19 maybe.

20 Q Okay. And that was Plaintiff's, I think, 6.

21 Okay. I'm going to hand you what's been
22 marked as Plaintiff's 7, that one there.

23 Would you show the jury -- what is that a
24 picture of?

1 A Where the mirror was on the wall before --
2 after it got burned.

3 Q Okay. And finally, Plaintiff's 8, the last
4 one in there, what is that a picture of?

5 A Still the wall.

6 Q The wall?

7 A That has the black marks on it.

8 Q Okay. A different angle?

9 A Yeah, a different angle.

10 Q Okay. Thank you.

11 Now, did you take a look at the mirror
12 beforehand?

13 A No.

14 Q I mean, before the -- before this whole
15 incident occurred, did you look at that mirror?

16 A No. I didn't pay no attention to it.

17 Q Had you seen it before?

18 A It's still hanging up, but I never looked at
19 myself in it, it's just a mirror.

20 Q Okay. Did you see it after the fire?

21 A Yeah.

22 Q Okay. Can you describe any damage, if any?

23 A Just that melted part on the left side of it,
24 I believe.

1 Q Okay. Let me -- if I showed you a physical
2 mirror, would you be able to identify it whether it is
3 the burned mirror or not?

4 A Yeah.

5 Q Okay. Go ahead and do that.

6 MR. STOVALL: Can I borrow some scissors for
7 evidence tape?

8 THE COURT: Did you have them?

9 UNIDENTIFIED VOICE: Your Honor, I can
10 assist.

11 THE COURT: Okay. Thank you.

12 MR. STOVALL: May I approach the witness?

13 THE COURT: You may.

14 BY MR. STOVALL

15 Q Can you pull out what was in the sealed box?
16 Be gentle, though.

17 Okay. You might want to flop that over, and
18 would you take that out of the bag? Thanks. Careful,
19 though.

20 Is that the mirror?

21 A Yeah.

22 Q The one that was hanging in your house?

23 A Yeah.

24 Q Okay. Would you hold that up for the jury?

1 MR. STOVALL: Your Honor, I'll move for its
2 admission.

3 THE COURT: Has it been marked?

4 MR. STOVALL: No, Your Honor. Move for --

5 THE COURT: It will be marked as State's
6 Exhibit No. 9.

7 (Exhibit 9 marked for identification.)

8 And, Mr. Stermitz, any objection?

9 MR. STERMITZ: Maybe the witness can turn it
10 in our direction so we can actually see it.

11 THE COURT: Show them. Make sure the glass
12 doesn't fall out.

13 BY MR. STOVALL:

14 Q Let me take that from you, just so you
15 don't --

16 THE COURT: Hold on.

17 Is there an objection to this?

18 MR. STERMITZ: No.

19 THE COURT: Okay. Exhibit 9 is admitted.

20 (Exhibit 9 admitted into evidence.)

21 MR. STOVALL: Let me take that from you so
22 you don't cut yourself.

23 THE COURT: Let's set it over here.

24 MR. STOVALL: On the --

1 THE COURT: Yes. Clerk's podium. Yes.

2 Thank you.

3 BY MR. STOVALL:

4 Q Before he started the fire, did your dad say
5 anything?

6 A I just remember -- the only words that I
7 remember, was everyone get out. This place is burning
8 down. And that's when my mom said, go get all your
9 stuff. We're leaving.

10 Q Okay. What were you doing after that wall
11 caught on fire?

12 A Taking my sweet time to get my clothes and
13 stuff.

14 Q Okay. Why did you take your sweet time?

15 A Because I thought it was going to be okay.
16 The next day or next couple days we'd come back and the
17 argument would be over.

18 Q Okay.

19 A And so he can --

20 Q Okay. Did your father -- or did the
21 defendant say anything after he lit the wall on fire?

22 MR. STERMITZ: Asked and answered.

23 MR. STOVALL: After.

24 THE COURT: No. Overruled. You may ask.

1 MR. STOVALL: Let me repeat the question.

2 BY MR. STOVALL:

3 Q Did the defendant say anything after he lit
4 the wall on fire?

5 A Oh, after. That's what I think he said --
6 after he lit the wall, he said everyone get out. This
7 place is burning down --

8 THE REPORTER: I can't hear you.

9 THE WITNESS: I think he said, this house is
10 burning down, so everyone get out.

11 And my mom said, get all your stuff, let's
12 go. And I put on my clothes and we got outside.

13 MR. STERMITZ: I'm going to object as
14 nonresponsive, the question is what did his father say.

15 THE COURT: Okay. Hold on right there, young
16 man. Mr. Stovall is going to have to ask more questions,
17 okay?

18 I'm going to sustain that objection.

19 MR. STOVALL: Thank you, Your Honor.

20 BY MR. STOVALL:

21 Q And just listen to the question I'm asking
22 you, and just answer that question. And you can't go
23 further than my question. Does that make sense to you?
24 Okay. We're not trying to trick you here, all right?

1 You testified earlier that you went back to
2 your room, took your sweet time. What did you do after
3 that?

4 A I walked out to the living room and I
5 remember all of us besides mom and Jason were in the
6 living room. And then my dad walked outside, and me and
7 Jessica followed him.

8 THE REPORTER: And what?

9 THE WITNESS: Me and Jessica followed him
10 outside when he walked out after I was done with my
11 clothes, getting ready to go.

12 And then we went outside following my dad out
13 the door first. And then my mom kept on backing up the
14 car when he was walking towards her. And --

15 BY MR. STOVALL:

16 Q And what was the defendant doing?

17 A I don't remember. He was talking to me and
18 Jessica, but I don't remember what he was saying.

19 Q Okay. Did he do anything?

20 A Like when we walked out the door?

21 Q Yes.

22 A Besides throwing the beer bottle.

23 Q I'm sorry?

24 A He only threw the beer bottle at the

1 windshield and then he left.

2 Q Okay. Who was in -- was anyone in that car?

3 A My mom and Jason.

4 Q Okay. What happened to that windshield?

5 A It got spidered a little bit, like a little
6 bit of cracks.

7 Q Okay. What -- do you recall which side of
8 the windshield that the beer bottle hit?

9 A Driver's side.

10 Q Driver's side? Okay.

11 And all these events occurred in Humboldt
12 County?

13 A Yeah.

14 Q Okay.

15 MR. STOVALL: Thank you. I'll pass the
16 witness.

17 THE COURT: Mr. Stermitz, cross-examination?

18

19 CROSS-EXAMINATION

20

21 BY MR. STERMITZ:

22 Q Sir, do you recall testifying at a
23 preliminary hearing across the hall back on January 4,
24 2018?

1 A Yes.

2 Q You probably were wearing a long sleeve shirt
3 that day?

4 A Yeah. Right across the hall?

5 Q Yeah. Do you recall that?

6 A Yes.

7 Q All right. And do you recall testifying that
8 what you observed was Steve, he had the torch, and he was
9 burning the mirror?

10 A Yeah.

11 Q And he was burning one side of the mirror and
12 it was slowly burning up towards the wall.

13 Do you recall testifying to that?

14 A Yeah.

15 Q Is that accurate?

16 A Yeah.

17 Q And you also recall testifying that Steve
18 then sat down on the couch and your sister and grandma
19 started putting out the mirror with water?

20 A I don't remember my dad sitting down on the
21 couch, but I remember they were putting out the fire.

22 Q Do you remember him saying, don't bother
23 putting it out, it's plastic?

24 A I don't remember that part, no.

1 Q But you remember your sister and grandmother
2 putting it out?

3 A Yes.

4 Q With water?

5 A Yeah.

6 Q And where was Steve then, if you recall?

7 A I don't know. I don't remember.

8 Q And do you recall testifying that you were
9 never in fear of the house being burnt down?

10 A Yeah.

11 Q And that is -- that's because the fire was
12 put out, correct?

13 A Yeah, expecting someone to put it out.

14 Q All right. And would it be fair to say at no
15 time, at no time during the preliminary hearing did you
16 testify that Steve was burning the wall?

17 A Did I? I'm sorry, can you --

18 Q At the preliminary hearing, correct me if I'm
19 wrong, but you never testified that Steve was igniting
20 the wall?

21 A No, I said that last time we were here.

22 Q Huh?

23 A I said that the last time I testified.

24 Q Okay. The last time you testified. Well --

1 is it your testimony then that Steve was burning the
2 mirror or the wall?

3 A I believe the mirror.

4 Q Okay. Not the wall?

5 A No.

6 Q All right. Did you meet, after the
7 preliminary hearing on January 4th, did you meet up with
8 the district attorney -- the deputy district attorney and
9 discuss this case? This is the deputy district attorney,
10 Max.

11 A Was that yesterday?

12 Q No. I'm asking you when after January 4th,
13 and prior to -- I can ask a better question.

14 After January 4th, the preliminary hearing,
15 and today, have you met with the deputy district attorney
16 and gone over your testimony?

17 A No.

18 Q Did you see him yesterday?

19 A Yes. I'm sorry, I got confused.

20 Q Where at? Okay. That's fair enough.

21 A That building over there.

22 Q Okay. Fair enough.

23 What did you talk about? Your testimony?

24 A He just handed us our packets and our

1 statements and what we said and all that, and to be here.

2 Q Okay. And as I understand it, your thought
3 was, and -- was that you were taking your sweet time
4 because you figured this argument would just blow over
5 and things would be back to normal, correct?

6 A Yeah.

7 Q Okay. But subsequent to this, you
8 actually -- the night this happened you went to the
9 Motel 6 with your mother, correct?

10 A Uh-huh.

11 Q And today you and your brothers and sisters
12 reside with your mother, correct?

13 A Yes.

14 MR. STERMITZ: Your Honor, may I approach the
15 witness?

16 THE COURT: You may.

17 MR. STERMITZ: Page 45.

18 BY MR. STERMITZ:

19 Q Sir, I'm going to show you Page 45 of the
20 preliminary hearing transcript. This is my questions and
21 your answers. And if you could take the time to read to
22 Line two on down to the Line 20 to yourself.

23 A Out loud?

24 THE COURT: No, just to yourself.

1 THE WITNESS: All right.

2 BY MR. STERMITZ:

3 Q Did you have an opportunity to read that?

4 A Yeah.

5 Q Okay. And is it correct that your father,
6 after lighting the mirror on fire, sat down and watched
7 TV; is that correct?

8 A I don't remember that.

9 Q Do you recall testifying to that?

10 A I don't actually. I remember getting -- can
11 I look?

12 Q Yeah. Yeah. Sure. Is that your testimony
13 at the preliminary hearing that your father sat down on
14 the couch?

15 A I don't know what I said word for word and I
16 can't remember. Well, I remember exactly when I have a
17 fresh memory of when it happened. Where, yeah.

18 Q Would you have told the truth at the
19 preliminary hearing?

20 A Yeah.

21 Q All right. You just don't recall?

22 A I don't know why I said that part.

23 Q Well, I'm asking about whether he sat down at
24 the TV -- sat down and watched TV after he lit it on

1 fire?

2 A I don't remember.

3 Q You don't remember?

4 A I --

5 Q All right.

6 MR. STERMITZ: Your Honor, we would move to
7 admit Page 44 and Page 45 of the preliminary hearing
8 transcript. This is prior inconsistent statement.

9 MR. STOVALL: Your Honor, I object to 44.
10 All he showed the witness was 45. I'm not sure what's on
11 44 or what that pertains to.

12 MR. STERMITZ: Page 45 is fine.

13 THE COURT: Page 45? How about Page 45?

14 MR. STOVALL: Yes, 45 is fine.

15 THE COURT: That's Exhibit A marked and
16 admitted.

17 (Exhibit A marked for identification.)

18 (Exhibit A admitted for identification.)

19 BY MR. STERMITZ:

20 Q Do you recall what the argument was about
21 between your mother and your father?

22 A No.

23 Q Did you pay any attention to it?

24 A No.

1 Q Did -- do you have a recollection if they
2 were both mad at each other that day?

3 A Only when they were yelling.

4 Q What's that?

5 A Only when they were yelling.

6 Q They were yelling at each other?

7 A Yeah. Right before the fire when they were
8 in Jason's room.

9 Q And did you ever see what happened to the TV?

10 A No.

11 Q Did the TV break that night?

12 A I don't know.

13 MR. STERMITZ: No further questions.

14 THE COURT: Redirect, Mr. Stovall?

15 MR. STOVALL: Thank you, Your Honor.

16 THE COURT: Let's try this, you ask questions
17 from right there.

18 MR. STOVALL: Yes, Your Honor.

19 THE COURT: You're welcome to stand, but that
20 might help with this --

21 MR. STOVALL: Projection.

22 THE COURT: -- projection. Thank you.

23 MR. STOVALL: I understand.

24 ///

1 REDIRECT EXAMINATION

2

3 BY MR. STOVALL:

4 Q You've testified that you never thought the
5 house would burn down. Why is that?

6 A Because I would expect my mom or Jason,
7 Jessica or grandma would put it out.

8 Q Okay.

9 A And they did.

10 Q Okay. Defense asked you about whether you
11 heard the argument between your parents. You said that
12 you didn't pay attention to them -- paraphrasing, of
13 course -- why didn't you pay attention to that argument?

14 A Because usually when they argue, it's none of
15 my business. So go in my own world and my thoughts and
16 do whatever I'm doing.

17 Q Okay.

18 MR. STOVALL: Nothing further, Your Honor.
19 Thank you.

20 THE COURT: Mr. Stermitz?

21 MR. STERMITZ: Nothing on that.

22 THE COURT: Ladies and gentlemen of the jury,
23 questions of this witness? If so, indicate by raising
24 your hand. Okay.

1 Go ahead and write it on a clean sheet of
2 paper. Make sure it has your juror number on it, juror
3 number one. If there are any others.

4 Counsel, you may approach.

5 (Sidebar conversation.)

6 THE COURT: Counsel, I've shown you a
7 proposed question from juror number one.

8 Mr. Stovall, any objection?

9 MR. STOVALL: No, Your Honor.

10 THE COURT: Mr. Stermitz?

11 MR. STERMITZ: No.

12 THE COURT: What side of the windshield did
13 the bottle hit?

14 THE WITNESS: The driver's side.

15 THE COURT: Okay. The answer was driver's
16 side. Okay. Thank you.

17 Any other questions from the jury?

18 Yes. We have one more, juror number ten.

19 Okay. Counsel, come forward.

20 (Sidebar conversation.)

21 MR. STERMITZ: No objection.

22 MR. STOVALL: No objection, Your Honor.

23 THE COURT: Okay. Counsel indicated there
24 are no objections to the questions from juror number ten.

1 So, Jordan, let me ask you this question: If
2 you were on the left side of the mirror around the corner
3 when it was on fire, was there a door for you to get out?

4 THE WITNESS: Yes.

5 THE COURT: The answer was yes. Okay. Okay.
6 Any other questions from the jury? Okay.

7 Number 12?

8 Counsel?

9 (Sidebar conversation.)

10 THE COURT: Counsel, any objection?

11 MR. STOVALL: No objection, Your Honor.

12 MR. STERMITZ: None from Mr. Dixon.

13 THE COURT: Okay. Thank you, counsel. No
14 objections.

15 Jordan, did anybody seek medical treatment
16 because of the incidence that night?

17 THE WITNESS: No.

18 THE COURT: Were you able to hear that? The
19 answer is no. Okay. Thank you.

20 Any other questions from the jury?

21 Counsel, there were three questions today.

22 So I'm going to -- if there is any specific follow-up
23 just to these three questions, I'd briefly allow that.

24 Anything?

1 MR. STOVALL: No, Your Honor. Thank you.

2 THE COURT: Mr. Stermitz?

3 MR. STERMITZ: No.

4 THE COURT: Okay. Thank you.

5 Seeing no further questions from the jury,
6 you may step down.

7 Mr. Stermitz, do you wish to have him remain
8 for possible rebuttal?

9 MR. STERMITZ: Yes, thank you, Your Honor.

10 THE COURT: Okay. We need the 9 -- 8
11 pictures, as well, the eight photos.

12 So, Deputy Sjoblom, if you can retrieve those
13 from the jury. Thank you.

14 And, counsel, we're going to take just a real
15 short recess.

16 So during this recess a couple things. One,
17 leave your notebooks here. You can put them under your
18 chair or you can put them on the rail in front of you.
19 Put them face down so no one can look at them. No one
20 will be looking at your notes.

21 You're going to retire to the jury room for a
22 few minutes. During this recess, please do not discuss
23 this case amongst yourselves or with anyone else. Please
24 do not allow anyone to discuss this case in your

1 presence.

2 Please not read, watch, or listen to any news
3 accounts of this case should there be any.

4 Please do not conduct any independent
5 investigation of the facts or the law.

6 Do not form or express any opinion of the
7 guilt or the innocence of the defendant.

8 Thank you. We'll be in brief recess. All
9 rise. All jury you may exit.

10 (Jury excused.)

11 THE COURT: We're going to take a break. I
12 just want to ask a question then real quick before we go.

13 So outside the presence of the jury, your
14 next witness will be?

15 MR. STOVALL: Jessica, I think, Dixon. It
16 might be Mayden.

17 THE COURT: Jessica Dixon or Mayden. And she
18 is how old?

19 MR. STOVALL: She is -- she's either 14 or
20 15. I believe she was 14 at the time and 15 now.

21 THE COURT: Okay. And I think if you're
22 going to call Jason, the youngest, I'm going to examine
23 him before he takes the witness stand.

24 MR. STOVALL: That's correct, Your Honor.

1 And let me -- in this case we don't anticipate calling
2 him due to the prior case.

3 THE COURT: Okay. Okay. So you do not
4 anticipate calling him?

5 MR. STOVALL: That's correct, Your Honor.

6 THE COURT: Okay. Thank you. Anything else
7 before I leave? We'll take a short break.

8 MR. STOVALL: How long is this break, Your
9 Honor?

10 THE COURT: I'll give you guys about 15
11 minutes.

12 MR. STOVALL: Thank you, Your Honor.

13 THE COURT: Okay. Thank you.

14 We'll be in recess.

15 (Recess taken.)

16 THE COURT: You can go ahead. You may be
17 seated. Let's go back on the record in case CR18-6963,
18 case caption, State of Nevada, plaintiff, versus Steven
19 Lawrence Dixon, defendant. The record will reflect the
20 presence of the defendant and of counsel.

21 And, counsel, will you stipulate to the
22 presence of the jury?

23 MR. STERMITZ: Yes, Your Honor.

24 MR. STOVALL: Yes, Your Honor.

1 THE COURT: Thank you. And, Mr. Stovall, you
2 may call your next witness.

3 MR. STOVALL: Jessica Dixon.

4 THE COURT: Ms. Dixon, if you'd please come
5 forward. And first, if you'll stop and raise your right
6 hand and face the clerk. Listen carefully to the oath
7 you're about to take, okay.

8 THE CLERK: You do solemnly swear that the
9 evidence you're about to give in the matter now pending
10 before this court, shall be the truth, the whole truth,
11 and nothing but the truth so help you God.

12 THE WITNESS: Yes.

13

14 JESSICA DIXON,

15 Having been sworn, testified as follows:

16

17 THE COURT: Thank you. If you'll please come
18 take the witness stand over here to my left. Make
19 yourself comfortable there. I'm going to ask you to
20 slide up to where --

21 MR. STERMITZ: I'm sorry. I thought it was
22 off. Sorry.

23 THE COURT: Is it off?

24 MR. STERMITZ: It will be.

1 THE COURT: Is it off?

2 MR. STERMITZ: It's off.

3 THE COURT: Thank you.

4 MR. STERMITZ: Sorry.

5 THE COURT: Good afternoon. So what I want
6 to make sure is that when you're asked questions, that
7 you speak loud enough so that everybody can hear you,
8 okay?

9 THE WITNESS: Okay.

10 THE COURT: Okay. And if you don't, we may
11 tend to ask you to speak up a little, okay? Thank you.

12 Counsel, you may proceed.

13 MR. STOVALL: Thank you, Your Honor.

14

15 DIRECT EXAMINATION

16

17 BY MR. STOVALL:

18 Q Would you state and spell your name for the
19 record, please?

20 A Jessica Dixon, J-e-s-s-i-c-a D-i-x-o-n.

21 Q Can I call you Jessica?

22 A Yes.

23 Q Jessica, how old are you?

24 A 15.

1 Q Back on December 13, 2017, how old were you
2 then?

3 A 14.

4 Q 14. And remember speak up a little bit,
5 okay?

6 A 14.

7 Q Okay. Thank you.

8 Where did you live on that day?

9 A 3465 Ivan Drive.

10 Q Okay. And what county is that in?

11 A Humboldt County.

12 Q Do you know a Steve Dixon?

13 A Yes.

14 Q Is he in the courtroom today?

15 A Yes.

16 Q Could you please point to him and identify
17 him by a piece of his clothing?

18 MR. STERMITZ: Once more we will stipulate
19 that this is Steve Dixon sitting next to me.

20 THE COUNT: Okay. Counsel has stipulated to
21 the identity of the defendant, and I'll accept the
22 stipulation.

23 MR. STOVALL: Thank you, Your Honor.

24 BY MR. STOVALL:

1 Q And the defendant, what is he to you?

2 A He's my father.

3 Q Okay. Let's jump ahead to December 17, (sic)

4 2017. Anything stand out to you on that day?

5 A Yes.

6 Q Okay. What stood out to you?

7 A The 13th?

8 Q The 13th.

9 A I got picked up from practice.

10 Q Who picked you up?

11 A My mom and my dad.

12 Q Okay. Who was driving?

13 A My mom.

14 Q And you're picked up. What happened next?

15 A We got home and there was a lot of tension.

16 Q Okay. Could you describe that?

17 A I could tell like that they were fighting and
18 it's been kind of a rough day. So no one was really
19 talking to each other. So --

20 Q Okay. And how long was that car ride?

21 A About ten minutes.

22 Q Okay. And where did you go?

23 A To my house.

24 Q Okay. And you're coming from where?

1 A Dance practice at the high school.

2 Q At where?

3 A The high school.

4 Q Okay. And what happened when you got home?

5 A My mom went into my little brother's room and
6 we all just went into the living room, did our thing.

7 Q And what were you doing in the living room?

8 A Standing by the fireplace, talking to my dad.

9 Q Okay. Do you remember what you were talking
10 about?

11 A It was just small talk, like how was your
12 day, usual.

13 Q Okay. What happened -- what happened next?

14 A We were just talking and then he just kept
15 saying that to keep in mind that he's not a bad guy and
16 that stuff was going to hit the fan.

17 Q Okay. Is that exactly what he said?

18 A He said shit was going to hit the fan, he
19 kept saying that over, repeatedly.

20 Q Okay. Was this a quiet conversation, or a
21 loud conversation?

22 A It was like normal talk. Kind of quiet, I
23 guess.

24 Q Okay. Could anyone else in a different room

1 may have heard that?

2 A Yeah.

3 Q Okay. So what happened next?

4 A My dad then went outside on the phone and
5 then came back inside.

6 Q Okay. Did you go out with him?

7 A Uh-huh.

8 Q Okay. What were you doing when he went
9 outside?

10 A I was watching TV, standing by the fireplace.

11 Q Okay.

12 MR. STOVALL: May I approach, Your Honor?

13 THE COURT: You may.

14 BY MR. STOVALL:

15 Q I'm going to hand you what's been admitted as
16 State's Exhibit 2.

17 Is that that TV that you were watching?

18 A Yes.

19 Q Okay. You remember what you were watching?

20 A Some kid show my little brother had on.

21 Q Okay. Was anything else going on at the
22 house?

23 A My mom and my dad were fighting in the room.

24 Q Again, speak up.

1 A My mom and my dad were fighting.

2 Q I'm sorry. Please continue.

3 A They were just fighting in my little
4 brother's room.

5 Q Okay. Did you hear what they were talking
6 about or arguing about?

7 A I couldn't hear what they were saying, but
8 like you could hear like their voices raising at each
9 other. But like you kind of like hear -- like you knew
10 they were fighting.

11 Q Okay. And do you, if you know, do you know
12 where they were in the house?

13 A In my little brother's room.

14 Q Okay. And at this time where were you?

15 A In the living room.

16 Q Okay. What happened next?

17 A My dad came back into the living room.

18 Q Okay.

19 A And --

20 Q What was his demeanor like?

21 A He seemed angry.

22 Q Okay. How -- how did you know?

23 A Because you could tell by his face. I mean,
24 he's my dad, I know when he's mad.

1 Q Okay. And who all was in the living room
2 with you?

3 A It was just me and my brother in the living
4 room, but the dining room is kind of connected to it, if
5 you wanted to count that. My grandma was in there.

6 MR. STOVALL: Can I approach -- can I just --

7 THE COURT: Yes.

8 MR. STOVALL: Thank you.

9 BY MR. STOVALL:

10 Q I'm going to show you State's Exhibit 5.
11 That's the kitchen there?

12 A Yes.

13 Q Okay. And what is that?

14 A That's the living room.

15 Q Okay. And you're in here somewhere?

16 A Yeah.

17 Q Okay. Is anyone in the kitchen?

18 A My brother was in there doing dishes.

19 Q Which brother?

20 A My older brother, Jordan.

21 Q Jordan? Okay. And where did your dad go
22 when he came out of the room?

23 A Huh?

24 Q Where did the defendant go when he came out

1 of your little brother's room?

2 A He ran -- like went into the living room --

3 Q I'm sorry. You've got to speak up.

4 A He went over into the living room --

5 THE COURT: Well, let's do this. I'm going
6 to split you guys up, okay? Stand behind that table and
7 make her project to you, okay?

8 MR. STOVALL: Absolutely.

9 THE COURT: We want to make sure he can hear
10 you back there.

11 THE WITNESS: Okay.

12 BY MR. STOVALL:

13 Q If I can hear you, they can hear you, okay?

14 A Okay.

15 Q All right. Where did the defendant go?

16 A He went back into the living room.

17 Q Okay. What did he do?

18 A He grabbed the torch.

19 Q Okay. And do you recall the color of the
20 torch?

21 A I think it was a dark green.

22 Q Okay. Was that propane torch?

23 A Yeah.

24 Q What did he do with that?

1 A He took it to the wall and lit the wall on
2 fire.

3 Q Okay. How did he do that?

4 A How did he light it? Or --

5 Q How -- okay. Let's start there. How did he
6 light the torch?

7 A The button.

8 Q A little button?

9 A Yes.

10 Q Okay. And what did he do once he had the
11 torch on?

12 A He held it to the wall until it caught flame.

13 Q Okay. And let's be clear about this. Was he
14 pointing it at the wall? Or let me back up. I'm sorry.

15 Was there anything on that wall?

16 A Yeah. There was a mirror.

17 Q Okay. And when he pulled out that torch, was
18 he pointing it at the wall or the mirror?

19 A He was pointing it at the wall, but the
20 mirror caught the flame also.

21 Q Okay. And be gentle here, I'm not going to
22 bring this over, is this that mirror?

23 A Yes.

24 Q Okay. So what happened after that?

1 A He held the torch to the wall and I was
2 saying, dad, stop. And my grandma was saying, Steven,
3 stop. And he just --

4 Q Well, what -- how are you saying, "dad stop"?

5 A I was like shouting, like dad stop.

6 Q About that loud?

7 A Maybe a little bit louder.

8 Q Okay. You don't want to scream in here.

9 A Yeah.

10 Q Okay. Did the defendant say anything?

11 A He said, this bitch is going to burn.

12 Q I'm sorry?

13 A He said this bitch is going to burn.

14 Q Okay. What did he mean by that, do you know?

15 A The house like.

16 Q Okay. Let's talk a little bit about those
17 flames. Did that wall catch on fire?

18 A Yeah.

19 Q Did the mirror catch on fire?

20 A Yeah.

21 Q How big did those flames get?

22 A High enough to get to the roof.

23 Q Okay. How tall is that roof?

24 A It's about eight feet, nine feet.

1 Q Okay. Eight feet -- so if I'm -- and I'm
2 not, if I'm six feet, this is about six feet. Another
3 two feet would be up here. That's about eight.

4 A Yeah.

5 Q Let's think about it in terms of this
6 courtroom. I'll just stand over here. About how high up
7 can it go?

8 A Um, probably not -- about to the top of where
9 the clock is over there, yeah, probably. Maybe a little
10 bit -- a little -- about right in there.

11 Q So I could reach it about?

12 A Yeah.

13 Q Okay. And with this wall in mind, about
14 where did he light that wall on fire?

15 A About a little bit higher than that.

16 Q A little bit higher than my hand?

17 A Yeah.

18 Q So about six inches from my hand sticking
19 straight out --

20 A Uh-huh.

21 Q -- which is about 5'5", okay.

22 What color were the flames?

23 A Orange and yellow flames.

24 Q Okay. Did you see the smoke?

1 A Yeah. There was black smoke.

2 Q Okay. Was it campfire smoke, or was it a
3 different color smoke?

4 A Kind of like campfire smoke.

5 Q Okay.

6 A Yeah, like thick black smoke.

7 Q Thick black? Okay.

8 A Thick black smoke.

9 Q How long did it take for him holding that
10 torch to the wall before the flames caught?

11 A Not even a minute, it went up around like --
12 around a minute, kind of holding it there.

13 Q 60 seconds?

14 A In that timeframe, yeah.

15 Q I'm sorry?

16 A Yeah.

17 Q About 60 seconds?

18 A Yeah.

19 Q And what was going through your mind during
20 that 60 seconds of him holding that torch to the wall or
21 near it?

22 A I was really shocked and confused as to why
23 he had the torch on the wall.

24 Q Okay. You testified earlier you shouted,

1 dad, stop.

2 A Yeah.

3 Q Did you say anything else?

4 A No. Did I say anything?

5 Q Did you say anything else?

6 A No. I just said, dad, stop.

7 Q Okay. How far -- how far would that fire
8 have gone?

9 A If it would have kept going?

10 Q Yes.

11 A It would have burned down the house.

12 Q Okay. Did it burn down the house?

13 A No.

14 Q Well, why didn't it?

15 A Because me and my grandma put it out.

16 Q Okay. Did the defendant -- did he attempt to
17 put the fire out?

18 A No.

19 Q What did he do?

20 A He went and stood back by the fireplace.

21 Q Okay. What was he doing back there?

22 A Just standing there kind of watching us, and
23 he said that, as me and my grandma were trying to put out
24 the flame, he said, the mirror's plastic, he said, it's

1 plastic, you can't put it out.

2 Q Okay. How were you trying to put out that
3 fire?

4 A I was stepping on the -- pieces were like
5 falling on the floor.

6 Q Okay.

7 A So I was like getting those out like stepping
8 on them and like kind of blowing on them, I don't know if
9 that helped, but my grandma was throwing buckets of water
10 on the wall.

11 Q What's a bucket of water? Can you show the
12 jury what that --

13 A Um, like a spaghetti pot, you know, like a
14 pot that you cook in, that big (indicating).

15 Q Like how far up did that go?

16 A The pot?

17 Q Yes.

18 A About this high (indicating).

19 Q So would you say -- and remember there's the
20 radius, right, and the diameter. Do you know how big
21 that diameter was for that pot?

22 A About like that (indicating).

23 Q So maybe 15 inches to 12 inches?

24 A Yeah. Yeah.

1 Q How many pot loads, or -- that's a terrible
2 word, but --

3 A Yeah.

4 Q -- how many buckets of water did it take to
5 put that fire out?

6 A A good three or four, I would say, maybe
7 five. I wasn't really counting, you know.

8 Q Of course, I understand.

9 Now, you testified that defendant was holding
10 that torch against the wall for about 60 seconds before
11 it caught on the wall.

12 Now, did you immediately, after those
13 60 seconds, try to put that flame out or did you try to
14 put the flame out while he was trying to set it on fire?

15 A No. I didn't start trying to put it out
16 until he had taken the torch off and left it. My grandma
17 was putting out the fire.

18 Q Did you -- after he left trying to set it on
19 fire, how long did you take to respond to try to stomp it
20 out?

21 A Like five, 10 seconds, not long. I was --

22 Q Okay. And how long did your grandma take to
23 try to put out that fire?

24 A Right after. She was already filling up the

1 buckets -- pots of water.

2 Q Okay. While he was trying to set it on fire?

3 A Yeah. So as soon as he walked off, she
4 already had buckets of water.

5 Q Okay. Did you see the wall after the fire
6 had gone out?

7 A Yes.

8 Q Okay. What did it look like to you?

9 A Kind of like black -- black and charcoally,
10 kind of like black all over.

11 Q Black all over?

12 A Yeah.

13 Q Okay. Let me show you what's been marked as
14 4, Plaintiff's 4 -- or State's 4, rather.

15 Did it look exactly like that?

16 A Yeah.

17 Q Okay. I'm sorry, could you say that a little
18 louder?

19 A Yes.

20 Q Okay. Showing you State's 6, what is that a
21 picture of?

22 A It's the roof right above where the mirror
23 was hanging.

24 Q Okay. And what's this right here

1 (indicating)?

2 A The -- kind of like trim. I don't know what
3 it's called. It's part of the roof.

4 Q Okay. Thank you.

5 After you got that fire out, what happened
6 next?

7 A My dad went outside because my mom was
8 screaming, get out, get out, you know. Let's go. And I
9 wanted to get my dog. So I went back to my room and got
10 my dog leash so I get my dog.

11 Q What's your dog's name?

12 A Rocco.

13 Q Rocco. What breed is he?

14 A He's a husky lab pit mix.

15 Q Okay. And do you recall which room he was
16 in?

17 A I think he was in the living room, just
18 laying down in the living room.

19 Q Okay. Why did you go after Rocco instead of
20 leaving the house?

21 A Because I didn't want to leave my dog there
22 at the house, you know, like that. I didn't want to
23 leave my dog there, I guess.

24 Q Okay. That's okay.

1 Did you get your dog?

2 A Yes.

3 Q Okay. What did you do after you got him?

4 A I went outside with him to go to the car.

5 Q Okay. What did you see out there, if
6 anything?

7 A My dad was standing in the yard and my mom
8 and little brother were in the car.

9 Q Okay. Did you see the defendant do anything?

10 A Yes.

11 Q What did you see?

12 A He threw the beer bottle at our car.

13 Q Okay. Did he say anything?

14 A He said -- after he threw it, he said, get
15 the F out of here and FU. So then me and my brother
16 left.

17 Q Did he say, get the F out of here, or did he
18 say something else?

19 A He said get the fuck out of here.

20 Q Did he -- he threw the beer bottle. Where
21 did he throw it?

22 A At the car.

23 Q Okay. What happened to the car?

24 A It broke the windshield.

1 Q Okay. What happened after that?

2 A After he threw it?

3 Q That's correct.

4 A After he told us to, you know, leave and all
5 that, he went in the house. Me and my brother went in
6 the car and we left.

7 Q Okay. Did he say anything during that time?
8 Let me rephrase that.

9 Did the defendant say anything during that
10 time?

11 A Besides fuck you?

12 Q Just anything.

13 A No. After he threw the beer bottle and said,
14 get the fuck out of here, he went in the house.

15 Q Okay. Who was he directing that statement,
16 get the fuck out of here to?

17 A I think all of us.

18 Q Okay.

19 A I think he wasn't -- he kind of shouted it
20 out there, so --

21 Q Okay. Beer bottle, did he pick that up off
22 the ground to throw?

23 A No.

24 Q Where did he get that beer bottle from?

1 A The house. He was drinking.

2 Q Okay. When did he get that, if you know?

3 A About, I don't know, 10, 15 minutes before he
4 went back in the room with my mom.

5 Q Was that before the fire or after?

6 A Before.

7 Q Before?

8 A Yeah.

9 Q Had he been holding it the whole time?

10 A I think so, yeah. He's always got one.

11 Q Okay. Did all these events occur in Humboldt
12 County?

13 A Yes.

14 MR. STOVALL: I'm sorry, Your Honor. Court's
15 indulgence.

16 I'll pass witness, thank you.

17 THE COURT: Mr. Stermitz, cross-examination?

18

19 CROSS-EXAMINATION

20

21 BY MR. STERMITZ:

22 Q What happened to the mirror?

23 A Like after he -- after it got burned?

24 Q No. As he lit it, what happened?

1 A It caught flame.

2 Q And what direction did the flames go?

3 A Up -- yeah, they went up.

4 Q And did it -- it appears from looking at the
5 photographs that the drywall -- do you know what drywall
6 tape is?

7 A Yes.

8 Q It looked like that's what caught on fire.
9 Do you recall that?

10 A Yes. The walls caught on fire.

11 Q You didn't run out of the house when you saw
12 the flames, correct?

13 A Correct.

14 Q What you did is you and your grandmother
15 proceeded to put the flames out?

16 A Yes.

17 Q And Mr. -- your father, Steven, he didn't
18 run out of the house?

19 A No.

20 Q And your brother, Jordan, he was in the
21 kitchen doing dishes and he didn't run out of the house,
22 correct?

23 A Correct.

24 Q Did you see the TV come down?

1 A Like fall down?

2 Q Yeah.

3 A No.

4 Q Do you know if it fell down?

5 A Yes.

6 Q But you didn't see that happen?

7 A Like if I knew -- like if I knew if it fell
8 down or not?

9 Q Were you standing there when the TV came
10 over?

11 A No.

12 Q Now, this occurred back in December of last
13 year. Were you asked to fill out a statement for law
14 enforcement?

15 A Yes.

16 Q A written statement? Did you do that?

17 A Not at the beginning, like not that night.

18 Q Okay. And were you called to testify at the
19 preliminary hearing with your brother and mother on
20 January 4th?

21 A I don't believe so. I'm not sure.

22 Q Do you -- have you ever testified in court
23 under oath concerning this before?

24 A No.

1 Q Do you recall coming to court before with
2 everybody, your brothers and sisters and your mom?

3 A Yeah, I waited for them.

4 Q In the courthouse?

5 A Yes.

6 Q But you never testified?

7 A No.

8 Q You're living with your mother now?

9 A Yes.

10 MR. STERMITZ: I have no further questions.

11 THE COURT: Thank you, counsel.

12 Mr. Stovall, any redirect?

13 MR. STOVALL: Yes, Your Honor, briefly.

14

15 REDIRECT EXAMINATION

16

17 BY MR. STOVALL:

18 Q Jessica, did the TV get burned?

19 A No.

20 Q Was the TV in any way involved with the fire?

21 A No.

22 Q Okay. The TV didn't get burned. What did
23 get on fire?

24 A The wall and the mirror.

1 Q Okay. Let's talk about how deeply burned
2 that wall was. Was it just on the base?

3 MR. STERMITZ: Object. Goes beyond the scope
4 of my cross-examination.

5 MR. STOVALL: Counsel brought up drywall
6 tape.

7 MR. STERMITZ: I stand corrected.

8 THE COURT: Overruled.

9 BY MR. STOVALL:

10 Q Let's talk about how much of that wall was
11 burned. You said the drywall tape was burned. What else
12 was burned?

13 A The drywall and the sheetrock.

14 Q Okay. Was anything else burned?

15 A The mirror.

16 Q The mirror? Anything else?

17 A Pieces of the floor, like a little bit of the
18 floor from where like debris fell that was on fire.

19 Q Okay. Anything else?

20 A No. Just the wall and the mirror.

21 Q Okay. Thank you.

22 MR. STOVALL: Thank you. Thank you, Judge.

23 THE COURT: Mr. Stermitz, anything else?

24 MR. STERMITZ: Nothing on that.

1 THE COURT: Ladies and gentlemen of the jury,
2 any questions of this witness? If so, raise your hand.
3 Thank you. I'll have Deputy Sjoblom retrieve those.

4 Counsel, if you'd please approach.
5 (Sidebar conversation.)

6 MR. STOVALL: The State has no objection to
7 juror number two's question.

8 THE COURT: Okay. Hold that thought.

9 Mr. Stermitz, do you have any objections to
10 the question from juror number two?

11 MR. STERMITZ: No.

12 THE COURT: Okay. And the State indicated no
13 objection.

14 Two questions from jury number ten. First
15 question, any objection?

16 MR. STERMITZ: No.

17 MR. STOVALL: No, Your Honor. No objections
18 to other -- other than what I just mentioned.

19 THE COURT: Okay. If we need to follow-up, I
20 may allow that.

21 MR. STOVALL: Thank you, Your Honor.

22 THE COURT: Okay. The record will reflect
23 that I've shown counsel the questions that were asked
24 from the jury. And there were no objections to these, so

1 I'm going to ask you these questions and you can answer
2 them, okay?

3 Did the house have smoke alarms and did they
4 go off?

5 THE WITNESS: The house did have smoke
6 alarms. And I think -- I believe they went off.

7 THE COURT: Okay. Tell them that, okay.

8 THE WITNESS: I believe they went off. We
9 were all kind of not knowing what was going to happen.
10 And so --

11 MR. STOVALL: Your Honor, I couldn't hear --

12 MR. STERMITZ: I object and ask that that be
13 stricken, it sounds to me like speculation. I don't
14 think she knows, or I guess whatever weight the jury
15 wants to give it. But --

16 MR. STOVALL: And, Your Honor, I still didn't
17 hear the answer.

18 THE WITNESS: Sorry.

19 THE COURT: So let me repeat the question.
20 The question is -- I want the jury to be able to hear
21 your answer too. So we're having some difficulty hearing
22 you, and I think partly because you're talking to me. So
23 when you're looking at me and talking to me, they may not
24 be able to hear.

1 So the question is simply this: Did the
2 house have smoke alarms? And did they go off?

3 THE WITNESS: Yes, the house had smoke
4 alarms, and I believe they went off.

5 THE COURT: Okay. And then the next question
6 is: While your dad had a torch, did you believe he was
7 going to burn your house down?

8 THE WITNESS: When he had the torch on the
9 wall, I was pretty convinced the house was going to burn
10 down, so --

11 THE COURT: Okay. And then the next question
12 is: Were you afraid for you or your brothers and dog's
13 life that night?

14 THE WITNESS: If we didn't leave, yes. But
15 we left, so --

16 THE COURT: Any further questions from the
17 jury? I think I heard some comments, counsel, and I'm
18 not sure that I completely understood, because I'm not
19 sure I completely heard the response to that first
20 question.

21 Mr. Stovall, do you have any specific
22 follow-up to these questions that were asked by the jury?

23 MR. STOVALL: Just very briefly, Your Honor,
24 I think it was juror number ten's second question about

1 the brothers. Okay.

2 Which brothers were you in fear of their
3 lives?

4 THE WITNESS: My older brother and my little
5 brother.

6 MR. STOVALL: I'm sorry?

7 THE WITNESS: My older brother, Jordan, and
8 my little brother, Jason.

9 MR. STOVALL: Thank you, Your Honor.

10 THE COURT: Thank you.

11 Mr. Stermitz?

12 MR. STERMITZ: Nothing on that, Your Honor.

13 THE COURT: Okay. Any further questions from
14 the jury?

15 Okay. Thank you very much. You may step
16 down.

17 And, Mr. Stovall, you may call your next
18 witness.

19 MR. STOVALL: Thank you, Your Honor. That
20 will be Deputy Nicholson.

21 THE COURT: Deputy Nicholson, okay.

22 MR. STOVALL: If I may --

23 THE COURT: You know what? Why don't we have
24 one of the other deputies? Can you grab Deputy

1 Nicholson.

2 UNIDENTIFIED SPEAKER: I got him.

3 THE COURT: Oh, we got him, okay. Thank you.

4 We're okay. Thank you.

5 Good afternoon, sir. How are you?

6 DEPUTY NICHOLSON: Good, Your Honor.

7 THE COURT: Come up here in front of the bar
8 there. Raise your right hand, face the clerk, the clerk
9 is going to place you under oath.

10 THE CLERK: You do solemnly swear the
11 evidence you're about to give in the matter now pending
12 before this court shall be the truth, the whole truth,
13 and nothing but the truth so help you God.

14 THE WITNESS: I do.

15 JOSHUA NICHOLSON,

16 Having been sworn, testified as follows:

17
18 THE COURT: If you'll please come take the
19 witness stand here to my left.

20 Counsel, you may proceed.

21 MR. STOVALL: Thank you, Your Honor.

22 DIRECT EXAMINATION

23

24 BY MR. STOVALL:

1 Q Please state and spell your name for the
2 record.

3 A It's Joshua Nicholson, J-o-s-h-u-a
4 N-i-c-h-o-l-s-o-n.

5 Q Okay. And are you employed?

6 A Yes.

7 Q Where?

8 A Humboldt County Sheriff's office.

9 Q Did you graduate from POST?

10 A I did.

11 Q Can you explain to the jury what POST is?

12 A Yes, the basic Nevada law enforcement
13 academy.

14 Q And does that qualify you as a peace officer
15 in this state?

16 A Yes.

17 Q Were you on duty on December 14, 2017?

18 A Yes.

19 Q What were you doing on that date?

20 A Doing my patrol duties.

21 Q Okay. Did you, on that date, come into
22 contact with a Melissa Mayden and/or a Steve Dixon?

23 A Yes.

24 Q Okay. Is Steve Dixon in the courtroom today?

1 A Yes.

2 Q Could you please point to him and describe
3 him by a piece of his clothing?

4 A He's that gentleman there with a gray jacket
5 on (indicating).

6 MR. STERMITZ: We'll stipulate, counsel.

7 THE WITNESS: And a white T-shirt.

8 MR. STOVALL: Okay.

9 THE COURT: The record will reflect the
10 identity of the defendant.

11 MR. STOVALL: Thank you, Your Honor.

12 BY MR. STOVALL:

13 Q During your routine patrol and you coming
14 into contact with them, would you describe how that
15 investigation proceeded?

16 A Yes. I was dispatched to a Motel 6, room
17 225, to meet with Melissa Mayden regarding a domestic
18 dispute that happened at their residence off of Ivan
19 Drive.

20 Q Okay. Would you describe to the jury what
21 you mean by dispatch?

22 A I was sent there to talk to Melissa Mayden
23 about some sort of domestic dispute that occurred at
24 their house.

1 Q Okay.

2 A To investigate it further.

3 Q Okay. Did you investigate it further?

4 A Yes.

5 Q Why is that?

6 A I had reasonable suspicion that a crime had
7 occurred.

8 Q Okay. What was that reasonable suspicion?

9 A Due to Melissa Mayden's statements, what had
10 happened, and the corroborating statements with her
11 children.

12 Q Okay. And what crime did you believe might
13 have been --

14 A I believed that there was an act which
15 constituted domestic violence, arson, and child
16 endangerment.

17 Q Okay. What led you to believe that?

18 MR. STERMITZ: I'm going to object. I think
19 I don't understand the relevancy of this officer
20 testifying to his determination. It's up to the jury to
21 determine. I mean, we're far past the probable cause.
22 We had a preliminary hearing. We're past the arrest
23 stage. We're at trial.

24 THE COURT: Okay. Counsel, let's get to the

1 heart of this matter, okay?

2 MR. STERMITZ: Of course.

3 THE COURT: I'm going to just ask that you
4 move along.

5 MR. STOVALL: Okay.

6 BY MR. STOVALL:

7 Q You testified that you spoke to Melissa
8 Mayden. Was the defendant there during that
9 conversation?

10 A Was Melissa Mayden there?

11 Q No. Was the defendant, Steve Dixon, present?

12 A No.

13 Q Okay. You said that you came into contact
14 with him that night. Could you describe how you came
15 into contact with him?

16 A Yes. After she told me what had happened
17 that night, I went out to his residence off of Ivan Drive
18 to get his side of what had happened.

19 Q Okay. What are your observations upon
20 arrival?

21 A Upon arrival, I met with Steve Dixon, spoke
22 to him, and then ultimately brought him into jail.

23 Q Okay. Let's break that into number of steps
24 here.

1 A Okay.

2 Q And I did ask, what were your observations
3 upon arrival? What did you see?

4 A I went into the residence and observed a burn
5 mark on the living room wall, a broken flat screen TV.

6 Q Okay. Showing you what's been marked as
7 State's 2, is that that TV?

8 A Yes.

9 Q Okay. And you said you saw a burn mark?

10 A Yes.

11 Q I'm showing you 4. Is that that burn mark?

12 A Yes.

13 Q Okay. State's Exhibit 6, what is that a
14 picture of?

15 A The ceiling.

16 Q The ceiling?

17 A Yes.

18 Q What are these black stripes?

19 A Yes.

20 Q What are those, if you know?

21 A They appear to be burn marks to me.

22 Q Okay. Same -- same deal?

23 A Yes.

24 Q And I don't think we'll go through all of

1 this. Did you speak to the defendant?

2 A Yes.

3 Q What did he say?

4 A He stated that there was an argument that had
5 ensued, but it had never gotten physical. He had told
6 Melissa Mayden to leave the residence, and she did.

7 Q Did you ask him whether -- did you ask him
8 what occurred based on your observations earlier?

9 A No.

10 Q Okay. You said you arrived. Were there any
11 deputies with you?

12 A Yes. Deputy Peters and Deputy Murillo.

13 Q Okay. Did you have any - and those are
14 deputies, like patrol deputies?

15 A Yeah.

16 Q Are any of them in the supervisor capacity?

17 A No.

18 Q Did you have any supervisor come --

19 MR. STERMITZ: Objection, relevancy.

20 THE COURT: Would you like to respond?

21 MR. STOVALL: No, Your Honor. I'll just
22 withdraw that question.

23 THE COURT: Okay. Let's just move on. Thank
24 you.

1 BY MR. STOVALL:

2 Q Who -- you spoke to Steve, Mr. Dixon,
3 rather --

4 MR. STERMITZ: Is that a question? The
5 prosecutor should ask questions, not testify.

6 THE COURT: Hold on, counsel. I want to
7 hear -- give Mr. Stovall an opportunity.

8 Go ahead.

9 MR. STOVALL: Thank you, Your Honor.

10 BY MR. STOVALL:

11 Q What -- did the defendant ever give you any
12 statement?

13 MR. STERMITZ: Asked and answered. Asked and
14 answered.

15 THE COURT: Hold on. Counsel, I believe that
16 has been asked. Unless there's some new -- some new
17 information you're seeking, I'm confused.

18 So I'm going to sustain that objection.

19 MR. STOVALL: Your Honor, what I meant to ask
20 was a witness statement -- a written statement.

21 THE COURT: Okay.

22 MR. STOVALL: I was using shorthand. I'm
23 sorry.

24 THE COURT: Okay.

1 BY MR. STOVALL:

2 Q Did he give a written statement like you
3 would see on a police report?

4 A No.

5 Q Thank you.

6 What else did you observe at the Ivan Drive
7 address?

8 A That's all I observed.

9 Q Would it be helpful to review a report to
10 refresh your recollection?

11 A Yes.

12 MR. STERMITZ: I would object. I don't know
13 how -- I don't know -- I don't understand. The -- the --
14 first off, the question asked for some sort of a
15 narrative response, was there anything else you observed?
16 And I can't even begin to understand whether there's
17 relevancy to the answer because --

18 But then secondly, there's no indication that
19 this officer's lacking in memory and needs his memory
20 refreshed. So I think the method by which the district
21 attorney is attempting to get -- to get the question
22 answered is not consistent with the law.

23 THE COURT: Mr. Stovall?

24 MR. STOVALL: Your Honor, I'll submit the

1 matter to you.

2 THE COURT: Well, you can't just submit this
3 matter to me, because it appears that there's some
4 additional information that you are seeking to elicit.
5 You better just ask that question so that I know if
6 there's some need to refresh his recollection.

7 BY MR. STOVALL:

8 Q You wrote a report in this matter, correct?

9 A Yes.

10 Q Okay. In the report did you write that you
11 observed anything about a broken windshield?

12 A Yes.

13 Q Okay. Did you -- now, you remember observing
14 a broken windshield now?

15 A Yes, at Motel 6.

16 Q Okay. At Motel 6. Okay. Could you describe
17 how that windshield was broken?

18 A There was a -- I would describe it as a
19 circular crack, I guess more towards the driver's side,
20 with cracks stemming from that.

21 Q Did you ask the defendant about that crack?

22 A No.

23 Q Okay. What did you ask the defendant?

24 MR. STERMITZ: Asked and answered about three

1 times.

2 THE COURT: Is there something new here,
3 counsel?

4 MR. STOVALL: Your Honor, I have an offer of
5 proof, but -- if I can have a little bit of leeway to
6 ask --

7 THE COURT: Well, again, with regards to this
8 broken windshield, so why don't you ask questions. If
9 it's somewhat different than the prior questions, then
10 I'll allow it, but --

11 BY MR. STOVALL:

12 Q Deputy, did all these events occur in
13 Humboldt County?

14 A Yes.

15 MR. STOVALL: Pass the witness.

16 THE COURT: Mr. Stermitz, cross?

17 MR. STERMITZ: Nothing on that.

18 THE COURT: Ladies and gentlemen of the jury,
19 any questions of this witness?

20 Seeing no questions from the jury, you may
21 step down. Thank you.

22 THE WITNESS: Thank you.

23 THE COURT: And, Mr. Stovall, you may call
24 your next witness.

1 MR. STERMITZ: I would ask that the deputy be
2 retained for the defense.

3 THE COURT: Okay.

4 Did you understand that, Deputy?

5 THE WITNESS: Yes.

6 THE COURT: Okay.

7 MR. STOVALL: Your Honor, the next witness is
8 Deputy Murillo. He's out on patrol right now because
9 he's working. My understanding is he's responding to a
10 call. If we can have a short break so he can get here.

11 THE COURT: Okay. Any other witnesses after
12 Deputy Murillo?

13 MR. STOVALL: Possibly Deputy Peters who,
14 because he's on night shift, is at home and is awaiting a
15 call, and I was going to give that call to him after
16 Deputy Murillo came.

17 THE COURT: Okay. I'm going to give you --
18 I'm going to give this jury a short break. But we've got
19 about no more than 15 minutes. If I don't have another
20 witness, we're moving on.

21 MR. STOVALL: I understand, Your Honor.
22 Thank you.

23 (Recess taken.)

24 THE COURT: Deputy Murillo, please come

1 forward. Please raise your right and face the clerk.

2 THE CLERK: You do solemnly swear the
3 evidence you're about to give in the matter now pending
4 before this court shall be the truth, the whole truth,
5 and nothing but the truth so help you God.

6 THE WITNESS: I do.

7

8 MARIO MURILLO,

9 Having been sworn, testified as follows:

10

11 THE COURT: Thank you. If you'd please come
12 forward. I'm going to probably --

13 THE WITNESS: I don't know if I can fit in
14 this chair.

15 THE COURT: Yeah. Let's just do this. Roll
16 that back. Grab one of the little portable ones, and put
17 that in front of it. Yeah. Thank you. You get the
18 uncomfortable one.

19 THE WITNESS: It's all right.

20 THE COURT: Okay. Thank you.

21 Mr. Stovall, you may proceed.

22 MR. STOVALL: Thank you, Your Honor.

23 DIRECT EXAMINATION

24 BY MR. STOVALL:

1 Q Would you please state and spell your name?

2 A It's Mario Murillo, it's M-a-r-i-o
3 M-u-r-i-l-l-o.

4 Q And where do you work?

5 A Humboldt County Sheriff's office.

6 Q And did you graduate from POST?

7 A I did.

8 Q Does that make you a certified peace officer
9 in the state?

10 A It does.

11 Q And your rank I can call you deputy?

12 A Yes.

13 Q Deputy Murillo, were you working for the
14 Humboldt County Sheriff's office on December 14th, 2017?

15 A Yes.

16 Q What were you doing on that day?

17 A I was conducting patrol functions throughout
18 the county.

19 Q Okay. Would you describe to the jury what
20 that means?

21 A Traffic enforcement, commonplace is DUI
22 investigations, any calls for service handled by the
23 citizens.

24 Q And did you have a call for service that day?

1 A We did, yes.

2 Q Okay. At approximately 6:00 in the evening?

3 A Yes.

4 Q Okay. Would you describe to the jury about
5 that call?

6 A It was -- I was assisting for Deputy
7 Nicholson on a potential arson case and a child abuse
8 case. We met with Melissa Mayden at the Motel 6 parking
9 lot. I had no interaction with her, I was just standing
10 by.

11 I was then sent to the defendant's residence
12 to help conduct a child abuse, slash, arson
13 investigation.

14 Q Okay. As part of that, did you do any
15 follow-up after speaking to Melissa Mayden?

16 A I never spoke with Melissa.

17 Q Sorry, let me rephrase.

18 After Deputy Nicholson was speaking to
19 Melissa Mayden, did you do any follow-up with him?

20 A With Deputy Nicholson?

21 Q It's still a poor question.

22 Did you go anywhere after that? Make that
23 simple.

24 A I went to the defendant's residence --

1 Q Okay.

2 A -- on Ivan Drive.

3 Q And which county was that?

4 A Humboldt.

5 Q Okay. Could you describe generally where
6 that is?

7 A It is off Delaney Drive off 95.

8 Q Okay. What was your involvement in this
9 case?

10 A My involvement, I entered the residence with
11 Deputy Peters and Deputy Nicholson. As Deputy Peters and
12 Deputy Nicholson were conducting their investigation, I
13 was -- I was assisting and standing by. I ended up
14 taking the pictures as evidence of the wall that was
15 alleged to be put on fire.

16 Q Would you thumb through these pictures and
17 tell me who took those?

18 A Yeah. I took all eight or nine of these
19 pictures that are here on my camera --

20 Q Okay.

21 A -- for Deputy Nicholson.

22 Q You have a duplicate in there, by the way.
23 And what did you observe at the residence?

24 A I did observe a flat screen TV that was

1 broken in the top left-hand corner. And then on the, I
2 guess it'd be living room wall with the kitchen on the
3 back side, on the living room side, the wall was charred
4 and burnt about halfway up.

5 Q So halfway up, how far up the ceiling?

6 A I'd probably say, it's probably a ten-foot
7 ceiling, I would say from five feet all the way to ten.

8 Q Okay. How deep were the burns on the wall?

9 A The burns -- it burnt the paint and then the
10 drywall and then some areas. If I remember correctly, it
11 did burn some of the foundation side.

12 Q Okay. You took these pictures. Would you
13 show the jury where you observed that?

14 A Yeah. All right. So these two pictures are
15 probably the best. So here's the kitchen on the back
16 side. This is the living room. Here are the burn marks
17 and then you can see where this hole is right here, it's
18 more defined in this picture. Some of the frame, the
19 wooden side was burnt as well as long as the drywall.

20 Q You said it was charred. Can you describe
21 what charring is?

22 A Yeah. Charring is the effect of fire on
23 something burning it and staining it black.

24 Q Okay. When you arrived at the Ivan Drive

1 residence, who all was there?

2 A The defendant was there, his mother was
3 present.

4 Q You said the defendant. Is that Steve Dixon?

5 A Yeah, Steve Dixon.

6 Q Is he in the courtroom today?

7 A He is.

8 Q All right. You're pointing over here. Can
9 you identify him by a piece of clothing?

10 MR. STERMITZ: Stipulate this is Steve Dixon
11 for the last time. We're not contesting the identity of
12 the defendant, this is Steve Dixon.

13 THE COURT: The court will accept the
14 stipulation as to the identity of the defendant.

15 MR. STOVALL: Thank you.

16 BY MR. STOVALL:

17 Q Did you speak to him?

18 A I did not.

19 Q Your -- what was your entire involvement with
20 this case?

21 A It was just an assistant with Deputy
22 Nicholson and taking the photographs here.

23 Q Okay. After you took the photographs, did
24 you -- what did you do, if anything?

1 A It was my end of shift. I drove back to the
2 station and went home.

3 Q Okay. Thank you. Did all these events occur
4 in Humboldt County?

5 MR. STERMITZ: We'll stipulate that the
6 crime -- the alleged crime occurred in Humboldt County.

7 THE COURT: Do you want to join in that
8 stipulation?

9 MR. STOVALL: Yes, Your Honor.

10 THE COURT: Okay. Very good. Court will
11 accept that stipulation.

12 MR. STERMITZ: I altered the --

13 THE COURT: Hold on, Mr. Stermitz, hold on.

14 MR. STOVALL: I will pass the witness.

15 THE COURT: Mr. Stermitz, you may proceed.

16 MR. STERMITZ: No questions.

17 THE COURT: Ladies and gentlemen of the jury,
18 any questions of this witness? Seeing none, you may step
19 down. Thank you. Take the chair out with you.

20 THE WITNESS: Okay. I'll take the chair.

21 THE COURT: Mr. Stovall, is your other
22 witness here?

23 MR. STOVALL: Yes, he is.

24 THE COURT: Okay. Good. You may call your

1 next witness.

2 MR. STOVALL: The next witness will be Deputy
3 Jeremy Peters.

4 THE COURT: Okay. Good afternoon, sir. How
5 are you?

6 DEPUTY PETERS: Good, sir, how are you?

7 THE COURT: Good. Oh, you already know.
8 Raise your right hand face the clerk. Thank you.

9 THE CLERK: You do solemnly swear the
10 evidence you're about to give in the matter now pending
11 before this court should be the truth, the whole truth,
12 and nothing but the truth so help you God.

13 THE WITNESS: I do.

14
15 JEREMY PETERS,
16 Having been sworn, testified as follows:

17
18 THE COURT: Thank you. You may come take the
19 witness stand. I just moved the chair on you. So grab
20 one of those portable chairs. I wasn't sure how you were
21 attired. So why don't you slide that one up there. And
22 you can use that one. Okay.

23 Counsel, you may proceed.

24 MR. STOVALL: Thank you, Your Honor.

1 DIRECT EXAMINATION

2

3 BY MR. STOVALL:

4 Q Would you state and spell your name, please?

5 A I didn't hear you.

6 Q I'm sorry. It's been a common thing.

7 Can you state and spell your name, please?

8 A Jeremy Peters, J-e-r-e-m-y P-e-t-e-r-s.

9 Q Thank you. Where are you employed?

10 A Humboldt County Sheriff's office.

11 Q Did you graduate from POST?

12 A I did.

13 Q Okay. When did you graduate from POST?

14 A 2002.

15 MR. STERMITZ: We'll stipulate he's POST
16 certified peace officer in the State of Nevada.17 THE COURT: Okay. Court will accept the
18 stipulation.

19 MR. STOVALL: Thank you.

20 BY MR. STOVALL:

21 Q Can I call you deputy?

22 A Yes.

23 Q Thank you. Were you on duty December 14,

24 2017?

1 A Yes.

2 Q Okay. At approximately 19 -- 7:23 in the
3 evening?

4 A Yes.

5 Q Okay. Could you tell the jury what was
6 happening about that time?

7 A I was called to assist my partner, Deputy
8 Nicholson, well, he was not really my partner at the
9 time, shift member. He was day shift. I was oncoming
10 night shift.

11 I was advised that there was a domestic
12 disturbance from the night before, and I was asked to go
13 out and contact Mr. Dixon.

14 Q Okay. Could you describe what -- well, what
15 did you do after you got that information?

16 A We drove out to Ivan Drive where Mr. Dixon
17 was at.

18 Q Okay. And what did you observe upon arrival?

19 A Nothing particularly upon arrival. We had
20 knocked on the door and Mr. Dixon came out and spoke to
21 him in the yard.

22 Q Okay. Did you speak to him?

23 A I did.

24 Q Okay. What did he say?

1 A What did he say?

2 Q Yes. What did Mr. Dixon, the defendant, say?

3 A We had asked him if he had been involved in a
4 domestic dispute and he adamantly denied it, said they
5 were arguing.

6 Q Okay. Did you observe anything out of the
7 ordinary about the house?

8 A Not on the outside where we were at the time.

9 Q Okay. How about the inside?

10 A The inside, Mr. Dixon at one point was put
11 into handcuffs and escorted away. I contacted his mother
12 who was still inside. And I noticed the burn on the
13 inside wall of the house.

14 Q Okay. When you spoke to -- let's go back to
15 that conversation with the defendant. What -- you -- did
16 you ask him about the -- the burn?

17 MR. STERMITZ: Objection, leading -- leading,
18 objection.

19 THE COURT: Mr. Stovall, why don't you reask
20 that question. I wasn't sure if I even got the whole
21 question.

22 MR. STOVALL: Thank you, Your Honor.

23 BY MR. STOVALL:

24 Q When you were speaking to the defendant, did

1 you ask about that burn?

2 A At that point I hadn't seen the burn.

3 Q Okay. So your investigation was strictly
4 limited to the domestic violence?

5 A When I was speaking to him, yes.

6 Q Okay. Did you follow up with the defendant
7 afterwards about the burn?

8 A No, I did not.

9 Q Okay. Did you have any further involvement
10 in this case?

11 A After speaking to his mother, no.

12 Q Okay.

13 MR. STOVALL: With that, Your Honor, we'll
14 pass the witness.

15 THE COURT: Mr. Stermitz, cross-examination?

16

17 CROSS-EXAMINATION

18

19 BY MR. STERMITZ:

20 Q During your investigation, did you ever
21 determine that anybody in that household had laid hands
22 on another person unlawfully?

23 A I did not, no.

24 MR. STERMITZ: No further questions.

1 THE COURT: Mr. Stovall, any redirect?

2 MR. STOVALL: No, Your Honor.

3 THE COURT: No. Ladies and gentlemen of the
4 jury, any questions of this witness? If so, indicate by
5 raising your hand.

6 Seeing no questions from the jury, you may
7 step down. Thank you.

8 Mr. Stovall, you may call your next witness.

9 MR. STOVALL: Court's indulgence, Your Honor.

10 THE COURT: Okay.

11 MR. STOVALL: Thank you.

12 Thank you, Deputy.

13 MR. STOVALL: Your Honor, with that, the
14 State will rest.

15 THE COURT: Okay. Thank you, counsel.

16 So the State's rested their case in chief.

17 So ladies and gentlemen let's take a short
18 break. We'll resume with the defendant's case in chief
19 in a moment.

20 I don't anticipate we'll take more than about
21 a ten minute break here. So during this recess, please
22 leave your notebooks here in the courtroom.

23 Please do not discuss this case amongst
24 yourselves. Please do not allow anyone to discuss this

1 case in your presence.

2 Do not read, watch, or listen any news
3 accounts of this case, should there be any. Please do
4 not conduct any independent investigation of this case.
5 Do not form or express any opinion regarding the guilt or
6 innocence of the defendant.

7 We'll be in a brief recess.

8 Oh, I lost them. Can you grab them back?

9 I want to admonish him about --

10 MR. STERMITZ: Okay.

11 THE COURT: They nearly escaped on me.

12 Go ahead, you guys can have a seat.

13 I want to go back on the record in Case
14 CR18-6963. The record reflect the presence of the
15 defendant and of counsel.

16 And I'll take just a moment and then I'll
17 give you a little break. But I need to talk, Mr. Dixon,
18 to you about your constitutional rights regarding
19 testifying in this case.

20 THE DEFENDANT: Okay.

21 THE COURT: Okay. So under the constitution
22 of the United States, under the constitution of the State
23 of Nevada, you cannot be compelled to testify in this
24 case.

1 Do you understand that?

2 THE DEFENDANT: Yes, I understand.

3 THE COURT: You may at your own request give
4 up this right and take the witness stand and testify. If
5 you do, you'll be subject to cross-examination by the
6 deputy district attorney, and anything that you may say,
7 be it on direct or cross-examination, will be the subject
8 of fair comment by the deputy district attorney when he
9 speaks to the jury in his final argument.

10 Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: If you choose not to testify, the
13 Court will not permit the deputy district attorney to
14 make any comments to the jury because you have not
15 testified.

16 Is that understood?

17 THE DEFENDANT: Yes.

18 THE COURT: If you elect not to testify, and
19 the Court will instruct the jury, but only if your
20 attorney specifically requests an instruction, as
21 follows:

22 The law does not compel a defendant in a
23 criminal case to take the stand and testify and no
24 presumption may be raised and no inference may be drawn

1 from the failure of defendant to testify.

2 Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: Do you have any questions?

5 THE DEFENDANT: No.

6 THE COURT: If you have any felony conviction
7 within the past ten years, and you've not sought to
8 preclude that before coming before the jury, and if you
9 take the witness stand and testify, the deputy district
10 attorney in the presence of the jury will be permitted to
11 ask you about that felony conviction.

12 Do you understand that?

13 THE DEFENDANT: Yes.

14 THE COURT: Okay. Any further questions?

15 THE DEFENDANT: No.

16 THE COURT: Or any questions?

17 THE DEFENDANT: No.

18 THE COURT: Okay. Thank you. We'll take a
19 brief recess.

20 And, Mr. Stermitz, are you at liberty at this
21 time to tell me if you'll have a witness who will be
22 testifying.

23 THE WITNESS: Ms. Swearingen is going to
24 testify and then Steve Mayden.

1 THE COURT: Okay. Thank you.

2 Let's take a brief recess, about five
3 minutes. Unless you need more time, I'm thinking about
4 five minutes.

5 MR. STERMITZ: Five minutes is fine.

6 THE COURT: Very good.

7 (Recess taken.)

8 THE COURT: Thank you, all, you may be
9 seated.

10 We're now back on the record in Case
11 CR18-6963, case caption State of Nevada, plaintiff,
12 versus Steven Lawrence Dixon, defendant.

13 The record will reflect the presence of the
14 defendant and of counsel.

15 Counsel, will you stipulate to the presence
16 of the jury?

17 MR. STERMITZ: Yes.

18 MR. STOVALL: Yes, Your Honor.

19 THE COURT: Thank you.

20 Mr. Stermitz, you may call your first
21 witness.

22 MR. STERMITZ: The defense will call Sheila
23 Swearingen.

24 THE COURT: Good afternoon, ma'am. If you'll

1 first stop right there and face the clerk, raise your
2 right hand.

3 THE CLERK: You do solemnly swear the
4 evidence you're about to give in this matter now pending
5 before this court shall be the truth, the whole truth,
6 and nothing but the truth so help you God?

7 THE WITNESS: Yes.

8

9

SHEILA SWEARINGEN,

10 Having been sworn, testified as follows:

11

12 THE COURT: Ma'am, if you'll please come take
13 the witness stand to my left, and slide your chair up
14 just a little bit, and make sure -- it will help everyone
15 hear.

16

And, Mr. Stermitz, you may proceed.

17

18

DIRECT EXAMINATION

19

20 BY MR. STERMITZ:

21

Q Ms. Swearingen, can you spell your last name
22 and first name for the record?

23

A S-h-e-i-l-a S-w-e-a-r-i-n-g-e-n.

24

Q And what is your relationship with Steve

1 Dixon?

2 A I'm his mother.

3 Q And calling your attention to December 14,
4 2017, were you then residing at 3465 Ivan Drive with
5 Steven, Melissa, and their children?

6 A Yes.

7 Q And you previously testified at the
8 preliminary hearing in this matter; correct?

9 A Yes.

10 Q Concerning the events on December 14th?

11 A Yes.

12 Q What happened on December 14th?

13 A They had a verbal argument. A TV got broke,
14 and a little TV mirror got melted.

15 MR. STOVALL: Your Honor, I have to object.
16 The evidence is about December 14th. It sounds like
17 she's describing December 13th.

18 THE COURT: It may have just been an
19 oversight.

20 BY MR. STERMITZ:

21 Q On or about on December 13th, 2017, you were
22 residing at the Ivan Drive house, correct?

23 A Yes.

24 Q And that's the date that the incident

1 occurred with the mirror and the --

2 A I think that's the date.

3 Q Okay. So what led up to the TV getting
4 broke?

5 A A verbal argument. I don't know what their
6 dispute was.

7 Q And who was arguing?

8 A Melissa Mayden and Steve Dixon.

9 Q And did you then see the TV get broke?

10 A I didn't see who broke it. I seen it tip
11 over, but from the angle I was, I couldn't tell you for
12 sure who knocked it over.

13 Q And did you know who was standing next to it?

14 A Melissa Mayden and Jessica.

15 Q Okay. Was an argument going on at that
16 point?

17 A Yeah, there were words being exchanged.

18 Q And then immediately after that, what
19 happened?

20 A The side of the mirror got melted.

21 Q Okay. And how did that -- did you see how
22 that happened?

23 A I didn't see it actually happen.

24 Q Uh-huh.

1 A I saw it, I poured a half cup of water on it,
2 and I took it and threw it in the garbage.

3 Q What did you see?

4 A The smoke from the melting side of the
5 mirror. It was plastic.

6 Q Where were you at when you first observed
7 that?

8 A It's a mobile home and the living room and
9 dining room area kind of run together. And the TV that
10 got broke was here, and I was kind of at an angle here.

11 Q Uh-huh.

12 A And I came around the corner and I took it
13 and I threw it away.

14 Q The mirror?

15 A Yeah.

16 Q Okay. And did you observe any flames?

17 A Not really, I mean, a little trigger flame, I
18 guess you'd call it. I threw a half cup of water at it
19 and took it down and put it in the garbage.

20 Q And what was on fire?

21 A The plastic on the edge of the mirror.

22 Q And what about the wall?

23 A No.

24 Q No what?

1 A The wall was never on fire.

2 Q And did you observe where the children were
3 when this was going on, that is, the mirror being caught
4 on fire?

5 A The two younger ones -- well, Jessica was in
6 the living room. Jason was in there somewhere. And I'm
7 not sure just where Jordan, the oldest one, was. He was
8 in the house, but I'm not exactly sure where.

9 Q Did chaos break out when the mirror was on
10 fire?

11 A Not really.

12 Q Did you observe who started the mirror on
13 fire?

14 MR. STOVALL: Your Honor, objection. Asked
15 and answered.

16 THE COURT: Mr. Stermitz?

17 MR. STERMITZ: Submit the matter.

18 THE COURT: Overruled.

19 Go ahead.

20 THE WITNESS: Steve did, the mirror.

21 BY MR. STERMITZ:

22 Q Yeah. Do you know how he did it? Did you
23 see how he did it?

24 A I don't know for sure what he did it with.

1 Q And what was the children's reaction to the
2 melting mirror, if any?

3 A Actually, it was -- they -- just another day
4 to them.

5 Q Did you observe the children and Melissa
6 leave the residence?

7 A Yes. They went out the front door and got in
8 the car and drove away.

9 Q Was there anything chaotic about the way they
10 left?

11 A No. She hollered at the kids, get in the
12 car, and they followed her out the door, and they got in
13 the car and drove away.

14 MR. STERMITZ: I'll pass the witness.

15 THE COURT: Thank you, counsel.

16 Mr. Stovall, cross-examination?

17 MR. STOVALL: Thank you, Your Honor.

18 CROSS-EXAMINATION

19

20 BY MR. STOVALL:

21 Q How do you pronounce your last name?

22 A Swearingen.

23 Q Swearingen? Thank you.

24 Ms. Swearingen, you testified earlier that it

1 got melted.

2 A A piece of the side of the frame.

3 Q Okay. Of this mirror right over here? I'm
4 almost afraid to pick it up.

5 A That could be it.

6 Q Okay. Could be, or is it? Let me bring it a
7 little closer to you.

8 A That could be it. It -- I mean, it's been
9 almost a year, I can't say that this is the mirror, but
10 it was one like that. That's probably it, I don't -- I
11 can't say for sure.

12 Q And -- you held up your fingers maybe about,
13 I don't know, four or five inches to show a trigger flame
14 as you called it. Maybe smaller, maybe an inch.

15 A Yeah, it was --

16 Q Because earlier you were like this.

17 A Like flicking a lighter, a spark.

18 Q Okay. Did a lighter do this?

19 A I don't know what did it.

20 Q Okay. Well, you saw the flame?

21 A I saw the flame. I was around the corner. I
22 grabbed a cup of -- half a cup of water or so, and I
23 threw it on it, I took it down and I put it in the
24 garbage.

1 Q Half a cup of water, like one of these
2 styrofoam cups?

3 A You know like a coffee cup like you would
4 have in your house to drink coffee in the morning.

5 Q Sure.

6 A I threw it under the sink, it was maybe half
7 full, and that's what I splashed on it. I took it and I
8 put it in the garbage.

9 Q Okay. And that's all you needed to put out
10 the entire fire?

11 A Yes.

12 Q Okay.

13 A Less than a cup of water.

14 Q I'm going to hand you what's been marked as
15 State's Exhibit 7. Do you recognize that?

16 A Yep.

17 Q Okay. What is that?

18 A It's a hole in the wall.

19 Q Okay. What about all the black stuff?

20 A Most of it, to be honest, is just dirt.

21 Q Just dirt? Did it come from this fire?

22 A No, not all of that. Most of that is dirt
23 from the way the housekeeping was done.

24 Q Okay. What about this other piece of the

1 wall over here?

2 A What about it?

3 Q It looks pretty clean. Isn't it pretty
4 clean?

5 A You might call it clean.

6 Q I don't see a lot of black stuff on there, do
7 you?

8 A I see a lot of brown dirt and black up there.

9 Q I'll hand you what's been marked as
10 Plaintiff's -- or excuse me, State's Exhibit 5. What's
11 that a picture of?

12 A I guess the same thing from a different
13 angle. I don't know.

14 Q Okay. Looks like --

15 A Looks like a different room.

16 Q Isn't this the kitchen right here?

17 A I think -- yeah.

18 Q It's okay. I'm not trying to trick you.
19 Is this the living room over here?

20 A You couldn't take a picture of the kitchen
21 and the living room, that would be down the hallway.

22 Q Can you explain how the deputy took this
23 picture?

24 A He had to be standing -- okay. Here's your

1 kitchen. Here's your dining area. Here's your living
2 room. Here's your hallway and bedrooms. So from the
3 angle you're talking about, he's not at the living room.
4 He's this way, where it goes down the hallway.

5 Q So you're saying that this picture was
6 physically impossible to take in your house?

7 A No. I'm saying that's not all the living
8 room.

9 Q Okay.

10 A I'm saying that's going down the hallway.

11 Q Okay. So this is part of the living room,
12 correct?

13 A Yeah, it's a section of it.

14 Q And that's part of the kitchen, correct?

15 A Yeah.

16 Q Do you see all that dirt on those walls?

17 A I see a lot of dirt there, yes.

18 Q A bunch of dirt there is on this picture?

19 A Yeah. About the same.

20 Q About the same? Okay.

21 MR. STOVALL: I'm sorry, I got these out of
22 order.

23 BY MR. STOVALL:

24 Q You've testified that to these kids it was

1 just another day to them. What did you mean by that?

2 A It wasn't any big deal. They didn't seem
3 overly upset.

4 Q Does the defendant light the house on fire
5 every day?

6 A He never lit the house on fire.

7 Q Well, he was producing a flame that burned a
8 good piece of that mirror?

9 A No.

10 Q That didn't happen?

11 A There's a difference between burning and
12 melting. Something gets hot, it melts.

13 Q Okay. So the defendant produced the flame
14 that melted part of that mirror, correct? And that's an
15 everyday occurrence?

16 A No.

17 Q Okay. So the kids thought this was just a
18 every other day?

19 A No. They weren't scared. They weren't
20 upset. Their parents were having an argument.

21 Q Isn't it true that Jason Dixon, the
22 nine-year-old, your grandson was screaming?

23 A No. He might have been asking them to be
24 quiet.

1 Q Okay. So you're telling me that you saw a
2 flame this big, an inch, and that Steve started it;
3 correct? Correct?

4 A Yes. Steve melted the side of the mirror.

5 Q But why didn't you see how it all started?

6 A Because I was around that corner.

7 Q Okay.

8 A I could see the people, the room. But if
9 you're more or less behind someone, you can't see what
10 they're doing here in front of you.

11 Q Okay.

12 A That's like two people standing in front of
13 the TV from the angle I was, I can guess who broke it,
14 but I can't say for sure.

15 Q Okay. So what caught your attention if
16 you're in the other room? If your testimony says that
17 the kids didn't do anything out of the ordinary, but they
18 stayed quiet.

19 What got your attention to come out there to
20 take a coffee cup, half a cup of coffee -- or water in
21 there, to slosh onto the wall?

22 A Melissa yelling at Steven.

23 Q I'm sorry?

24 A Melissa yelling.

1 Q Okay. What did she yell?

2 A I don't remember her exact words.

3 Q Okay. Did you throw away that mirror?

4 A Yes, I did.

5 Q That same one?

6 A If that's the same one, yes. The one that
7 was at the house, yes, I threw it away.

8 Q Okay.

9 MR. STOVALL: I'll pass the witness. Thank
10 you.

11 THE COURT: Thank you.

12 Mr. Stermitz, any redirect?

13

14 REDIRECT EXAMINATION

15

16 BY MR. STERMITZ:

17 Q Did the mirror ever come off the wall?

18 A I put it off the wall and threw it away.

19 MR. STERMITZ: Thank you. No further
20 questions.

21 THE COURT: Mr. Stovall?

22 MR. STOVALL: Nothing on that, Your Honor.

23 THE COURT: Okay. Ladies and gentlemen of
24 the jury, any questions of this witness? And if so,

1 indicate by raising your hand and provide your written
2 questions to Deputy Sjoblom.

3 Counsel, if you'd please approach.

4 (Sidebar conversation.)

5 MR. STOVALL: The State has no objection to
6 juror ten's question.

7 MR. STERMITZ: No objection.

8 THE COURT: Okay.

9 MR. STOVALL: No objection to juror number
10 one's question.

11 THE COURT: Okay. The record will reflect
12 that I've shown the two questions that I have thus far to
13 counsel, and counsel's indicated no objection.

14 So let me ask these of you first:

15 Was Jordan washing the dishes when your son,
16 Steve, melted the mirror?

17 THE WITNESS: I don't know -- no. He wasn't.

18 THE COURT: Okay. And then the next question
19 in the photo number 6 -- can we have photo number 6?

20 The record will reflect I'm showing the
21 witness photo number 6.

22 In photo Number 6, the black smoke on the
23 spider web, was the web there before the damage, or from
24 cooking smoke?

1 THE WITNESS: Okay. That is on the living
2 room side of the wall. And that black spider web was up
3 there until Melissa moved out. It had been there for a
4 long time.

5 THE COURT: Okay. Any further questions from
6 the jury?

7 Any -- any specific follow-up from counsel?

8 MR. STOVALL: No, Your Honor.

9 MR. STERMITZ: No.

10 THE COURT: Okay. Thank you. Seeing no
11 further -- no? No further questions.

12 Thank you. You may step down.

13 And, Mr. Stermitz, you may call your next
14 witness.

15 MR. STERMITZ: We would call Steven Dixon.

16 THE COURT: Mr. Dixon, if you'll please come
17 forward. Would you please raise your right hand and face
18 the clerk?

19 THE CLERK: You do solemnly swear the
20 evidence you're about to give in the matter now pending
21 before this court shall be the truth, the whole truth,
22 and nothing but the truth so help you God?

23 THE WITNESS: Yes.
24

1 STEVE DIXON,

2 Having been sworn, testified as follows:

3

4 THE COURT: Thank you. Please come take the
5 witness stand.

6 And, Mr. Stermitz, you may proceed.

7

8 DIRECT EXAMINATION

9

10 BY MR. STERMITZ:

11 Q Steve, can you spell your full name for the
12 record?

13 A S-t-e-v-e D-i-x-o-n.

14 Q And calling your attention to December 13,
15 2017, where were you residing?

16 A 3465 Ivan Drive.

17 Q And who did you live there with?

18 A Melissa, my kids, and my mother moved in.

19 Q And your mother?

20 A Yes.

21 Q Okay. And how many kids were living there at
22 that time?

23 A Three at home at that time.

24 Q And that would be Jordan, Melissa and Jason?

1 A The kids, Jessica, Jason and Jordan.

2 Q Jessica?

3 A Correct.

4 Q What led to your -- this argument with
5 Melissa?

6 A We hadn't been getting along for quite a
7 while and I just finally had enough. I told her it was
8 time for her to find someplace else to live. And that
9 pretty much got the argument going.

10 Q And had you been drinking that night?

11 A Not very much. I think actually it wasn't
12 until after we got back from picking Jessica up that I
13 drank a couple of beers.

14 Q Okay. And I guess without going into too
15 much detail, how long had you been with Melissa?

16 A Like 15 or 16 years.

17 Q Okay. And had the two of you broken up and
18 gotten back together before?

19 A Several times.

20 Q Okay. So at some point apparently you picked
21 up your daughter Jessica from her dance class -- or dance
22 team, correct?

23 A Yes.

24 Q And you ultimately came -- went back home?

1 A Yes.

2 Q Okay. And then what precipitated the burning
3 of the mirror?

4 A We had gone back to the house. Melissa went
5 into Jason's room. I went in there and I was talking to
6 her about her leaving the kids there and just going and
7 living with her mom. We kept arguing.

8 We came out of the room. When she came out
9 around the corner, she flipped my TV over and broke it.
10 I picked the torch up and melted the side of her mirror.

11 Q And did that mirror catch the wall on fire?

12 A No.

13 Q And what did you do after the mirror had been
14 melted?

15 A My mom had come into the room. She threw a
16 cup of water on it. I sat on the couch for a few
17 minutes. I went outside. Melissa was in my car. I told
18 her to leave my car alone and take her own and the kids
19 got in, and they left.

20 Q Obviously, hindsight's, you know, 20/20, but
21 would you do things different in retrospect?

22 A Yes.

23 Q Are you proud of the way you acted?

24 A Not at all.

1 Q And would it be fair to say this kind of cost
2 you your family at this point?

3 A Yeah.

4 Q You guys are living separate?

5 A Yes.

6 Q Litigation is underway?

7 A Yeah. I'm still going to court with Melissa
8 over the property and a few other things.

9 Q And the children are with her in her custody?

10 A Yeah. There's no custody order, but, yeah.

11 Q That's where they're living?

12 A That's where they're living now -- for now.

13 MR. STERMITZ: I'll pass the witness.

14 THE COURT: Mr. Stovall, cross-examination?

15 MR. STOVALL: Yes, Your Honor. Thank you.

16 THE COURT: All right.

17

18 CROSS-EXAMINATION

19

20 BY MR. STOVALL:

21 Q Mr. Dixon, you were the only witness in here
22 who sat through all the testimony; isn't that true?

23 A Yeah.

24 Q Okay. And isn't it true that you've gone

1 through all of the police reports?

2 MR. STERMITZ: Your Honor, I object to this
3 line of questioning. Can we approach?

4 THE COURT: You may.

5 (Sidebar conversation.)

6 THE COURT: Counsel, as to -- I want to put
7 something on the record here since we had a sidebar.

8 As to the objection that was being made by
9 defense counsel, we've had a discussion that,
10 Mr. Stermitz, later if you want to put more of that on
11 the record, you may, I've given some clarification as to,
12 I believe, that line of questioning.

13 So, Mr. Stovall, you may continue.

14 MR. STOVALL: Thank you, Your Honor.

15 BY MR. STOVALL:

16 Q So let's talk about that argument in the
17 truck, before all this happened. You had an argument
18 with Melissa; correct?

19 A Yeah.

20 Q What was that all about?

21 A It had to do with the kids.

22 Q I'm sorry?

23 A The argument started -- it started over the
24 kids.

1 Q Okay. And it's true you gave her we'll call
2 it a breakup date?

3 A I did. I gave her a date when I wanted her
4 out. Not an exact date, I told her a couple of weeks,
5 she needed to find someplace else to live.

6 Q Okay.

7 A It wasn't an exact date and time, I mean --

8 Q And is it true that you asked her to ask for
9 you back?

10 A No, not at all.

11 Q Isn't it true that you wanted the truck, we
12 won't get to the reason why you wanted it, but isn't it
13 true that you wanted that truck?

14 A The truck that we were talking about was an
15 old Ford pickup that I had at home, and it's a work
16 truck. I wanted the title for it so I could get it
17 transferred and get some registration and stuff on it and
18 start using it again.

19 Q Okay.

20 A But it had nothing to do with anything that
21 we were doing that day. I just wanted the title to the
22 truck.

23 Q Okay. It was in her name?

24 A No, it's in my name.

1 Q At the time though?

2 A It was in my name already.

3 Q So why did you want to change the title to
4 your name if it was already in your name?

5 A Because I was going to transfer it into my
6 mother's name for insurance reasons, and stuff, and then
7 get legal registration on it so that I could use it.

8 Q So why didn't you have that conversation?

9 A Because she had the titles to all my stuff
10 and I wanted it. So that was part of the conversation.

11 Q Okay.

12 A I mean --

13 Q You wanted the truck and later on you
14 testified with opposing counsel that you wanted custody
15 of the kids; is that true?

16 A Well, we were talking about custody of the
17 kids. I was talking to her about her going and living
18 somewhere and finding her own place to live and letting
19 the kids stay there and stay in school. Okay.

20 Q Isn't it true you wanted the truck and now
21 you wanted the kids later on that day?

22 A Yeah, I wanted to kids too. The kids are a
23 little more important than a truck.

24 Q So you're going to kick their mom out,

1 correct?

2 A Yeah.

3 Q So you can keep the kids and the truck?

4 A Melissa has never been able to have a stable
5 house -- unless she was with me.

6 Q I'm sorry. Melissa was never able to have
7 a --

8 A Melissa has never had a stable place for them
9 to live when we were broke up. That's why she's been
10 able to come back to me. The last time it cost me a
11 little over \$3,000 in plane tickets to get her back from
12 Alaska. And she -- she called me in the middle of the
13 night and told me she was on her way to a homeless
14 shelter. I would have never done that.

15 Q And you call setting your mirror on fire a
16 stable household?

17 A I made a mistake that night. She broke my
18 TV. I messed up her mirror. I mean, I wasn't trying to
19 burn my house down.

20 Q You admit you burned that mirror?

21 A Yes, I did.

22 Q How did you burn it?

23 A There was a torch sitting on the edge of the
24 counter that we used for pellet stoves. I melted the

1 edge of the mirror. I mean, it was a spur of the moment
2 thing. It just -- she broke my TV, I messed up her
3 mirror, so --

4 Q What about all that damage to the wall?
5 Where did that come from?

6 A That was smoke on that wall.

7 Q Smoke?

8 A That was smoke on the wall. That sheetrock
9 that's in that picture is still on the wall right now
10 today.

11 Q Okay. So your mom's just wrong, it's not
12 just dirt, it's smoke?

13 A There was a lot of dirt on the wall.

14 Q Okay. How deep did that smoke get into the
15 wall?

16 A It didn't burn into the wall.

17 Q You were here, you were listening to Deputy
18 Murillo and he pointed out where that -- the charring
19 was, you were here for that, correct?

20 A Sorry, what?

21 Q You were, Deputy Murillo --

22 A Uh-huh.

23 Q -- that he was the one --

24 A I know which one he was.

1 Q Okay. And he showed -- what was that?
2 Showed that one. He showed that one.

3 A Yeah. Now, in this picture right here, this
4 hole had been there for months. The mirror was covering
5 this, which the mirror was right here. The edge of the
6 mirror burned. This is smoke right here off the edge of
7 that mirror.

8 This hole had already been there for months.
9 And actually, if you look through the preliminary
10 statements, I believe it was Jordan or Melissa, in fact I
11 think both of them testified that that hole was already
12 there. The mirror was on that wall to cover that hole
13 up.

14 Q Where did that come from?

15 A That was damage from way back before.

16 Q Okay. How?

17 A I don't really remember.

18 Q Okay. How big is that hole?

19 A The hole is -- I don't know. About like
20 that. It was a pretty good sized hole.

21 Q Has that wall been -- are there holes in that
22 wall that have been repaired?

23 A Yeah, there were several holes all over that
24 trailer that have been repaired.

1 Q Is it fair to say there's so many holes you
2 don't remember?

3 A I don't remember how that hole got there. I
4 mean, I know there were holes all over in that place,
5 it's a really old mobile home.

6 Q Okay. And -- so how big did the flame go? I
7 didn't hear that.

8 A The flame -- the flame actually never got
9 that big. I mean, the side of the mirror melted in.
10 There was small flame on it. It -- it never got that
11 big.

12 Which they were all talking about ten-foot
13 ceilings in my house. Those ceilings are eight foot.
14 That mirror was hanging probably roughly about six and a
15 half, maybe seven foot up off the floor.

16 So there's only about this much room between
17 the top of that mirror and the ceiling. So there were no
18 four-foot flames going up my wall.

19 Q Let me show the jury just how high up this
20 mirror was based on this picture. Let's first establish,
21 what's this right here?

22 A This right here was where the furnace used to
23 go through the roof. This is a piece of the old ceiling
24 board that's hanging down.

1 Q So is it fair to say that's pretty much the
2 ceiling right at the edge?

3 A Yeah, that's pretty much the ceiling right
4 here.

5 Q Okay.

6 A Okay. That is an eight-foot ceiling.
7 Actually that ceiling is about two inches short of being
8 eight foot. I've been sheetrocking the rest of the house
9 all the walls, and stuff, so I know this.

10 Q What about this?

11 A This right here, okay, is probably about six
12 and a half, almost seven feet up off the wall. There's
13 only about a foot and a half between the top where the
14 smoke damage is and the ceiling.

15 Q Okay. And the six and a half inches -- or
16 what did you say?

17 A That's about a foot and a half maybe.

18 Q Okay.

19 A Maybe 18 inches.

20 Q Leave that right there. So you said that
21 this mirror had to cover that hole. That is a big hole,
22 too, right? You just --

23 A It's a pretty good sized hole.

24 Q It's a good sized hole?

1 A About like that.

2 Q Okay. Can you show the jury that picture?

3 We're just going to do side-by-side comparison.

4 A This one?

5 Q Yeah. All right. And you're saying how many
6 inches were from the top of this mirror --

7 A From the top of that mirror to the top where
8 the smoke damage was to the top of that ceiling is about
9 18 inches, which is about that much.

10 Q This far out?

11 A That much.

12 Q Okay. 18, you sure?

13 A About 18 inches. That helps -- smear all
14 that to actually make it look bigger, so --

15 Q You admit you -- you attempted to set fire
16 and you set fire to that mirror, right?

17 A I melted the side of the mirror, yeah, I
18 damaged the mirror.

19 Q With fire?

20 A Yes.

21 Q You meant to do it?

22 A Yes.

23 Q You were mad?

24 A No.

1 Q You were angry?

2 A No.

3 Q You were drinking?

4 A A little bit.

5 Q You said two beers?

6 A I had a few.

7 Q Jason Dixon, that's his name; correct?

8 A Correct.

9 Q Last name is Dixon?

10 A Yes.

11 Q Meaning that's your kid?

12 A Yes.

13 Q Okay. How old is he?

14 A He's nine.

15 Q How old is he?

16 A He's nine.

17 Q What about today, how old is he?

18 A What is the date today?

19 UNIDENTIFIED SPEAKER: His birthday's
20 tomorrow.

21 THE WITNESS: His birthday is tomorrow, so
22 he's nine until tomorrow.

23 THE COURT: That will be stricken from the
24 record, okay? It was completely uncalled for. No more

1 speaking from the gallery.

2 UNIDENTIFIED SPEAKER: I apologize.

3 BY MR. STOVALL:

4 Q Today is September 19th.

5 A Okay. His birthday is tomorrow, then.

6 Q Okay. Did you talk to him after all this?

7 A Yeah. He's been to my house several times,
8 up until recently.

9 Q Isn't it correct that had your house gone up,
10 you could have seriously have injured Jason?

11 A The house was never in danger of catching on
12 fire. But, no. Jason was sitting right there by the
13 front door of the house already.

14 Q How do you think a nine-year-old psyche could
15 take his father setting the house on fire?

16 A Probably not very well.

17 Q Do you think he might be emotionally scarred
18 from that?

19 A No, he's not emotionally scarred. He's spent
20 several weekends and even a few weeks at a time at my
21 house since this time -- since this happened.

22 Q You think he could have been hurt by that
23 beer that you threw at him?

24 A No.

1 Q You didn't place him into a dangerous
2 situation?

3 A I don't believe so. It was stupid, but I
4 don't believe I put him in danger.

5 Q Why wasn't he in a dangerous situation with
6 you first setting the house on fire?

7 A I never set the house on fire. There was
8 never any intention to set the house on fire. The house
9 was never on fire.

10 Q But you intended to set the mirror on fire?

11 A No, I intended to mess the mirror up. I
12 intended to melt the edge of a plastic mirror.

13 Q Okay. And isn't it true you said, as you
14 stood back, that it's plastic, it won't go out?

15 A No.

16 Q What did you say?

17 A I sat down on the couch.

18 Q Okay. What did you do?

19 A I sat there for a few minutes and I went
20 outside to see why -- see why Melissa was taking off in
21 my car.

22 Q Did she shout anything?

23 A Who?

24 Q Melissa.

1 A She was yelling something out the window of
2 the car when I told her to leave my car alone.

3 Q Isn't it true that she was trying to get the
4 kids out?

5 A We were arguing, fighting. She -- she was
6 yelling, okay, get in the car, and let's go. I told her
7 to take her own car. She had a 2001 Ford Excursion which
8 had she messed up pretty bad. But instead she --

9 MR. STOVALL: Objection to that, Your Honor.
10 Move to strike that. Whatever damage she might have done
11 to the Excursion is irrelevant.

12 THE COURT: Okay. Hold on, hold on. You got
13 to answer the questions that are asked.

14 I'm going to strike that as nonresponsive.

15 MR. STOVALL: Thank you, Your Honor.

16 THE COURT: And that portion -- ladies and
17 gentleman that portion about the damage to the vehicle,
18 that part will be stricken from the record.

19 MR. STOVALL: Okay. Thank you.

20 BY MR. STOVALL:

21 Q Why was she so panicked?

22 A She wasn't panicked, she was mad.

23 Q Okay. Then why was she trying to evacuate
24 the kids?

1 A She was just leaving. I mean, she -- it was
2 time for her to leave. But she wasn't panicked and mad,
3 I mean she came back to the house the next morning to get
4 school clothes.

5 Q Isn't it true that was not the breakup date
6 the date you wanted her out but now you're saying that
7 was the date?

8 A The argument had escalated quite a bit during
9 the day.

10 Q What all was said?

11 A There was a lot said. I don't remember
12 everything word for word.

13 Q Okay.

14 A There was a lot said.

15 Q You said your mom put out the fire?

16 A Yeah.

17 Q Okay. With a cup of water?

18 A Yes.

19 Q Okay. Of course you heard earlier testimony
20 that Jessica said it was about a spaghetti pot, I think
21 is what she said?

22 A I heard that.

23 Q Okay. Are you telling the jury that she's
24 either wrong or lying?

1 A She's wrong. I think she's probably confused
2 and mad at me too. I mean -- I don't know. I don't know
3 where a lot of the stories came from today.

4 Q You heard Melissa's story, correct?

5 A Yes.

6 Q You heard Jordan's story, correct?

7 A Yes.

8 Q And you heard Jessica's story, correct?

9 A Yes.

10 Q They all lined up, correct?

11 A Not all exactly, but --

12 Q Sure. There can be minor differences, right?

13 A Right.

14 Q But for the most part they all lined up,
15 correct?

16 A For the most part.

17 Q Okay. Your story's a little bit different
18 too, isn't it?

19 A It is.

20 Q Okay. When you threw that beer bottle at
21 that car, did you see your son in there?

22 A No.

23 Q Okay. How do you think he felt?

24 A Probably pretty bad.

1 Q Do you think he might have been scared?

2 A He might have been scared, yeah.

3 Q Sorry, would you repeat your answer?

4 A Yes, he probably was scared.

5 Q Okay. Because of what?

6 A The whole situation, the whole argument. I
7 mean, a nine-year-old kid.

8 Q What about the beer bottle?

9 A He's a nine-year-old kid listening to a big
10 argument. And then all the stupid stuff, you know, the
11 melted mirror and then throwing the beer bottle, yeah,
12 I'm sure he was scared.

13 Q Is it fair to say that you're downplaying the
14 flame size?

15 A I'm not downplaying the flame size, no. The
16 flame never got big on that wall, the flame never got big
17 on the edge of the mirror.

18 Q Just enough to melt that mirror?

19 A It was a propane torch. It puts out a lot of
20 heat. It's a plastic mirror, it melts pretty fast.

21 THE COURT: Put it away, counsel.

22 MR. STOVALL: Thank you. I'll pass the
23 witness.

24 THE COURT: Mr. Stermitz, any redirect?

REDIRECT EXAMINATION

BY MR. STERMITZ:

Q Mr. Dixon, this wasn't -- on December 13th, it wasn't your greatest effort at parenting, correct?

A No, it wasn't.

Q And you're embarrassed by what happened?

A Very.

Q And if you do it again, you'd do something different?

A Yeah, for sure.

MR. STERMITZ: Thank you. Nothing further.

THE COURT: Mr. Stovall?

MR. STOVALL: Nothing further, Your Honor, thank you.

THE COURT: Ladies and gentlemen, any questions of this witness? Is so, indicate by raising your hand. Okay.

Questions from juror number seven, juror number ten.

Counsel, would you come up, please?

(Sidebar discussion held.)

MR. STOVALL: No objection to all three.

THE COURT: Pardon me?

1 MR. STOVALL: No objection to all three
2 questions.

3 THE COURT: Mr. Stermitz?

4 MR. STERMITZ: No objection.

5 (Sidebar discussion held.)

6 THE COURT: Okay. We have three questions
7 from two jurors. The first is one question from juror
8 number seven, and I understood there were no objections
9 to that question.

10 Is that correct, counsel?

11 MR. STOVALL: That is correct, Your Honor.

12 THE COURT: Mr. Stermitz, no objections?

13 MR. STERMITZ: None.

14 THE COURT: And, Mr. Stermitz, you had an
15 objection to the first question from juror number ten; is
16 that correct?

17 MR. STERMITZ: Correct.

18 THE COURT: And the Court's going to sustain
19 that objection and not ask that question.

20 The second question on this page from juror
21 number ten, Mr. Stovall, any objection?

22 MR. STOVALL: No, Your Honor.

23 THE COURT: Mr. Stermitz?

24 MR. STERMITZ: No.

1 THE COURT: Okay. So with that, let's read
2 these and you can answer them.

3 First question: What did you say, if
4 anything, when you started the mirror on fire?

5 THE WITNESS: I don't remember what exactly I
6 said. I never said, let -- let my house burn, or
7 anything along those lines.

8 I was still arguing with Melissa at the time.
9 I was mad she just flipped over a really expensive TV. I
10 don't remember exactly what I said.

11 THE COURT: The next question is did you say,
12 get out, this bitch is going to burn?

13 THE WITNESS: No, I never said that.

14 THE COURT: Any further questions from the
15 jury?

16 Any brief follow-up in regards to those
17 questions, counsel?

18 MR. STERMITZ: No.

19 MR. STOVALL: No, Your Honor.

20 THE COURT: Okay. Thank you.

21 Seeing no further questions, you may step
22 down.

23 THE WITNESS: Do you want these back?

24 THE COURT: Yes, please.

1 THE WITNESS: Thank you.

2 MR. STERMITZ: The defense would rest.

3 THE COURT: Mr. Stovall -- well, ladies and
4 gentlemen of the jury, the defense has rested their case
5 in chief.

6 Mr. Stovall, any rebuttal -- any rebuttal
7 evidence?

8 MR. STOVALL: Court's indulgence, please.

9 No, Your Honor.

10 THE COURT: Okay. Ladies and gentlemen, that
11 concludes the evidence in this jury trial.

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13 (Partial proceedings concluded.)

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