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Respondent.

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**Case No. 79036**

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1 Q. And your brother's name?  
2 A. Jerry.  
3 Q. Jerry?  
4 A. Jerry Clark.  
5 Q. Okay. Is he older or younger than you are?  
6 A. He is older.  
7 Q. How old are you?  
8 A. I'm 34.  
9 Q. What's your date of birth?  
10 A. 5/16/81.  
11 Q. And then you have three sisters. Where do  
12 you fall among your sisters?  
13 A. I'm the baby of the family.  
14 Q. Who is next older than you, the next.  
15 A. Sister.  
16 Q. Terrie?  
17 A. And Terrie's last name?  
18 A. Sena.  
19 Q. Are you nervous?  
20 A. Yes.  
21 Q. That's all right. What's her date of  
22 birth?  
23 A. 10/26 oh 70.  
24 Q. What's the gap between the two of you?  
25 A. About ten years.

1 Q. And then up from there?

2 A. It would be my next sister Kimberly  
3 Grisham.

4 Q. And do you know her date of birth?

5 A. 3/29/64.

6 Q. So that makes her older than both you and  
7 Terrie, right?

8 A. Yes.

9 Q. And then from there who is the oldest?

10 A. Then I have two more sisters. It would be  
11 Mary Jo.

12 Q. About how old is she?

13 A. She's about 51.

14 Q. And above that?

15 A. Would be my sister Cheryl.

16 Q. You know why we're here about this case.

17 The older two and the younger brother have nothing  
18 really to do with this; is that correct?

19 A. Yes, that's correct.

20 Q. Now, you have children.

21 A. Yes.

22 Q. How many?

23 A. I have four.

24 Q. Okay. Specifically related to this case,  
25 how many children do you have?

- 1 A. One.
- 2 Q. And who would that be?
- 3 A. Erin Clark.
- 4 Q. And how old is Erin?
- 5 A. She's 14.
- 6 Q. What's her date of birth?
- 7 A. 12/21/2000.
- 8 Q. And Terrie, does she have kids?
- 9 A. Yes.
- 10 Q. How many?
- 11 A. Three.
- 12 Q. And they are?
- 13 A. Anita Sena, Terry Tails Sena, and Ryan
- 14 Sena.
- 15 Q. And then Kim.
- 16 A. She has two children. She has Roy Grisham
- 17 and Tamara Grisham.
- 18 Q. And as far as this case is concerned, we're
- 19 talking about Tamara Grisham.
- 20 A. Yes.
- 21 Q. How old is Tamara?
- 22 A. She's 18.
- 23 Q. And is Tamara out in the hallway waiting to
- 24 testify?
- 25 A. No.

1 Q. She's the one that left?

2 A. She's the one that left.

3 Q. She was here all day.

4 A. Yes.

5 Q. And then Erin your daughter is here.

6 A. Yes, my daughter's here.

7 Q. Do you know Christopher Sena?

8 A. Yes.

9 Q. And how do you know him?

10 A. He was married to my sister.

11 Q. To Terrie.

12 A. Terrie Sena.

13 Q. Do you see him here in court?

14 A. Yes.

15 Q. Point to him and tell me where he is  
16 sitting and what he is wearing.

17 A. Blue jumpsuit.

18 MS. HOLTHUS: Record reflect the  
19 identification of the defendant.

20 THE COURT: Yes.

21 MS. HOLTHUS:

22 Q. How old were you when you first met him?

23 A. I would have been eight years old.

24 Q. Is that when your sister first hooked up  
25 with him?

1 A. Yes.

2 Q. Terrie started -- she was with him what  
3 age?

4 A. 18.

5 Q. And did you spend time with the defendant  
6 and Terrie?

7 A. Yes.

8 Q. I'm going to have you take a look at some  
9 pictures and tell me if you recognize them first.  
10 Look through them all and then we'll take them one at  
11 a time. Okay?

12 THE COURT: These are proposed exhibits.

13 MS. HOLTHUS: These are proposed Exhibits  
14 13 through 22.

15 THE COURT: Mr. Lopez-Negrete, do you need  
16 to see them?

17 MR. LOPEZ-NEGRETE: I've seen them, Your  
18 Honor.

19 MS. HOLTHUS:

20 Q. Just look through and tell me if you  
21 recognize them all first.

22 A. Yes.

23 Q. And what do you recognize those pictures to  
24 be?

25 Who is in them?

1 A. Me.

2 Q. Are you in all of those pictures?

3 A. Yes.

4 Q. Are they -- can you tell me about the time  
5 period that those would have been taken, different  
6 time periods or all the same.

7 A. Different time period.

8 Q. Okay. Let's start first with State's  
9 Exhibit 13. That's you. Approximately how old are  
10 you in that picture?

11 A. About 16.

12 Q. And do you know who took the picture?

13 A. I don't remember.

14 Q. Okay. If your sister Terrie testified that  
15 she took that picture, do you have any reason to  
16 believe that's incorrect?

17 A. Yes.

18 Q. Yes, you believe it's incorrect?

19 A. I believe -- no, I believe it's incorrect.

20 Q. Why do you believe that if you don't know  
21 who took it?

22 A. I don't think she was around.

23 Q. Okay. Who was around?

24 A. Christopher.

25 Q. Christopher the defendant you've identified



1 previously.

2 A. Yes.

3 Q. He was in the room?

4 A. Yeah.

5 Q. Was anybody else in the room?

6 A. No.

7 Q. Did you take the picture?

8 A. No.

9 THE COURT: I'm going to need you to speak  
10 up. Everyone over here has to hear as well. Maybe  
11 you can leave the pictures there and go over there  
12 because it's too quiet.

13 MS. HOLTHUS: I've got to be able to see  
14 them.

15 THE COURT: Right. Just speak up.

16 MS. HOLTHUS: You got it.

17 Q. We're talking State's 13 you're in a pair  
18 of swimsuit or bikini underwear.

19 A. Yes.

20 Q. You were 16 at the time.

21 A. Yes.

22 Q. And there were only two people in the  
23 room.

24 A. Yes.

25 Q. It was the defendant Chris Sena and

1 yourself.

2 A. Yes.

3 Q. And you didn't take the picture.

4 A. No.

5 Q. State's Exhibit 14, where is that?

6 A. That is at my old residence.

7 Q. Okay. How old are you in that picture?

8 A. Younger than 16.

9 Q. Who took that picture?

10 A. I can't remember.

11 Q. How many -- you're naked there, right?

12 A. Yes.

13 Q. How many people have taken naked pictures  
14 of you?

15 A. One.

16 Q. And who is that?

17 A. Christopher.

18 Q. So while you don't remember, has anybody  
19 else ever taken naked pictures of you?

20 A. No.

21 Q. So State's proposed Exhibit 14 is you and  
22 the only person you know that could have taken it  
23 would have been Chris Sena.

24 A. Yes.

25 Q. 15. And again you were under 16. That was

1 at your parents' residence.

2 A. Yes.

3 Q. 15.

4 A. Yes.

5 Q. How old were you in State's proposed  
6 Exhibit 15?

7 A. 15. That was the same day.

8 Q. Again, who took the picture?

9 A. Christopher.

10 Q. The defendant?

11 A. Yes.

12 Q. State's Exhibit 16.

13 A. That was on the same day so I would have  
14 been 15.

15 Q. What is that you're putting in your mouth?

16 A. A dildo.

17 THE COURT: I'm sorry.

18 THE WITNESS: A dildo.

19 THE COURT: I need you to speak up because  
20 if I can't hear you, I know they can't.

21 MS. HOLTHUS:

22 Q. Where did you get the dildo?

23 A. Christopher handed it to me.

24 Q. Before you posed for the picture.

25 A. Yes.

- 1 Q. And, again, he took the picture.
- 2 A. Yes.
- 3 Q. State's Exhibit 17. How old are you there?
- 4 A. 16.
- 5 Q. And there's a guy there. Who is the guy?
- 6 A. Christopher.
- 7 Q. And who took the picture?
- 8 A. My sister.
- 9 Q. And obviously you're putting his penis in
- 10 your mouth.
- 11 A. Yes.
- 12 Q. State's Exhibit 18, how old are you in that
- 13 picture?
- 14 A. 16.
- 15 Q. And who is that with you?
- 16 A. My sister Terrie.
- 17 Q. And Terrie, does she appear to be pregnant
- 18 to you?
- 19 A. Yes.
- 20 Q. Do you know which baby she would have been
- 21 pregnant with?
- 22 A. Ryan.
- 23 Q. When was Ryan born?
- 24 A. June 14, '99.
- 25 Q. So if she was pregnant with him, that

1 picture would have been taken before June of '99.

2 A. Yes.

3 Q. And again the picture was taken by --

4 A. Christopher.

5 Q. Where was it taken?

6 A. I don't know where that picture was taken.

7 Q. All right. State's Exhibit 19. Is that  
8 you?

9 A. Yes.

10 Q. Where are you in that picture, can you  
11 tell?

12 A. Where I used to live in the trailer on  
13 Yellowstone.

14 Q. How old are you in that picture?

15 A. 16.

16 Q. And how is it you know you're 16. Could  
17 you have been 17, would you have been 15?

18 A. The way I used to wear my hair and the size  
19 of my breasts.

20 Q. So could you have been like 15 and  
21 11 months, could you have been 16 and nine months?

22 A. I don't know.

23 Q. So you're saying approximately 16?

24 A. Approximately 16, yes.

25 Q. State's Exhibit 20. Who is in that?

1 A. Me and my sister Terrie.

2 Q. How old are you in that picture?

3 A. 16.

4 Q. And who took that one?

5 A. Christopher.

6 Q. And who decides how you all are going --  
7 you're hugging each other and whatnot. Who directs  
8 that?

9 A. Christopher.

10 Q. Now, you both appear to be smiling, not  
11 unhappy, agreed?

12 A. Yes.

13 Q. State's Exhibit 21, I asked you. Chris  
14 took that picture.

15 A. Yes.

16 Q. State's Exhibit 21. Is that you?

17 A. Yes.

18 Q. How old are you there?

19 A. 15.

20 Q. And again you're saying you're 15 because  
21 of what?

22 A. My tan line that I have 'cause I remember  
23 being a cheerleader and that's the only time that  
24 I've ever got dark like that. I was a sophomore.

25 Q. Do you recall where that picture was taken?

1 A. My old residence.

2 Q. And who took that?

3 A. Christopher.

4 Q. Again, the defendant?

5 A. Yes.

6 Q. And State's Exhibit 22.

7 A. That's me.

8 Q. Okay. 15 years old. You were 15 years  
9 old.

10 A. Yes.

11 Q. And it's pixilated somewhat but you're able  
12 to tell.

13 A. Yes.

14 Q. What are you doing in that picture?

15 A. Holding the dildo up to my anal area.

16 Q. At whose direction was that?

17 A. Christopher's.

18 MS. HOLTHUS: Move to admit State's 13  
19 through 22.

20 THE COURT: Objection?

21 MR. LOPEZ-NEGRETTE: No objection.

22 THE COURT: Admitted. So 13 to 22 are  
23 admitted.

24 MS. HOLTHUS:

25 Q. Did you want to take these pictures for the

1 defendant?

2 A. I'm sorry.

3 Q. Whose idea was it to take the pictures?

4 A. Christopher's.

5 Q. And is it something you wanted to do?

6 A. No.

7 Q. How did he get you to do it?

8 A. He would tell me if I wanted anything to do  
9 with my sister or if I wanted anything to do with my  
10 niece or nephew.

11 Q. Did he buy you things or give you things?

12 A. No.

13 Q. So although you didn't want to, there  
14 wasn't physical force obviously.

15 A. No.

16 Q. Now, if your sister indicated that on one  
17 occasion you got concert tickets --

18 A. Yes.

19 Q. -- in exchange. Do you remember that?

20 A. No, I never got concert tickets in  
21 exchange.

22 Q. For a birthday or something.

23 A. They told me it was a birthday present.

24 MS. HOLTHUS: Thank you. I'll pass the  
25 witness.



1 (Whereupon Ms. Holthus concluded  
2 this portion of her examination  
3 at 1:38 p.m.)

4 THE COURT: Mr. Lopez-Negrete.

5 MR. LOPEZ-NEGRETE: Yes. May I see the  
6 exhibits again, 13 to 22. The State has them all.

7 MS. HOLTHUS: They're right here.

8 THE COURT: If you don't mind if you could  
9 stand by the microphone.

10 MR. LOPEZ-NEGRETE: Sure.

11 CROSS-EXAMINATION

12 BY MR. LOPEZ-NEGRETE:

13 Q. I have just a few questions for you.

14 A. Okay.

15 Q. I wanted to start up with some of these  
16 pictures, and you mentioned that there was a dildo in  
17 some of them, right?

18 A. Yes.

19 Q. And that Christopher handed it to you.

20 A. Yes.

21 Q. Where did it come from?

22 A. That I do not know.

23 Q. Did you see him walk into the room holding  
24 a dildo?

25 A. Yes.

1 Q. Where was he coming from?

2 A. Outside the room.

3 Q. Okay. And now this was happening at your  
4 parents' house; is that right?

5 A. Yes.

6 Q. And can you kind of take me through that  
7 day. What were you doing that day that led up to  
8 Christopher taking those pictures?

9 A. No, I couldn't say. I don't remember  
10 anything about that day.

11 Q. You remember nothing besides the fact that  
12 you got those pictures.

13 A. Yes.

14 Q. Okay. And did you say that Terrie was  
15 present or she was not?

16 A. She was not.

17 Q. For any of those pictures that day?

18 A. No.

19 Q. All right. What happened with the dildo  
20 after he photographed you with it?

21 A. I have no idea. I don't remember.

22 Q. You don't remember if you gave it back to  
23 him.

24 A. Well, yes, I gave it back to him.

25 Q. All right. So it's obviously not your

1 dildo.

2 A. No, it's not.

3 Q. And do you remember letting Christopher  
4 into the house?

5 A. Like I said, I can't remember anything that  
6 day.

7 Q. Well, was this something unusual for you?

8 A. No. Or, that? Yes.

9 Q. So this would have stuck out in your mind,  
10 right?

11 A. It would have but I don't remember. A lot  
12 of things in the past I can't remember especially  
13 that kind of thing.

14 Q. So tell me how did it happen that you were  
15 in the room with Christopher alone, do you remember  
16 that?

17 A. No.

18 Q. How did it happen that you ended up nude?

19 A. He was -- I don't -- I can't answer that.

20 Q. Do you remember getting undressed for him?

21 A. Yes.

22 Q. You do?

23 A. I don't remember that.

24 Q. How did that happen?

25 A. Stuff he would tell me.

1 Q. I'm sorry. Could you repeat that?

2 A. Stuff he would say to me.

3 Q. What did he say to you?

4 A. That, you know, I should be a model and  
5 take pictures and things like that.

6 Q. All right. Do you remember if it was  
7 happening in your bedroom?

8 A. Yes. It was my bedroom at the time.

9 Q. And do you remember if your parents were  
10 home?

11 A. No, I don't.

12 Q. So they could have been home.

13 A. They could have been.

14 Q. How big is this house?

15 A. It's big.

16 Q. How many rooms?

17 A. Four.

18 Q. And where is your bedroom located in the  
19 house?

20 A. It was on the other side of where the rooms  
21 were 'cause it's an old garage so it's away from the  
22 house.

23 Q. All right. How long do you think this  
24 whole episode lasted that he was there with you?

25 A. I don't remember.

1 Q. Was it easy for you to decide to get  
2 undressed after he talked to you?

3 A. No.

4 Q. So you put up some resistance.

5 A. Yes.

6 Q. And eventually what happened to change your  
7 mind about that?

8 A. When he started saying that if I loved my  
9 sister, basically if I loved my sister, I would do  
10 it.

11 Q. Okay. And what was your reaction to that?

12 A. I didn't know what to think. I had no  
13 reaction.

14 Q. But you agreed to do it.

15 A. Yes.

16 Q. And now it looks like there were about or  
17 at least we showed you, the prosecutor showed you  
18 five pictures with the dildo. Does that sound right?

19 A. Yes.

20 Q. And did you see where the camera came out  
21 of?

22 A. No.

23 Q. Did you see him walk into the room with a  
24 camera?

25 A. No.

- 1 Q. Did you have a camera in your bedroom?
- 2 A. No.
- 3 Q. Was he carrying a backpack?
- 4 A. No.
- 5 Q. So he just came in from what you remember.
- 6 A. From what I remember.
- 7 Q. Holding a dildo.
- 8 A. Not in his hand.
- 9 Q. Where?
- 10 A. Pocket.
- 11 Q. But you're not sure?
- 12 A. I'm not sure, no.
- 13 Q. Okay. And what about holding a camera.
- 14 A. I don't remember him having a camera
- 15 either.
- 16 Q. So he wasn't holding anything in his hand
- 17 from what you remember.
- 18 A. From what I remember.
- 19 Q. And you remember when he took the dildo
- 20 out.
- 21 A. No.
- 22 Q. You didn't see him take it out of his
- 23 pocket.
- 24 A. No.
- 25 Q. And you don't remember when he started

1 holding a camera.

2 A. No. I don't remember anything that day.

3 Q. But you remember being photographed.

4 A. Yeah.

5 Q. So let's go back to that. After the  
6 photographs were happening and after it was over, do  
7 you remember what you did after that?

8 A. No.

9 Q. Do you remember talking to anybody about  
10 this episode?

11 A. No. I kept it to myself.

12 Q. Even though you were living with your  
13 parents at that point.

14 A. Right.

15 Q. And you didn't have anything -- Chris  
16 wasn't there. He left, right, after the photos were  
17 taken?

18 A. Yes.

19 Q. So you had the ability to talk to your  
20 parents about that.

21 A. Yes.

22 Q. You had the ability to talk to Terrie about  
23 that.

24 A. Yes.

25 Q. But you didn't talk to any of them.

1 A. No.

2 Q. But this really upset you.

3 A. Yes.

4 Q. And you said that you were 15 years old?

5 A. Yes.

6 Q. Sorry. Go ahead. You were 15 years old.

7 A. Yes.

8 THE COURT: Which pictures are you  
9 referring to.

10 MR. LOPEZ-NEGRETTE: And these are the same  
11 day we're talking about the pictures with the dildo.

12 THE COURT: Which are?

13 MR. LOPEZ-NEGRETTE: Those are 14, 15, 16,  
14 21 and 22.

15 Q. And if you could just answer or give me  
16 more details about how you remember your age for this  
17 particular day.

18 A. Because when I was a cheerleader that's the  
19 only time that I was able to tan like that and that  
20 was 15 when I was a sophomore and that's the only  
21 time I did cheerleading.

22 Q. So you would never get tanned at any other  
23 event.

24 A. No, 'cause I --

25 Q. You do remember going over to Christopher's



1 and Terrie's house, correct?

2 A. Yes.

3 Q. They have a pool, right?

4 A. Around then, no.

5 Q. Around then they didn't. All right. Would  
6 you go to a pool around that time anywhere else?

7 A. No.

8 Q. You wouldn't swim.

9 A. No.

10 Q. All right. So the only time that you would  
11 be able to get tanned would be when you were --

12 A. A cheerleader.

13 Q. -- wearing a cheerleading outfit --

14 A. Yes.

15 Q. -- at the school.

16 A. No. We went to summer camp. It would be  
17 from day to night and we were outside so . . . .

18 Q. Where was the summer camp exactly?

19 A. UNLV.

20 Q. And how long did the summer camp last?

21 A. Four days.

22 Q. Four days?

23 A. Yes.

24 Q. And it was during this period, those four  
25 days that this happened.

1 A. No. I tanned and stayed tan for a while.

2 Q. How long do you think you stayed tan?

3 A. About a month.

4 Q. A month after that?

5 A. Somewhere around there.

6 Q. And was this the first time that Chris ever  
7 photographed you naked?

8 A. No.

9 Q. Which was the first time?

10 A. I couldn't remember.

11 Q. You can't remember?

12 A. No.

13 MR. LOPEZ-NEGRETTE: Court's indulgence.

14 THE COURT: Yes.

15 MR. LOPEZ-NEGRETTE:

16 Q. How long were you living with your parents  
17 at that residence?

18 A. Over 20 years.

19 Q. 20 years?

20 A. Yes.

21 Q. Okay. So when did you finally move out of  
22 there?

23 A. Five years ago.

24 Q. So you were living at your parents' house  
25 when you were pregnant with Erin.

1 A. Yes.

2 Q. All right. And let me ask you again about  
3 the pictures. How many times -- is this the first  
4 time that you've seen these pictures?

5 A. Yes.

6 Q. Today?

7 A. No.

8 Q. Okay. Tell me the first time that you saw  
9 these pictures.

10 A. When -- I can't remember the date. It was  
11 two months ago, back in September.

12 Q. All right. What were the circumstances  
13 behind that, did you go to the prosecutor's office?

14 A. Prosecutor.

15 Q. And did you see all of these pictures?

16 A. Yes.

17 Q. Did you see more than that?

18 A. Yes.

19 Q. And you went through more than these  
20 pictures.

21 A. Yes.

22 Q. And what was your understanding about why  
23 you had to look at those?

24 A. To tell him how old I was in the pictures  
25 if I was over 18.

1 Q. They asked you specifically if you were  
2 over 18 to look for that particular age.

3 A. No. They told me to look for ones that I  
4 was 16 or younger.

5 Q. Okay. So when you were looking at the  
6 pictures, you had in mind the particular age of  
7 16 years old, right?

8 A. Right.

9 Q. And you went through more than the ones  
10 you've gone through today.

11 A. Yes.

12 Q. And you discarded some.

13 A. Yes.

14 Q. And you said that those were, you were  
15 older than that; is that right?

16 A. Yes.

17 Q. Did the prosecutor or the police talk to  
18 you about what relevance your age had to the charges?

19 A. Yes.

20 Q. What did they say?

21 What was your understanding?

22 A. I can't --

23 Q. You remember being interviewed by the  
24 detective, correct?

25 A. Yes.

1 Q. And you said that you were there to press  
2 charges --

3 A. Right.

4 Q. -- against Christopher.

5 A. Yes.

6 Q. So looking at these charges was also in  
7 line with that; is that correct?

8 A. Yes.

9 Q. Looking at the other pictures that you  
10 discarded as well.

11 A. Yes.

12 Q. Now, when you talked with the police about  
13 the pictures, actually you told them that some of  
14 these pictures were taken in the trailer on  
15 Yellowstone. Do you recall that?

16 A. Yes.

17 Q. And you told the police that you were 17 or  
18 18 years old.

19 A. Right.

20 Q. And do you remember that you told the  
21 police -- you told Christopher took some of these  
22 pictures because there were prior ones that were  
23 destroyed.

24 A. Yes.

25 Q. And actually Terrie knew that he was taking

1 pictures of you; is that right?

2 A. Yes.

3 Q. And I think you said that she wasn't  
4 present for most of the pictures that we're talking  
5 about today, right?

6 A. Right.

7 Q. But Chris wanted to compare body types. Is  
8 that why he was taking these pictures?

9 A. Yes.

10 Q. So you didn't talk about him complimenting  
11 you and saying you should be a model or that kind of  
12 thing to the police, right?

13 A. Right.

14 Q. So you're telling that for the first time  
15 today.

16 A. Yes.

17 Q. And you also told the police that there was  
18 other types of abuse besides these pictures that  
19 Christopher did upon you, right?

20 A. Yes.

21 Q. But you didn't tell anybody what was going  
22 on, right?

23 A. Right.

24 Q. Now, you told the police that you didn't  
25 learn about sex from your parents, right?

1 A. Yes.

2 Q. Where did you learn it from?

3 A. Christopher and Terrie.

4 Q. So you didn't take any health classes or  
5 anything like that.

6 A. No.

7 Q. You didn't speak with your friends about  
8 sex.

9 A. No.

10 Q. You didn't watch TV.

11 A. I watched TV but not shows like that.

12 Q. Okay. And you didn't know anything about  
13 sex except for what Christopher and Terrie told you;  
14 is that right?

15 A. Yes.

16 Q. Now, you also decided not to tell anybody  
17 about what was going on because Terrie convinced you;  
18 is that right?

19 A. No.

20 Q. Do you remember speaking with the police  
21 and telling them that you were concerned about taking  
22 Anita and Tails' father away from them?

23 A. Yes.

24 Q. And that Terrie was convincing you not to  
25 say anything.

1 A. Right.

2 Q. Do you remember that now?

3 A. Yes.

4 Q. And part of your concern was how Anita and  
5 Tails would feel about you if you sent away their  
6 father --

7 A. Yes.

8 Q. -- to prison, right?

9 A. Yes.

10 Q. You wanted to make sure -- your questioning  
11 was who would be there for them, right?

12 A. Right.

13 Q. But your grandparents were living in town,  
14 right?

15 A. No. They're my parents.

16 Q. I'm sorry. Your parents. Excuse me. Is  
17 that right?

18 A. That's right.

19 Q. So there was other family in town besides  
20 Christopher --

21 A. Yes.

22 Q. -- and Terrie.

23 A. Yes.

24 Q. And do you remember speaking with Terrie  
25 multiple times about this abuse that Christopher did



1 upon you?

2 A. No.

3 Q. Do you remember at one time that  
4 Christopher tried to have sexual intercourse with you  
5 while you were pregnant with Erin?

6 A. Yes.

7 Q. And Terrie was present.

8 A. Yes.

9 Q. And she told him to back off?

10 A. Yes.

11 Q. And you smacked away his hand.

12 A. Yes.

13 Q. Now, you told her on her birthday about  
14 some of this; is that right?

15 A. Yes.

16 Q. And you said that she was upset.

17 A. She was upset, yes.

18 Q. So she had no idea about this.

19 A. She said she had a feeling but she wasn't  
20 sure.

21 Q. So she had suspicions.

22 A. Yes.

23 Q. Now, it was around that time that you  
24 realized that Chris shouldn't be doing anything like  
25 that to you, right?

1 A. Right.

2 Q. And by the time you turned 18 years old,  
3 you started going through different sources --

4 A. Right.

5 Q. -- besides Christopher and Terrie.

6 A. Right.

7 Q. But before that you thought the  
8 relationship you had with Christopher was all right.

9 A. Yes.

10 Q. But later you realized that he was sick.

11 A. Yes.

12 Q. As you got older --

13 A. Yes.

14 Q. -- you realized that he was perverted.

15 A. Yes.

16 Q. And that's when you stopped going over  
17 there.

18 A. Yes.

19 Q. Now, you would take Erin over to  
20 Christopher's house, right?

21 A. Yes.

22 Q. How often would you take her?

23 A. She would go I'd say every other weekend.

24 Q. And how old was she when you first took  
25 her?

1 A. She was in fifth grade.

2 Q. And would she only go when Terrie was  
3 there?

4 A. Yes.

5 Q. And were you the only person that took her  
6 over there?

7 A. Sometimes Terrie would come get her and  
8 sometimes Chris.

9 Q. Terra did you say?

10 A. No. Sometimes Terrie would pick her up and  
11 sometimes Christopher picked her up.

12 Q. This was after you were pregnant with Erin  
13 Christopher tried to abuse you, right?

14 A. Yes.

15 Q. What kind of relationship do you have with  
16 Erin?

17 A. We're really close.

18 Q. You didn't know that she was being  
19 victimized?

20 A. No, I didn't.

21 Q. And why did she stop going over there?

22 A. She was scared.

23 Q. Did she tell you she was scared?

24 A. She told me she was scared, yeah.

25 Q. How did that happen?

1 A. She just said she was really scared.

2 Q. About what?

3 A. Being alone with Christopher.

4 Q. Now, did you also tell the police that you  
5 found out about this from Ryan?

6 A. Yes.

7 Q. Tell me what did Ryan tell you.

8 A. Ryan had told --

9 MS. HOLTHUS: I'm going to object as  
10 hearsay.

11 MR. LOPEZ-NEGRETTE: It's for the effect of  
12 the listener not for the truth of the matter.

13 THE COURT: I'll allow it. You can answer.

14 THE WITNESS: Can you repeat the question.

15 MR. LOPEZ-NEGRETTE:

16 Q. What did Ryan tell you?

17 A. Ryan told me that there was an incident  
18 that Chris --

19 MS. HOLTHUS: I want to go hearsay and then  
20 I want to go relevance because the effect on the  
21 listener of these statements isn't really relevant to  
22 our proceeding.

23 THE COURT: Okay. So you're making an  
24 objection based on relevance.

25 MS. HOLTHUS: Correct.

1 MR. LOPEZ-NEGRETTE: Your Honor, I think it  
2 would obviously be our theory of defense and if the  
3 Court would like, I can approach and discuss that ex  
4 parte.

5 I think it's relevant also because it's  
6 regarding disclosure and Melissa's taking Erin over  
7 to this residence while at the same time she's saying  
8 that she wasn't aware of the victimization.

9 MS. HOLTHUS: The limited scope of this  
10 witness possessing child pornography photographs of  
11 her. He's now asking about other victims. She's not  
12 acknowledging referred or that. None of that is  
13 relevant to the Court's finding of probable cause.  
14 It's pure hearsay. She's trying to circumvent the  
15 hearsay by making (inaudible) but it has no probable  
16 cause to this hearing at all in any event.

17 MR. LOPEZ-NEGRETTE: Her credibility is  
18 always at issue. She is testifying the circumstances  
19 of the pictures, her age, and obviously if she's  
20 making other statements I can impeach her credibility  
21 and it becomes relevant.

22 THE COURT: I'll allow it. Overruled.

23 MR. LOPEZ-NEGRETTE:

24 Q. So can you tell us about what Ryan told  
25 you.

1 A. Ryan just told us about his stories.

2 Q. When did this happen?

3 A. I don't remember time frame.

4 Q. All right. Go on. Tell me what you were  
5 saying before.

6 A. That he told me that Erin was also part of  
7 Chris's abuse. That's what he told me.

8 Q. So it was your understanding that Ryan saw  
9 some of this or that Erin told him?

10 A. Erin told him.

11 Q. But she didn't tell you.

12 A. No.

13 Q. But you guys have a very close  
14 relationship.

15 A. We do, but she was scared to tell me.

16 Q. Now, when you got older, you felt like you  
17 needed to talk to somebody about all this; is that  
18 right?

19 A. Yes.

20 Q. And did you speak with your boyfriend about  
21 it?

22 A. Yes.

23 Q. More or less tell me when did that happen.

24 A. When I first started dating him.

25 Q. Dating him.

1 A. Yes.

2 Q. And how old were you when that happened,  
3 when that started?

4 A. It was about five years from now. I'm 34  
5 so what is that? 29.

6 Q. All right. Now, does that boyfriend happen  
7 to be Erin's father later or is that somebody else?

8 A. No, it's not Erin's father. Somebody else.

9 Q. Did you talk with Erin's father?

10 A. No.

11 Q. You never told him about what was going on  
12 and Christopher trying to have sex with you.

13 A. No. I never told anybody.

14 Q. Now you spoke with Tamara,; is that right?

15 A. Yes.

16 Q. Can you tell me when that happened?

17 A. Within the last couple years 'cause she  
18 was -- about three years ago 'cause the age she was  
19 was the age that it started with me.

20 Q. All right. You didn't want the same thing  
21 to happen to her, right?

22 A. Right.

23 Q. You would see Tamara over at Christopher  
24 and Terrie's.

25 A. Yes.

1 Q. And you didn't approach her before that.

2 A. No.

3 Q. Why not?

4 A. I felt like she wouldn't believe me.

5 Q. What kind of relationship do you have with  
6 Tamara?

7 A. We have an all right relationship.

8 Q. So you would have no reason to think that  
9 she wouldn't believe you, is that right, or what made  
10 you think that she wouldn't believe you?

11 A. I don't know, just -- I don't know. Nobody  
12 would believe me so . . . .

13 Q. And ultimately you did speak with Erin  
14 about it, right?

15 A. Yes.

16 Q. Beyond saying she was scared, was there  
17 anything else she told you specifically?

18 A. She felt, you know, I don't know how to --  
19 basically she felt like he took her childhood,  
20 insecure.

21 THE COURT: I'm sorry. Who is this?

22 / / /

23 MR. LOPEZ-NEGRETTE:

24 Q. We're talking about Erin your daughter.

25 A. Yes.



1 Q. You felt that -- Erin told you that Chris  
2 had taken her what?

3 A. Childhood.

4 MS. HOLTHUS: I'm going to object on the  
5 same ground. Hearsay.

6 MR. LOPEZ-NEGRETTE: I'm asking about the  
7 effect on Melissa.

8 MS. HOLTHUS: What effect does the fact  
9 that her daughter whatever she felt about being  
10 molested by some guy how did this make this hearsay  
11 somehow relevant?

12 MR. LOPEZ-NEGRETTE: Again, Your Honor, it's  
13 regarding her account all these pictures and  
14 everything else surrounding her abuse and how she  
15 responds, how she reacts, what she does in response  
16 to how that bears on her credibility.

17 MS. HOLTHUS: That's way outside the  
18 scope. We put her on for the photographs of her.  
19 He's now expanded that tremendously and he just keeps  
20 throwing the blanket and asking for all kind of  
21 statements that are admissible.

22 MR. LOPEZ-NEGRETTE: If you would like, I  
23 can recall her and conduct some direct examination.  
24 I thought it would be easier this way.

25 THE COURT: No. We're going to allow you

1 ask all the questions now. I allow wide open  
2 cross-examination so if you want him to, but I don't  
3 see the point. He can call her as a witness.

4 MS. HOLTHUS: I still object to the  
5 relevance. I still don't see regardless of what we're  
6 talking about how what these kids thought or felt if  
7 that has everything -- all hearsay -- quite frankly  
8 --

9 THE COURT: You're arguing relevance. Now  
10 you're going back to hearsay.

11 MS. HOLTHUS: I'm saying he's using his  
12 relevance argument to circumvent hearsay.

13 THE COURT: It's not being admitted for the  
14 truth of the matter. It's being admitted for the  
15 limited effect it had on her and to test her  
16 credibility. That's the purpose. That's what I'll  
17 allow it for so overruled.

18 MR. LOPEZ-NEGRETTE: Thank you.

19 Q. So you spoke with Erin about abuse that she  
20 told you she was suffering; is that right?

21 A. Correct, but she didn't tell me everything.

22 Q. She didn't tell you everything.

23 A. No.

24 Q. Okay. What did you do in response to  
25 speaking with her about that?

1 A. I couldn't do nothing. I was upset but I  
2 couldn't do anything, physically.

3 Q. Did you call the police?

4 A. No.

5 Q. Did you call Terrie?

6 A. No.

7 Q. Did you call --

8 A. I didn't call nobody.

9 Q. I'm sorry.

10 A. I didn't call nobody.

11 Q. You didn't call CPS.

12 A. No.

13 Q. Did you take Erin to get some therapy?

14 A. No. She didn't want it.

15 Q. She didn't want therapy; is that right?

16 A. That's right.

17 Q. Now, you are her mother.

18 A. Right.

19 Q. And you make decisions for her all the  
20 time, correct?

21 A. Yes.

22 Q. Decisions that would be in her best  
23 interest.

24 A. Correct.

25 Q. Sometimes despite her own wishes.

1 A. Yes.

2 Q. Because you want to protect her.

3 A. Right.

4 Q. That's your job.

5 A. Right.

6 Q. But you didn't decide to take her to  
7 therapy.

8 A. No.

9 Q. Did she ever see a doctor?

10 A. About?

11 Q. About the abuse.

12 A. No.

13 Q. Was she diagnosed with depression --

14 A. No.

15 Q. -- as far as you know?

16 MS. HOLTHUS: Can I object to this as  
17 hearsay based any diagnosis. That would come from a  
18 doctor and so that would be pure hearsay.

19 MR. LOPEZ-NEGRETTE: I'll rephrase, Your  
20 Honor. I'll move on.

21 THE COURT: Thank you.

22 MR. LOPEZ-NEGRETTE:

23 Q. Now, do you remember a time when Erin had  
24 lice?

25 A. Yes.

1 Q. And do you remember taking her over to  
2 Christopher and Terrie's?

3 A. Yes.

4 Q. Did she go back to Christopher and Terrie's  
5 after she had lice?

6 A. Yes.

7 Q. And you mentioned that you have a brother  
8 named Jerry; is that right?

9 A. Yes.

10 Q. Does he live in town?

11 A. No.

12 Q. Where did he live?

13 A. He lives in Illinois.

14 Q. Do you have contact with him?

15 A. No.

16 Q. How about Mary Jo.

17 A. No. She lives in California.

18 Q. Do you have contact with her?

19 A. No.

20 Q. And Cheryl.

21 A. No.

22 Q. Do you have contact with her?

23 A. No.

24 Q. Had they been out of state during this  
25 whole period? In other words have they lived out of

1 state this whole time?

2 A. Mary Jo and Jerry, yes. Cheryl, no.

3 Q. Cheryl was here at the time that some of  
4 these pictures of you were taken.

5 A. Yes.

6 Q. You didn't speak with her about it.

7 A. No.

8 MR. LOPEZ-NEGRETTE: Court's indulgence.

9 Pass the witness.

10 (Whereupon Mr. Lopez-Negrete

11 concluded his examination

12 at 2:06 p.m.)

13 REDIRECT EXAMINATION

14 BY MS. HOLTHUS:

15 Q. Can you tell me -- defense was asking you  
16 about some conversation you had with Ryan in which he  
17 told you what was going on with him and the abuse.

18 When was that?

19 A. Last year.

20 Q. Was that the first time you heard about it?

21 A. Yes.

22 Q. So was that after he had already gone to  
23 the police.

24 A. Yes.

25 Q. Before the police were involved, had Ryan

1 told you anything?

2 A. No.

3 Q. Had Tamara told you anything?

4 A. No.

5 Q. Had Erin told you anything about this?

6 A. No.

7 Q. So you didn't know anything about this

8 until it already was out there.

9 A. Yes.

10 Q. The time for the last couple of years with

11 Tamara you were just guessing.

12 A. Yes.

13 Q. But it was all after the defendant's

14 arrest.

15 A. Yes.

16 Q. These pictures that we looked through, 13

17 through 22, do you recall going through these with

18 Mr. Sweetin both this morning and on a previous

19 occasion?

20 A. Yes.

21 Q. And do you not recall specifically telling

22 him that these were the photographs that you were

23 under the age of 16?

24 A. Yes.

25 Q. So now you're saying 16. Were you under 16

1 at this time or 16?

2 MR. LOPEZ-NEGRETTE: Objection, asked and  
3 answered.

4 THE COURT: Overruled.

5 THE WITNESS: I was around 16.

6 MS. HOLTHUS: Okay.

7 Q. I need to know specifically to the extent  
8 that you can -- I'm going to ask you to look at them  
9 one more time with the understanding that we need to  
10 know, look how far you want. Our understanding was  
11 you were 15 or younger.

12 A. Yes.

13 MR. LOPEZ-NEGRETTE: Your Honor, objection.  
14 At this point I think it has been asked and  
15 answered. I don't know what time she looked at the  
16 pictures already.

17 THE COURT: There's some change in her  
18 testimony. I think you went through each one and  
19 designated whether she was 15 or 16. What's  
20 changed?

21 MS. HOLTHUS: Because of something she said  
22 earlier.

23 MR. LOPEZ-NEGRETTE: That would make them  
24 witnesses in their own case. I would object to that.

25 THE COURT: I'm not sure -- what was the



1 inconsistency because Mr. Lopez-Negrete was asking  
2 specific ones and I have identified the one he  
3 specifically asked about so is it during his  
4 cross-examination?

5 MS. HOLTHUS: Well, he was going through  
6 how she knew she was 15 or 16 and I want her to look  
7 at these based upon his cross-examination to see if  
8 that would impact what he believes her age was at the  
9 time. Our understanding these were all 15 and under.

10 THE COURT: Which exhibit?

11 MS. HOLTHUS: 13 through 22.

12 THE COURT: 13 through 22.

13 Mr. Lopez-Negrete, the photos you were asking about.

14 MR. LOPEZ-NEGRETE: Those were Exhibits 15,  
15 16, 21 and on those I believe she already testified  
16 regarding her age. The other ones she said that she  
17 was 16 years old on the -- those exhibits, the one  
18 with the dildo I think she had testified previously  
19 that she was around 15 or something like that.

20 THE COURT: All right. So go ahead and  
21 show her those photos that Mr. Lopez-Negrete  
22 referenced during his cross-examination which I think  
23 are 14, 15, 16, 21, and 22, correct?

24 MS. HOLTHUS: 14.

25 THE COURT: 14, 15, 16, 21, 22.

1 MS. HOLTHUS: So it's the Court's position  
2 --

3 THE COURT: I don't know. I asked you what  
4 photos are you asking about and I'm asking again.

5 MS. HOLTHUS: What I was trying to avoid  
6 instead of singling them out so it didn't telegraph  
7 something to the witness. I was going to have her go  
8 through them again as a packet. I thought if I  
9 singled it out --

10 THE COURT: That's fine. I'll allow it.

11 MR. LOPEZ-NEGRETTE: For the record she  
12 already went through the packet one by one and she  
13 said how old she thought she was for each one  
14 already. When she was cross-examined we specifically  
15 talked about the ones with the dildo which were all  
16 happening on the same day so maybe she can clarify  
17 regarding those pictures but anything else I think is  
18 again duplicative. She's already asked that question  
19 and it has been answered.

20 THE COURT: I'm going to allow her to show  
21 the photos that were shown to clarify.

22 MS. HOLTHUS: Thank you.

23 THE COURT: Of course if she changes her  
24 response, then you can follow-up.

25 MS. HOLTHUS:

1 Q. How old were you in Exhibit 13?

2 A. I was 16.

3 THE COURT: You're going to have to speak  
4 up.

5 THE WITNESS: Okay. So sorry. Around 16.

6 MS. HOLTHUS:

7 Q. When you say "around 16," does that mean  
8 15, 17? What are you relying on in the picture to  
9 tell you how old you are?

10 THE COURT: Before you go any further,  
11 what's the Exhibit number?

12 MS. HOLTHUS: 13.

13 THE COURT: 13.

14 THE WITNESS: My body shape.

15 MS. HOLTHUS:

16 Q. So what grade were you in?

17 A. Junior.

18 Q. You kind of asked that with a question  
19 tone.

20 A. I was a junior.

21 Q. Junior in high school.

22 A. Uh-huh.

23 Q. Exhibit 14.

24 A. 15.

25 Q. Exhibit 15.

1 A. 15.

2 Q. 16.

3 A. 15.

4 Q. These are out of order. 17.

5 A. 16.

6 Q. What -- what is the difference between 16,  
7 Exhibit 16 and Exhibit 17 that makes you believe  
8 you're a year older?

9 A. The way I used to wear my hair.

10 Q. So are you saying your hair is different  
11 here than it is there?

12 A. Yes.

13 MS. HOLTHUS: For the record I was  
14 indicating from 17 to 16.

15 Q. And 18.

16 A. 16.

17 Q. And 19.

18 A. 16.

19 Q. 20.

20 A. 16.

21 Q. 21.

22 A. 15.

23 Q. And 22.

24 A. 15.

25 Q. So 20, 19, 18, and 17 you believe 16, and

1 13 -- what was 13?

2 A. 16.

3 Q. So then we have 14, 15, 16, 21, and 22 that  
4 you believe you were 17 or 16. I'm sorry.

5 A. 15.

6 Q. And those were all the ones taken what you  
7 believe would be the same day with the dildo in the  
8 defendant's room?

9 A. No, that's my old room.

10 Q. Okay. Then these are different days but  
11 all the remaining exhibits --

12 A. Yes.

13 Q. -- when you were 16. They were taken in  
14 different places.

15 A. Right.

16 MS. HOLTHUS: Nothing further.

17 (Whereupon Ms. Holthus concluded  
18 her examination at 2:15 p.m.)

19 THE COURT: Anything further?

20 MR. LOPEZ-NEGRETTE: No thank you, Your  
21 Honor.

22 THE COURT: Thank you. You're free to go.

23 (Whereupon Melissa Clark  
24 was excused from the witness  
25 stand at 2:15 p.m.)

1 THE COURT: Next witness.

2 MS. HOLTHUS: Let's do Erin Clark.

3 THE COURT: Okay. So the exhibits that I  
4 have admitted at this time are 5, 7, 8, 9, 11, 12, 13  
5 and, 24. Correct? We can keep them separated. Are  
6 we clearing the courtroom for this witness? How old  
7 is she?

8 MS. HOLTHUS: Are you okay?

9 THE COURT: Anybody who is not an essential  
10 witness clear the courtroom.

11 MS. HOLTHUS: There's only advocates and  
12 lawyers in the room.

13 THE COURT: She is only 14. Everybody step  
14 out except for the advocate, please.

15 MS. RADOSTA: Actually, Your Honor, from  
16 this point forward I'm invoking, I'm asking the  
17 exclusionary rule be invoked. I don't think there  
18 was any witnesses.

19 MS. HOLTHUS: There were not.

20 THE WITNESS: I'm going to throw up.

21 (Whereupon a recess was taken  
22 from 2:18 p.m. until 2:30 p.m.  
23 after which the following  
24 proceedings took place:)

25 THE COURT: All right. Let's call -- which

1 detective are you ready on?

2 MR. SWEETIN: Detective Corral.

3 WILLIAM KARAU,

4 having first duly affirmed to tell

5 the truth under the pain and penalty

6 of perjury, was examined and testified

7 as follows:

8 THE CLERK: Please be seated. State your

9 name and spell it for the record.

10 THE WITNESS: William Karau, W-I-L-L-I-A-M

11 K-A-R-A-U.

12 DIRECT EXAMINATION

13 BY MR. SWEETIN:

14 Q. Detective Karau, how are you currently

15 employed?

16 A. Detective Las Vegas Metropolitan Police

17 Department.

18 Q. How long have you been so employed?

19 A. 15 years in January.

20 Q. How were --

21 (Overlapping speakers --

22 verbatim record unattainable.)

23 THE WITNESS: Juvenile sexual abuse

24 section.

25 MR. SWEETIN:

1 Q. How long have you been assigned there?

2 A. Five years and a few months.

3 Q. I want to turn your attention to September  
4 18th of 2014. Were you still employed and on duty  
5 that day?

6 A. Yes.

7 Q. On that day did you have occasion to assist  
8 in a search warrant at the residence of 6012  
9 Yellowstone here in Las Vegas, Clark County?

10 A. Yes.

11 Q. Could you describe what your assistance in  
12 the search warrant was?

13 A. When we first realized we were going to do  
14 the search warrant, myself and another detective,  
15 Detective Madsen (phonetic) responded to keep an eye  
16 on it to see if we could see anybody coming and  
17 going.

18 We were there a good part of the evening,  
19 well over six hours if I recall, and then when SWAT  
20 arrived, we left briefly, came back. At that time  
21 SWAT had served the search warrant and then we  
22 assisted with searching for evidence.

23 Q. As you were assisting in the execution of  
24 that search warrant, did you become aware of certain  
25 individuals who were removed from the residence as



1 you arrived?

2 A. Yes, Detective Samples was with the  
3 defendant and there was also one other person there  
4 Terry Tails I believe if I remember right.

5 Q. So Chris Sena and Terry Tails Sena were  
6 present at the residence?

7 A. I believe so.

8 Q. The warrant was served; is that correct?

9 A. Yes.

10 Q. Now, subsequent to that time after the  
11 residence was clear, did you go execute that search  
12 warrant?

13 A. Yes, sir.

14 Q. And among other things were you looking for  
15 electronic storage devices, computers, things of that  
16 sort?

17 A. Yes.

18 Q. Did you locate such items within the  
19 residence?

20 A. Yes, several.

21 Q. And where did you locate those items?

22 A. There was an office in the back of the  
23 property kind of a stand-alone building which  
24 consisted of an office and it had a kitchenette and a  
25 bathroom in it.

1 Q. And you indicated an office. Was there a  
2 desk there and various other things?

3 A. Yes.

4 Q. Based upon your finding in that particular  
5 location, were you able to retrieve speakers, items  
6 of electronic storage at that particular location?

7 A. Yes.

8 Q. Upon retrieving those items, what did you  
9 do with them?

10 A. The smaller items that would fit we had an  
11 evidence bag in the middle of the room and we put the  
12 items and we sealed it up and went through the normal  
13 procedure with the larger items, the computer and  
14 things like that before, everything was actually  
15 sealed up and booked.

16 Q. And you mentioned ultimately things were  
17 sealed up and booked; is that correct?

18 A. Yes.

19 Q. When was that sealed up and booked?

20 A. When we were done with the search warrant,  
21 we took all the evidence that we brought it back to  
22 our office and basically completed the property  
23 reports and put evidence seals and labels and things  
24 like that on everything before we had the evidence  
25 vault come and take possession of it.

1 Q. And ultimately did the evidence vault take  
2 possession of the items that you retrieved in the  
3 execution of that search warrant?

4 A. Yes.

5 Q. Did the items remain in your sole care and  
6 custody from the time they were retrieved at that  
7 residence until the time they were relinquished to  
8 the evidence vault?

9 A. Yes.

10 Q. Now, among the items that you seized and  
11 booked into evidence, would that include a package  
12 six item No. 25, a Data Travel G3 thumb drive?

13 A. Yes.

14 Q. And that item was booked into evidence in  
15 this case which would you agree with me LVMPD  
16 1409151583?

17 A. Yes.

18 MR. SWEETIN: Pass the witness.

19 (Whereupon Mr. Sweetin concluded  
20 his examination at 2:35 p.m.)

21 CROSS-EXAMINATION

22 BY MS. RADOSTA:

23 Q. Officer Kurau, my last name is Radosta so  
24 you can feel free to --

25 THE COURT: Just call him detective.

1 MS. RADOSTA:

2 Q. The serving of the search warrant wasn't  
3 the only involvement you had in this particular case;  
4 is that correct?

5 A. That's correct.

6 Q. You actually were involved in this case  
7 prior to the search warrant being served.

8 A. Yes. At some point pretty much our whole  
9 squad was.

10 Q. The "whole squad" meaning the entire sex  
11 assault squad?

12 A. The specific juvenile sex abuse most had at  
13 least some involvement in this case.

14 Q. And are you talking about the detectives?

15 A. Correct.

16 Q. And how many detectives are in that squad?

17 A. At the time there were seven and a  
18 sergeant.

19 Q. And so it's your recollection that prior to  
20 the search warrant being served on September 18th  
21 that almost everybody in the unit had some hands-on  
22 experience with this particular case.

23 A. For the most part, yes.

24 Q. And regarding your hands-on experience,  
25 part of your participation in this was that you

1 interviewed actually Deborah Sena, correct?

2 A. Myself and Detective Madsen did, yes.

3 Q. Did you interview anybody else prior to the  
4 search warrant being served?

5 A. No.

6 Q. It was Deborah and that was it.

7 A. Correct.

8 Q. Do you recall in relationship to when the  
9 search warrant was served when the interview with  
10 Deborah was?

11 A. I believe the interview with Deborah was  
12 probably late that afternoon and by the time the  
13 actual search warrant was executed it was the next,  
14 very early the next morning. If I recall shortly  
15 after midnight, somewhere around there.

16 Q. So when we're talking September 18th, we're  
17 talking 1:00 or 2:00 o'clock in the morning on that  
18 day.

19 A. Somewhere around there.

20 Q. That's when the search warrant was served.

21 A. Yes.

22 Q. And you also indicated that you had been at  
23 the residence for a while prior to the actual service  
24 by SWAT of the search warrant.

25 A. Near the residence, yes.

1 Q. Near the residence.

2 A. Yes.

3 Q. How long were you at the residence prior to  
4 the search warrant actually being served?

5 A. If I had to guess, I don't know  
6 specifically. It was around six hours or so.

7 Q. Okay. Would that information, would that  
8 have been contained within like call logs with  
9 Metro?

10 Would you have like reported your location  
11 and that you were at that location for six hours or  
12 five hours or whatever?

13 A. Yes.

14 Q. And you said that you left for a brief  
15 period of time when SWAT arrived.

16 A. Uh-huh.

17 Q. Why is that?

18 A. We really had to use the bathroom because  
19 we'd been sitting there about six hours.

20 Q. So it's not protocol that you left. It was  
21 necessary.

22 A. Well, we were basically relieved because  
23 the rest of our squad was with SWAT at the briefing  
24 so we weren't necessarily immediately needed at that  
25 point so we had somebody relieve us.

1 Q. Do you recall who relieved you at the  
2 scene?

3 A. Well, our job was just to kind of keep an  
4 eye on it so I guess you'd say the SWAT team relieved  
5 us.

6 Q. And you let them know you were leaving and  
7 coming back I assume.

8 How long was it before you were able to  
9 enter the house after SWAT arrived if you recall?

10 A. I think it was we were coming back from I  
11 think we went to Jack in the Box or a convenience  
12 store or something and when we were coming back they  
13 were finishing up so it was maybe 20 minutes from the  
14 time that we left where we were to when we got back  
15 and then it was right about then when it was okay to  
16 go in.

17 Q. And when you say they were finishing up,  
18 what do you mean by that, that they were securing the  
19 location?

20 A. Yes, they finished their search.

21 Q. Okay. So you were not present when SWAT  
22 entered the residence.

23 A. No.

24 Q. Was anybody from your squad present when  
25 SWAT entered the residence if you know?

1 A. I don't know for sure.

2 Q. Okay. Would that have been a typical thing  
3 to do for somebody from your squad to accompany  
4 SWAT when the actual entry into the house was being  
5 made?

6 A. It would not.

7 Q. Okay. SWAT goes in first.

8 A. Correct.

9 Q. And if you know, secures the scene, secures  
10 anybody inside. Is that a fair statement?

11 A. Yes.

12 Q. And the detectives come in afterward.

13 A. Correct.

14 Q. Okay. Were you the first to get back into  
15 -- the first one in your squad to get back into the  
16 office area?

17 A. I think it was kind of -- I mean it was  
18 kind of a larger area so it was all kind of together.

19 Q. And you knew going in that you were looking  
20 for computer equipment or potential video equipment,  
21 correct?

22 A. Correct.

23 Q. That was one of the things that you were  
24 specifically looking for based on your interview with  
25 Deborah and other people?



1 A. Yes.

2 Q. So when you located the computer or when  
3 somebody from the squad located the computer in that  
4 back office, were photographs taken of its location?

5 A. There was an I.D. person, CSI person was  
6 there and photographed the entire room before we  
7 moved anything.

8 Q. Okay. And as far as you know, those  
9 photographs have been booked into evidence from the  
10 I.D. tech.

11 A. Yes.

12 Q. And you were aware that you were looking  
13 for video equipment because Deborah actually had told  
14 you to look for video equipment, correct?

15 A. Yes.

16 Q. She was aware that videotaping was being  
17 done in the house, correct?

18 A. Yes.

19 Q. Of some of the sexual acts, correct?

20 A. Yes.

21 Q. At that point in time Terrie Sena had not  
22 yet been interviewed as far as you know, correct?

23 A. I don't believe she had at that point.

24 Q. Do you recall speaking with Deborah and her  
25 telling you that she had actually watched some of the

1 videotape while she still lived in the house?

2 MR. SWEETIN: I'm going to object in regard  
3 to hearsay as to what someone else might have said.

4 MS. RADOSTA: It's not an uncharged  
5 defendant but it's a codefendant in another case so  
6 it's not exactly hearsay.

7 MR. SWEETIN: It's not a statement made in  
8 the course of a conspiracy. That's not what we're  
9 talking about. It is hearsay.

10 MS. RADOSTA: They charged my client with  
11 conspiracy.

12 MR. SWEETIN: That's not what she's asking  
13 though.

14 THE COURT: So it is a statement made by a  
15 codefendant.

16 MS. RADOSTA: Well, it's a party  
17 admission. I mean it Deborah Sena's statement.  
18 She's charged separately for the same charges. The  
19 fact she's not charged -- she is charged in a  
20 separate crime. The State opted to charge them  
21 separately for their own reasons, but that doesn't  
22 mean she's not a codefendant in the traditional sense  
23 of the word.

24 THE COURT: Was she charged with the same  
25 counts?

1 MR. SWEETIN: She was charged with similar  
2 counts, but her statement goes to her specifically.  
3 It doesn't go to probable cause for this proceeding.  
4 It's hearsay. If they subpoenaed her and brought her  
5 in her, she could testify to it, but otherwise it's  
6 hearsay.

7 MS. RADOSTA: Your Honor, I'll withdraw.  
8 Fine. It's not that important.

9 Q. When you were looking at the residence for  
10 those six hours, did you see any bars or windows on  
11 that -- correction -- I'm sorry -- bars on the  
12 windows?

13 A. No.

14 Q. Bars or iron doors or anything like that on  
15 the front door?

16 A. No.

17 Q. Did you see anybody leave or enter the  
18 residence during that six hours that you were sitting  
19 outside?

20 A. No.

21 Q. Were you aware that there was anybody in  
22 the house besides Christopher Sena?

23 A. No.

24 Q. Were you surprised to find out that there  
25 was another person inside the house?

1 A. Not necessarily.

2 Q. It's true that there was another child,  
3 adult child of Christopher Sena's that was inside the  
4 house, correct?

5 A. Yes.

6 Q. And he was voluntarily there as far as you  
7 could tell, correct?

8 A. Yes.

9 Q. Now, you indicated that SWAT was involved  
10 in this particular serving of this search warrant.  
11 Approximately how many SWAT officers arrived at the  
12 scene?

13 A. On that specific occasion I honestly  
14 couldn't tell you because they come up in the Bearcat  
15 which is in the enclosed structure of it and we  
16 being, like it, as soon as they got there, we were  
17 leaving and then when he came back, there was several  
18 who had already left the area so I saw maybe five or  
19 six of them around the area when I got back.

20 Q. Okay. So they arrived in basically like an  
21 armored vehicle to this location. Is that what a  
22 Bearcat is? I'm not familiar with that.

23 A. Yes.

24 Q. Some kind of armored vehicular arrived at  
25 the scene. But at this point you were not given any

1 information that Christopher Sena had been violent  
2 with anybody inside the house. He had not used  
3 weapons on anybody inside.

4 A. We knew there was weapons. That's our  
5 policy for SWAT.

6 Q. You found out there were weapons inside the  
7 home, the Bearcat comes out, and SWAT serves the  
8 search warrant; is that correct?

9 A. That's one of the things if there's weapons  
10 on the scene.

11 Q. Was there any special instructions in this  
12 particular case given the fact that Mr. Sena had  
13 friends that were Metro officers?

14 A. I'm not sure I understand the question.

15 Q. You were aware that Mr. Sena had friends  
16 that were Metro officers, correct?

17 A. I had looked on his Facebook page and saw  
18 some pictures with him with some Metro officers. It  
19 looked like it was at an event. I know he had been  
20 with Metro officers and seemed friendly with them,  
21 but I wasn't aware of the exact relationship.

22 Q. You weren't aware that family members were  
23 under the impression that Mr. Sena was friends with  
24 Metro officers?

25 A. Yes. I did learn that the family had

1 friends who were officers.

2 Q. And did that particular piece of  
3 information affect how the search warrant was served,  
4 the fact that he had friend that were Metro officers?

5 A. No.

6 Q. It didn't mean that -- you weren't worried  
7 that perhaps if it was too widely known, somebody at  
8 Metro might have informed him that there was SWAT on  
9 the way to his house.

10 A. That would have been our supervisor's  
11 decision, but I don't remember that ever coming up.

12 Q. Okay. Do you have any idea -- I think you  
13 kind of already answered this, but do you have any  
14 idea who he knew at Metro specifically?

15 A. If I recall it was COP officers, community  
16 orientated police officers from the northeast area  
17 command.

18 MS. RADOSTA: Okay. Court's indulgence.

19 THE COURT: Yes.

20 MS. RADOSTA:

21 Q. Do you have any idea where inside the house  
22 Mr. Sena was when SWAT first entered the home, if he  
23 was in the primary part of the house or if he was  
24 back on the office?

25 A. I don't know.

1 Q. Would SWAT have prepared a report regarding  
2 their entry into the house since they were  
3 technically the first to enter the house?

4 A. I'm not sure what their requirements are  
5 with a search warrant.

6 Q. Did you guys often, "you" being the  
7 juvenile sex assault -- is this unusual?

8 A. On our particular squad it's not often.

9 Q. Whose decision was it to get SWAT involved?

10 A. It's our decision just based on some of the  
11 circumstances that we learned. It's our policy that  
12 we have to if there's presence of the guns. We  
13 learned there was guns there, where they might be in  
14 the home so it's laid out quite clear that it's a  
15 SWAT search warrant service.

16 Q. Overall on this particular incident who was  
17 the detective in charge of this investigation? You  
18 said everybody was involved but there's got to be  
19 somebody that's the in-charge person.

20 A. Detective Larry Samples is assigned the  
21 case but ultimately our sergeant, Sgt. Roberson, is  
22 put in charge of it.

23 Q. Would Sgt. Roberson be the one to get SWAT  
24 involved when he learned there was potentially  
25 weapons at the scene?

1 A. Yes.

2 Q. Did you book the computer into evidence,  
3 you yourself book the computer into evidence; is that  
4 correct?

5 A. I don't recall who actually signed the  
6 property report.

7 Q. Okay.

8 A. I don't want to guess.

9 Q. Okay. Fair enough. So you don't recall if  
10 you booked it into evidence. Hypothetically would it  
11 have traveled with you from the residence to the  
12 evidence vault?

13 A. We went from the residence to our office  
14 and then the evidence vault responded and took  
15 custody of everything.

16 Q. So that's when -- so whoever had the  
17 computer would have brought it to your office  
18 whichever detective there was?

19 A. Yes.

20 Q. And then is that standard operating  
21 procedure --

22 A. Yes.

23 Q. -- that the evidence vault comes to you.  
24 You don't go there.

25 A. Depending on the amount of items so yes, it



1 is but not every time.

2 Q. All right. In this particular case there  
3 were a fair amount of items that were taken from the  
4 residence, correct?

5 A. Yes.

6 MS. RADOSTA: Court's indulgence.

7 Q. After the search warrant was served, the  
8 computers were booked into evidence, did you yourself  
9 view any of the videos?

10 A. I did not.

11 Q. And after the search warrant was served,  
12 did you have any further involvement in the  
13 investigation of this case?

14 A. No.

15 Q. So just to recap, you interviewed Deborah  
16 Sena, you helped in the execution and service of the  
17 search warrant, and that was pretty much the extent  
18 of your involvement in this case. Is that fair?

19 A. Yes.

20 MS. RADOSTA: Nothing further.

21 (Whereupon Ms. Radosta concluded  
22 her examination at 2:51 p.m.)

23 THE COURT: Redirect.

24 MR. SWEETIN: No, Your Honor.

25 (Whereupon William Karau

1 was excused from the witness

2 stand at 2:51 p.m.)

3 THE COURT: Next witness.

4 MR. SWEETIN: Your Honor the State's going  
5 to call Vince Ramirez. I would note we're about 40  
6 minutes from 3:30. I don't think this will -- we're  
7 probably going to be able to get through this  
8 witness. Do you want us to release the other witness  
9 we have out there?

10 THE COURT: What happened with Erin?

11 MS. HOLTHUS: We will come back tomorrow.

12 THE COURT: So she left.

13 MS. HOLTHUS: Well, she's out in the  
14 hallway.

15 VINCENTE RAMIREZ,  
16 having first duly affirmed to tell  
17 the truth under the pain and penalty  
18 of perjury, was examined and testified  
19 as follows:

20 THE CLERK: Please be seated. State your  
21 name and spell it for the record.

22 THE WITNESS: My name is Vincente Ramirez,  
23 V-I-C-E-N-T-E, last name R-A-M-I-R-E-Z.

24 DIRECT EXAMINATION

25 BY MR. SWEETIN:

1 Q. Good afternoon, Detective Ramirez. How are  
2 you currently employed?

3 A. With the Las Vegas Metropolitan Police  
4 Department.

5 Q. How long have you been so employed?

6 A. 20 years.

7 Q. And where are you currently assigned?

8 A. Internet crimes against children.

9 Q. How long have you been assigned there?

10 A. Since 2000.

11 Q. I want to turn your attention to LVMPD  
12 event No. 1409151583. Did you have occasion to  
13 perform a forensic review of certain items seized  
14 under that event number?

15 A. Yes, I did.

16 Q. Specifically did you receive evidence that  
17 was booked as package No. 6 item No. 25, a Data  
18 Traveler G3 thumb drive?

19 A. Yes.

20 Q. And how did you come into possession of  
21 that?

22 A. Basically signed it out from the evidence  
23 vault. I basically request a 117, LVMPD 117  
24 authorization to have that equipment released to me  
25 and I take to it our lab.

1 Q. And what was the purpose of you getting  
2 that particular item released to you?

3 A. To do a forensics examination.

4 Q. And pursuant to that forensic examination,  
5 did you obtain a warrant in order to perform that  
6 examination?

7 A. Yes, I did.

8 Q. Now, we've made mention of this  
9 examination, this forensic examination, have you had  
10 any specific training or experience in regards to  
11 conducting these examinations?

12 A. Yes, I have.

13 Q. Could you briefly describe that to the  
14 Court.

15 A. I've basically been to a couple of  
16 different schools but the primary tool that I use is  
17 EnCase, E lower case N cap C-A-S-E. I've been to  
18 their school starting since 2002. I also use a  
19 forensic tool kit which is access data, training with  
20 lantern, Cellebrite, internet evidence finder and  
21 those are -- internet evidence finder is also a  
22 forensic tool but it's also used for cellular phones.

23 Q. All you made reference to are for examining  
24 forensic data; is that correct?

25 A. That's correct.

1 Q. You mentioned you had some experience or  
2 some training back in 2003. Are you in fact required  
3 to regularly get updates in training in regards to  
4 your --

5 A. Yes.

6 Q. Have you previously testified as an expert  
7 in the eighth judicial district court?

8 A. Yes.

9 Q. About how many times?

10 A. This year at least five or six times.

11 Q. Now, I want to ask you in regard to your  
12 analysis of this particular item, could you describe  
13 the course of it and the result.

14 A. Basically what we do is we use write  
15 blocking method, write blocking tools. I use a  
16 tableau write blocker. We basically use that so that  
17 way the item, digital item that we're examining does  
18 not get touched and nothing gets written to that so I  
19 basically isolate that item, hook it up to my  
20 forensic write blockers, and then I start my program  
21 on my forensic match.

22 Q. So when you receive the item of electronic  
23 evidence, you sort of make a digital copy of it.

24 A. Correct.

25 Q. And that digital copy is used by you for

1 testing; is that correct?

2 A. Yes.

3 Q. And the purpose of that is what?

4 A. To not touch any of the original evidence.

5 Q. Okay. And that original item -- ultimately  
6 when your examination was complete what happened to  
7 that original item you made reference to?

8 A. As soon as an acquisition is completed that  
9 original item is removed from the write blocker and  
10 put back into the package that it was signed out in  
11 and then, you know, put back into the evidence vault  
12 so that item is never touched again.

13 Q. And that item remains in your sole care and  
14 custody from the time you retrieve it from the  
15 evidence vault until you return it.

16 A. That's correct.

17 Q. Now, in regard to your analysis of this  
18 electronic data were you able to obtain certain  
19 electronic information from that device?

20 A. Yes.

21 Q. I'm showing you what's marked as State's  
22 proposed Exhibit No. 1 and ask if you recognize  
23 this.

24 A. Yes, I do.

25 Q. And what is it?

1 A. That's the DVD that I put my initials on.  
2 I put my initials, P number, initials and I initialed  
3 eight videos.

4 Q. And you made reference to eight videos.  
5 Are those videos from the electronic storage device?

6 A. Yes.

7 Q. In the course of your analysis do you  
8 receive information as to the police investigation to  
9 determine what's relevant and not relevant?

10 A. Yes.

11 Q. These particular videos, were they deemed  
12 relevant to this case?

13 A. Yes.

14 Q. And why were they deemed relevant?

15 A. The persons that were identified from the  
16 detective he identified those people and advised me  
17 who they were and that was the information that I was  
18 looking for.

19 Q. Can you just give us the general subject  
20 matter of what you observed on this video and the  
21 specific individuals who are relevant to this  
22 involving specific individuals that are relevant to  
23 this investigation?

24 A. One of the main subjects was Christopher  
25 Sena and in the videos there's also Deborah Sena,

1 Terrie Sena, Terry styles or Tails Sena, Brandon  
2 Sena, and Ryan Sena. And basically they're all  
3 sexual in nature. They're all conducting sexual acts  
4 at one point or another whether it be fellatio or  
5 sexual intercourse.

6 Q. And this is in fact a true and accurate  
7 copy of those videos that you retrieved from that  
8 device.

9 A. Yes.

10 MR. SWEETIN: The State would move for  
11 admission of State's proposed Exhibit 16.

12 MR. LOPEZ-NEGRETTE: Submitted, Your Honor.

13 THE COURT: Admitted.

14 MR. SWEETIN: Judge, I ask the Court to  
15 publish portions of this if I might.

16 THE COURT: Sure.

17 MR. SWEETIN:

18 Q. Now, Detective, what I'd like to do is to  
19 go through each of these videos and play at least  
20 those portions that are applicable to your  
21 description. Certainly if the Court wants to see  
22 more, we can show more of the video. So I'd like to  
23 start with video No. 1.

24 Do you know specifically what's detailed in  
25 video No. 1?



1 A. Yes.

2 Q. And what specifically is detailed in that  
3 video?

4 A. Video No. 1 shows Brandon and Deborah  
5 engaged in sexual acts.

6 Q. Okay. Now, as this video starts, does it  
7 start with Brandon as you've indicated or are there  
8 others involved at the beginning of it?

9 A. I believe Christopher Sena is in it  
10 partially. You don't see all of his face but you see  
11 part of a body.

12 Q. And we see black right now. So is the very  
13 beginning of it sort of black and dark? You can't  
14 see.

15 A. Yes.

16 Q. I'm going to jump forward just a bit. Now,  
17 as this video begins, were you able to identify the  
18 individuals that we see in the video now?

19 A. Yes, that is Brandon Sena and that is  
20 Deborah Sena.

21 Q. When you say Brandon Sena, which of the two  
22 would be Brandon Sena, the one on his back?

23 A. Yes.

24 Q. And the other would be Deborah Sena?

25 A. Deborah Sena is performing oral sex.

1 Q. You previously testified that Deborah Sena  
2 performed fellatio on Brandon Sena. Is there  
3 anything else occurring in the video at this point?

4 A. Basically she's positioned herself on top  
5 of Brandon and she's inserted his penis into her  
6 vagina.

7 Q. Now, there appears to be a third person  
8 that we've seen in this video. Were you able to  
9 identify that person?

10 A. Yes. Further in the video you'll see that  
11 it is Christopher Sena.

12 Q. Do you see Christopher Sena in the  
13 courtroom today?

14 A. Yes, I do.

15 Q. Could you point to him and identify  
16 something he's wearing today.

17 A. He's sitting with the blue uniform.

18 MR. SWEETIN: May the record reflect the  
19 witness identified the defendant.

20 THE COURT: Yes.

21 MR. SWEETIN:

22 Q. It appears something else is happening in  
23 the video at this point. Can you describe that.

24 A. Now Deborah positioned herself on her back  
25 and Brandon will insert his penis into her vagina

1 missionary position as we know it.

2 MS. RADOSTA: And just for the record, Your  
3 Honor, I think it should be noted at this point  
4 during the entirety we have not seen Christopher  
5 Sena's face on this video, it's Deborah and Brandon  
6 and that's it.

7 THE COURT: Well, there was a male figure  
8 that walked by.

9 MS. RADOSTA: A male figure but we did not  
10 see his face or anything of that nature.

11 THE COURT: I don't know if there was a  
12 face or not. I can't say that for the record.

13 MR. SWEETIN:

14 Q. Something else is happening on the video at  
15 this time; is that right?

16 A. Yes.

17 Q. What's happening?

18 A. Now Brandon has repositioned himself to the  
19 right side of Deborah while a male is having sexual  
20 intercourse with her. He goes around and she's  
21 performing oral sex on Brandon and the video should  
22 show Mr. Sena having sexual intercourse with Deborah  
23 while she's performing oral sex on Brandon.

24 Q. You indicated that there are things being  
25 said on this video. We can hear some of the sound as

1 being played in the courtroom.

2 A. Yes.

3 Q. Were those significant to your  
4 investigation analysis?

5 A. Yes.

6 Q. Could you describe why?

7 A. Basically the subject that's talking is  
8 basically directing all the actions that are  
9 occurring just like right now he basically directed  
10 Brandon. He said Brandon's name and directed him  
11 around the other side.

12 Q. And this voice that we have is a female  
13 voice, a male voice?

14 A. A male voice.

15 Q. Now, you indicated that it was your belief  
16 that the third person in the room was the defendant;  
17 is that correct?

18 A. Yes.

19 Q. And what do you base that upon?

20 A. Just the, at the very beginning when you  
21 see the body typically on some of the other videos  
22 he's actually set up the camera then and you hear his  
23 voice in all the videos. He does say things to  
24 whether it be Brandon or Ryan or Tails.

25 Q. I want to show you what's marked as State's

1 proposed Exhibit 2 and ask if you recognize this.

2 A. Yeah, that's Brandon.

3 Q. Is that in fact a still of this particular  
4 video that we've seen?

5 A. Yes.

6 Q. And included in the still are individuals;  
7 is that correct? Who are those individuals?

8 A. Brandon Sena and Deborah Sena.

9 MR. SWEETIN: The State would move for  
10 admission of what's been marked as State's proposed  
11 Exhibit 2.

12 MR. LOPEZ-NEGRETTE: Submitted.

13 THE COURT: Admitted.

14 MR. SWEETIN:

15 Q. Detective, I'm going to show you what's  
16 marked as video 2, Exhibit 1. Can you describe to  
17 the Court what's depicted on this particular video.

18 A. Right now it looks like an individual is  
19 setting up the video camera, the individual that  
20 doesn't have any clothing on. As he sits down in  
21 position, you can see that it's Mr. Sena.

22 Q. That would be the defendant.

23 A. Yes.

24 Q. It appears there's another individual in  
25 the video. Were you able to ascertain who that other

1 individual is?

2 A. Yes.

3 Q. Who would that be?

4 A. That's Deborah Sena.

5 Q. Ultimately in this video there's a point  
6 where we see another individual; is that correct?

7 A. Yes.

8 Q. And who would that individual be?

9 A. Terry Tails Sena.

10 Q. That is a few minutes into this video.

11 A. Yes.

12 Q. I'm going to skip ahead just a bit. As we  
13 skip ahead in the video, what do we see?

14 A. Basically Deborah removed her clothing and  
15 Mr. Sena is masturbating himself. Debra's fondling  
16 her breasts and will start to perform oral sex on  
17 him.

18 Q. What do we see now?

19 A. Now Mr. Sena got up off the bed and he went  
20 to go get Terry Tails.

21 Q. What's happening now?

22 A. He tells Terry Tails to lay down on the  
23 bed.

24 Q. Is there someone on the bed with him?

25 A. Yes, that's Deborah Sena.

1 Q. And what's happening?

2 A. Deborah Sena's basically performing oral  
3 sex on Terry and Mr. Sena is viewing it masturbating.

4 Q. What's happening in the video at this time?

5 A. Now Deborah Sena lays on her back and Terry  
6 Tails basically gets in the middle of her and inserts  
7 his penis into her vagina.

8 Q. Can you observe if the defendant is in the  
9 video while this is going on?

10 A. He's in the picture on the right side of  
11 the screen as you're looking at it.

12 Q. Was he doing anything?

13 A. He was masturbating himself.

14 Q. What's happening now?

15 A. Now Terry Tails has laid down and Deborah  
16 is on top of him and she's helping insert his penis  
17 into her vagina.

18 Q. What's happening now?

19 A. Now Terry Tails is basically going to lay  
20 down and Mr. Sena's directing them and repositioning  
21 them where he wants them to be.

22 Q. And how are they positioned?

23 A. Now Terry is on his back. Debra's  
24 performing oral sex on him while Mr. Sena's behind  
25 her. You can't tell if it's in her vagina or her

1 anus, but he's positioned behind her having sex.

2 Q. There's sort of talking going on in the  
3 background. Were you able to ascertain what that  
4 was?

5 A. No.

6 Q. What's happening at this point?

7 A. Now he's just, Mr. Sena's just basically  
8 straightening up the bed and --

9 Q. Is Deborah Sena also in the bedroom at this  
10 time?

11 A. Yes, she is.

12 Q. And what happened at that point?

13 A. He basically just grabbed the camera and  
14 turned it off.

15 Q. I show you what's marked as State's  
16 proposed Exhibit 3. I ask if you recognize this.

17 A. Yes.

18 Q. And what is that?

19 A. That's Terry Tails and one of the captions  
20 is right before he was in the missionary position  
21 with Deborah.

22 Q. So would that be a still from the video  
23 that we just observed?

24 A. Yes.

25 MR. SWEETIN: State moves to admit State's



1 proposed Exhibit 3.

2 MR. LOPEZ-NEGRETTE: Submitted.

3 THE COURT: Admitted.

4 MR. SWEETIN:

5 Q. I'm going to show you what's marked on  
6 State's Exhibit 1 as video 3. What's depicted on  
7 this video?

8 A. That is an image of someone setting up a  
9 camera then you can see the shower curtain of a  
10 stand-up shower.

11 Q. Now we see some individuals in the video.  
12 Are you able to identify the individuals?

13 A. Yes. That's Mr. Sena and that's Terry  
14 Tails and now that's Deborah Sena entering into the  
15 shower.

16 Q. So who is in the shower currently?

17 A. Terry Tails and Deborah Sena.

18 Q. And where is the defendant?

19 A. He's just walking away from the shower.

20 Q. Does it appear -- can you see what in fact  
21 is happening in the shower?

22 A. It looks like she's removing something from  
23 his facial area.

24 Q. When you say "she," you're referring to  
25 Deborah Sena.

1 A. Deborah Sena, yes.

2 Q. That would be the face of Tails. Sena?

3 A. Yes.

4 Q. And do either of them have any clothes on  
5 as you watch this video?

6 A. No.

7 Q. Can you see the defendant throughout that  
8 video?

9 A. Yes. We see him walk in and out and you  
10 see him when he just walked to the camera. It looks  
11 like he's repositioning the camera.

12 Q. I'm showing you what's marked as State's  
13 proposed Exhibit No. 4 and ask if you recognize this?

14 A. Yes, I do.

15 Q. What is that?

16 A. That is a still picture of Terry Tails and  
17 Deborah Sena in the shower.

18 Q. And that's from the video we just watched.

19 A. Yes.

20 MR. SWEETIN: The State moves for admission  
21 of what's been marked as State's proposed Exhibit 4.

22 MR. LOPEZ-NEGRETTE: Submitted.

23 THE COURT: Admitted.

24 MR. SWEETIN:

25 Q. I'm going to show you video 4. What's

1 depicted in this video?

2       A.    That is -- it's being shot through a door  
3 and the stand-up shower is -- the person that's in  
4 the stand-up shower with no clothes on taking a  
5 shower is Tamara.

6       Q.    What's depicted as this video continues?

7       A.    Eventually you'll see somebody pan down and  
8 it looks like it's Mr. Sena receiving oral sex. I  
9 could only see the top of their head. I didn't see  
10 their full face but . . . .

11      Q.    In the course of this video can you hear  
12 voices on the video?

13      A.    Yes.

14      Q.    Based upon your review of all these videos,  
15 were you able to identify the voices that you hear?

16      A.    I can say it's Mr. Sena.

17      Q.    What do we see now?

18      A.    Someone performing oral sex on Mr. Sena.

19           MS. RADOSTA: I would object to the  
20 characterization someone is performing oral sex.

21           MR. SWEETIN: I think he already testified  
22 he heard the voices on this video and believed them  
23 to be the defendant.

24           MS. RADOSTA: He might have heard but that  
25 doesn't mean the person standing there holding the

1 camera having oral sex is Mr. Sena.

2 THE COURT: Sustained.

3 MR. SWEETIN:

4 Q. Is there anything that caused you to  
5 believe based upon the content of what you heard from  
6 the male voice that the person having fellatio  
7 performed on him is the defendant?

8 A. Basically just all the videos that are  
9 taken are of the same nature. His voice is similar  
10 in all the other videos that I listened to.

11 THE COURT: Okay. So it's 3:30. We're not  
12 going to get done today anyway so we'll begin with  
13 Erin tomorrow morning.

14 MR. SWEETIN: That's fine, Judge. Can I  
15 just admit or seek to admit the still from this video  
16 and close it.

17 THE COURT: Sure.

18 MR. SWEETIN:

19 Q. Detective, I'm showing you what's marked as  
20 State's proposed Exhibit No. 5, ask if you recognize  
21 that.

22 A. Yes.

23 Q. What is that?

24 A. That's a still image of Tamara in the  
25 shower.

1 Q. And that's from the video that we just  
2 observed.

3 A. Yes.

4 MR. SWEETIN: The State moves to admit  
5 what's been marked as State's Exhibit 5.

6 THE COURT: It's admitted. I thought we  
7 already had a 5. We have 23, 24, 5, 8, 9, 11.

8 MR. SWEETIN: I apologize. That's true.  
9 Terrie testified she was performing fellatio on the  
10 defendant during this video.

11 THE COURT: So 5 has been admitted  
12 previously.

13 MR. SWEETIN: Yes.

14 THE COURT: So the exhibits I have admitted  
15 are 1, 3, 5, 7, 8, 9, 11, 12, and 13 through 24. Is  
16 that what you have? Did we get those?

17 MS. HOLTHUS: Can you do it one more time.

18 THE COURT: Sure. 1, 3, 4, 5, 7, 8, 9, 11,  
19 12, 13 through 24. Those have all been admitted.

20 MS. HOLTHUS: Thank you.

21 THE COURT: And then, Detective, they'll  
22 work out with you whatever time they'll be calling  
23 you tomorrow morning. We'll see you back at 10:00  
24 o'clock tomorrow morning.

25 (Whereupon the proceedings

1 adjourned at 3:31 p.m.)

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1 AFFIRMATION

2

3

4 Pursuant to NRS 239B.030:

5

6 The undersigned does hereby affirm that the  
7 preceding transcript of preliminary hearing in  
8 District Court Case No. C-15-311453-1 does not  
9 contain the social security number of any person.

10

11 Dated this 16th day of September, 2015.

12

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15

16 /s/ Cheryl Gardner, CCR 230, RPR, RMR

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CHERYL GARDNER, RPR-RMR, CCR 230

1 REPORTER'S CERTIFICATE

2

3 State of Nevada )  
4 County of Clark ) ss

5

6 I, Cheryl Gardner, CCR 230, RPR, RMR, do  
7 hereby certify that I took down in Stenotype all of  
8 the proceedings had in the before-entitled matter at  
9 the time and place indicated and that thereafter said  
10 shorthand notes were transcribed into typewriting by  
11 me and that the foregoing transcript constitutes a  
12 full, true, and accurate record of the proceedings  
13 had to the best of my ability with the following  
14 caveat:

15 IN WITNESS WHEREOF, I have hereunto set my  
16 hand and affixed my signature in the County of Clark,  
17 State of Nevada this 16th day of September, 2015.

18

19

20

21

22 /s/ Cheryl Gardner, CCR 230, RPR, RMR

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CHERYL GARDNER, RPR-RMR, CCR 230



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2 Tran  
CASE NO. C-1-311453-1

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

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6 STATE OF NEVADA,

7 Plaintiff,

8 vs.

9 CHRISTOPHER SENA,

10 Defendant.

11

VOLUME II

12

REPORTER'S TRANSCRIPT

13

OF PRELIMINARY HEARING

14

15 BEFORE THE HON. JANIECE MARSHALL  
JUSTICE OF THE PEACE

16

FRIDAY, AUGUST 28, 2015  
10:30 a.m.

17

18

APPEARANCES:

19

For the State: JAMES SWEETIN, ESQ.  
MARY KAY HOLTHUS, ESQ.  
Chief Deputies District  
Attorney

20

21

For the Defendant: VIOLET RADOSTA, ESQ.  
DAVID LOPEZ-NEGRETE, ESQ.  
Deputies Public Defender

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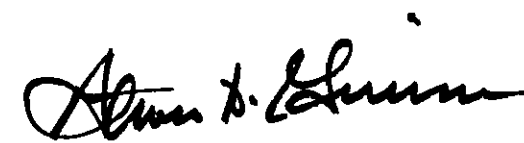
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Reported by: CHERYL GARDNER, RMR-RPR  
CCR No. 230

25

CHERYL GARDNER, RPR-RMR, CCR 230

  
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1 LAS VEGAS, CLARK COUNTY, NV, FRI., AUGUST 28, 2015  
10:30 a.m.

2 -oOo-

3 THE COURT: Are we ready to proceed on  
4 Christopher Sena, 14F14785X? Parties ready to  
5 proceed.

6 MR. SWEETIN: Yes, Your Honor.

7 THE COURT: Who are we calling as our first  
8 witness today?

9 MR. SWEETIN: We're recalling Detective  
10 Vince Ramirez actually.

11 MS. RADOSTA: At this point in time we  
12 would invoke the exclusionary rule. We understand  
13 Terrie Sena's mother is here. Additionally Ryan's  
14 father is in the courtroom. We expect them to be a  
15 potential witness at trial. They were not present  
16 yesterday but they're here today.

17 THE COURT: Folks --

18 MR. SWEETIN: I'm not sure that's the  
19 rule. If they're not a witness for this particular  
20 proceeding, then I don't think that the exclusionary  
21 rule applies to them.

22 THE COURT: Yes, ma'am. Come on up. I  
23 need your name.

24 MS. CLARK: Penny Clark.

25 THE COURT: Come on up. You are Penny

1 Clark.

2 MS. CLARK: Yes.

3 THE COURT: And your relationship is you  
4 are the mother of Terrie Sena.

5 MS. CLARK: Yes.

6 MS. RADOSTA: Grandmother to Erin and  
7 Tamara.

8 MS. CLARK: And they said it was okay for  
9 me to be here. They didn't mind if I was in here.

10 THE COURT: You're here for the support.

11 MS. CLARK: Yes.

12 THE COURT: I'm going to allow her to stay  
13 for support.

14 MS. CLARK: Thank you. The same way with  
15 the son. Thank you.

16 THE COURT: Nobody else. Everybody else is  
17 good. All right. So we're ready to go. Call the  
18 detective, please.

19 When is Erin going to be testifying?

20 MR. SWEETIN: Right after the detective,  
21 Judge.

22 THE COURT: You don't want to start with  
23 her.

24 MR. SWEETIN: I'd rather get through this.

25 THE COURT: As long as she -- I mean the

1 longer she waits, the more stressed she's going to  
2 get.

3 MS. HOLTHUS: She seems to be good today.

4 THE COURT: Good. All right. We'll start  
5 with our first witness. Any other matters?

6 MS. RADOSTA: Yes, Your Honor. I would  
7 just at this point in time given how Detective  
8 Ramirez was testifying yesterday would be objecting  
9 to his commentary along with the videos. The fact of  
10 the matter is they're showing videos in open court.  
11 Videos are evidence.

12 I don't know. Technically this would be a  
13 best evidence argument but he is narrating the videos  
14 and adding additional comments beyond what's actually  
15 happening on the screen, and those are the comments  
16 we are objecting to. They are not relevant to the  
17 video. He is interjecting conclusions.

18 THE COURT: I recognize that and you  
19 objected to it and I sustained it yesterday with the  
20 issue of you cannot see Christopher Sena with respect  
21 to the oral sex so --

22 MS. RADOSTA: Right. Additionally --

23 THE COURT: To the extent that there is  
24 something of that nature, then you're certainly going  
25 to need to lodge an objection. To the extent they

1 are asking about him on the video, they can ask  
2 questions about that and to the extent that people  
3 have objected, I have, you know, recognized that,  
4 one, I could not see the face going by but that  
5 doesn't mean they cannot slow it down to see if we  
6 can't see the face so I'm aware of it.

7 MS. RADOSTA: Okay.

8 THE COURT: If you find it appropriate,  
9 then please lodge an objection and we'll move on.

10 MS. RADOSTA: I appreciate that. Just so  
11 the Court understands, beyond the videos themselves I  
12 think that the State's theory is that some of my  
13 client's actions on the videos are supportive of the  
14 aiding and abetting theory that they're putting forth  
15 on some of the counts and Detective Ramirez is using  
16 language at times that is conclusive.

17 One example he said that Christopher Sena  
18 left and went and got Tails. Well, that was not  
19 evidence at all on the video and yet it is supportive  
20 of the State's theory, and those are the  
21 conclusionary statements that we're having a problem  
22 with. If he wants to talk about what is on the  
23 screen, that's one thing, but to voice his opinion as  
24 to what happened off of the screen, that is  
25 irrelevant. It's merely his opinion and I don't

1 think it's relevant to, well, to his testimony.

2 THE COURT: Mr. Sweetin.

3 MR. SWEETIN: Well, Judge, in the example  
4 that defense counsel provided I believe that the  
5 defendant walked out of the room. You could hear the  
6 door, and when he returned the child was with him. I  
7 think a reasonable conclusion to anyone is he left  
8 and brought the child back.

9 If defense counsel has an objection to the  
10 manner in which the questions are asked or answered  
11 in the course of the testimony of this witness, they  
12 can lodge an objection as we go.

13 THE COURT: I certainly think the  
14 appropriate description to that conduct would have  
15 been that defendant left the video room and when he  
16 came back the child was with him, and that's  
17 certainly appropriate for the detective to describe  
18 that event. I get your point so just make your  
19 objection if that occurs.

20 MS. RADOSTA: And just once again, it's not  
21 even that. When he left the screen he even says he  
22 left the room. It's assuming something that we don't  
23 know to be true. For example, if Tails that  
24 particular video of Tails, if Tails comes in here and  
25 says, "I was in the other room and Chris came in and

1 got me," that's something different.

2           This detective is assuming facts that are  
3 not being shown on video so I'll just be aware of  
4 that, Your Honor, and we'll make appropriate  
5 objections at the time.

6           THE COURT: All right. Thank you. Thank  
7 you, Detective. Please have a seat. You understand  
8 you're still under oath. Go ahead, Mr. Sweetin.

9           MR. SWEETIN: Yes, Your Honor.

10           DIRECT EXAMINATION (continuing)

11 BY MR. SWEETIN:

12       Q.    Detective, we're going to continue where we  
13 left off yesterday. I believe we left off on video  
14 No. 5. Do you recall what's depicted on this video?

15       A.    Yes.

16       Q.    What is depicted on this video?

17       A.    That is the video that is being, appears to  
18 be shot through an opening, and it's an image of a  
19 female named Erin, and she's in the stand-up shower.

20       Q.    And we previously reviewed a shower  
21 sequence involving the victim Tamara Gresham; is that  
22 correct?

23       A.    Yes.

24       Q.    And does it appear to be the same shower,  
25 the same sort of angle in which the filming occurred



1 in the prior occasion?

2 A. Yes.

3 Q. And is the remainder of the video pretty  
4 similar to what we're seeing now?

5 A. Yes.

6 Q. Okay. Now we're going to continue to video  
7 number -- well, let me show you before we leave that  
8 what's marked as State's exhibit, proposed Exhibit  
9 No. 6 and ask if you recognize this.

10 A. Yes, I do.

11 Q. And what is that?

12 A. That's a picture of Erin in the shower.

13 Q. Is that a still from the video that we just  
14 saw?

15 A. Yes, it is.

16 MR. SWEETIN: The State moves to admit  
17 State's exhibit proposed Exhibit 6.

18 MR. LOPEZ-NEGRETTE: Submitted.

19 THE COURT: Admitted.

20 MR. SWEETIN: We're going to move on to  
21 video No. 5. Or I'm sorry it's video No. 6 we're  
22 moving on to.

23 Q. What's depicted in this video?

24 A. That's a video of a bedroom that we've seen  
25 in the past and it appears to be Mr. Sena. You can

1 actually see him, parts of him in the mirror also.

2 It looks like he's adjusting a camera.

3 THE COURT: Did it stop playing?

4 MR. SWEETIN:

5 Q. What's happening in the video now?

6 A. The video's depicting a person known to me  
7 as Terrie Sena and you'll later see that the child's  
8 name is Ryan. Terrie's assisting Ryan remove his  
9 clothing.

10 Q. What's happening now?

11 A. Terrie's basically directing Ryan to lay on  
12 his back on the bed.

13 Q. And what's happening now?

14 A. Terrie's removing her clothes.

15 Q. Describe what's happening now.

16 A. Terrie has inserted Ryan's penis into her  
17 mouth and is performing fellatio. He's actually  
18 using his left hand to fondle her breasts and she  
19 actually positioned his left hand on her breast.

20 Q. What's happening now?

21 A. Terrie's actually positioning his hand and  
22 showing him, showing Ryan how to massage her breast  
23 while she's masturbating him with her left hand.

24 MS. RADOSTA: Your Honor, I'd just like it  
25 noted for the record that during the entirety of this

1 act that's happening, Mr. Sena is not in that frame  
2 on this video.

3 THE COURT: Noted.

4 MR. SWEETIN:

5 Q. What's happening now?

6 A. Ryan is basically kissing on her right  
7 breast and she's orally copulating him again.

8 THE COURT: Is there a part of the video  
9 that the defendant is involved?

10 MR. SWEETIN: Yes. As the Court might  
11 recall, he was setting up the camera at the  
12 beginning.

13 THE COURT: This is video 6, right?

14 MR. SWEETIN: That's correct.

15 THE COURT: I don't recall at the beginning  
16 he was setting up the camera for this video.

17 MR. SWEETIN: He'll be on the video in a  
18 few moments.

19 THE COURT: All right.

20 MR. SWEETIN:

21 Q. What's happening now?

22 A. Now Terrie has positioned herself on her  
23 back and Ryan has positioned himself between her legs  
24 and is penetrating her vagina with his penis.

25 MS. RADOSTA: I'd also like to note for the

1 record before this act started Terrie motioned for  
2 Ryan to come towards her.

3 THE COURT: Noted.

4 MR. SWEETIN:

5 Q. What's happening now?

6 A. They stop for a second. It looks like they  
7 were looking back.

8 Q. Can you hear things in the course of this  
9 particular video on the videotape?

10 A. Not on this one.

11 Q. That was a voice.

12 A. Yes. You can't distinguish what it's  
13 saying.

14 Q. What's happening now?

15 A. Now they've repositioned themselves [sic] in  
16 the missionary position again and it appears that  
17 Ryan is penetrating Terrie with his penis in her  
18 vagina while she is massaging his buttocks.

19 THE COURT: There's also a hand that came  
20 out of the corner too.

21 THE WITNESS: Correct.

22 MR. SWEETIN:

23 Q. What's happening now?

24 A. Now you see a hand appeared, a partial  
25 body, and now you see Mr. Sena enter into the image

1 and you can see him masturbating. He points for Ryan  
2 to get on the right side of Terrie and has positioned  
3 himself behind Terrie. It appears that he's  
4 penetrating either her vagina or her anus while she's  
5 performing oral sex on Ryan.

6 Q. Is there a conversation that you observed  
7 occurring?

8 A. Yes.

9 Q. And what is the defendant saying? Does  
10 that conversation involve the defendant?

11 A. Yes.

12 Q. What does the defendant say during the  
13 course of the conversation?

14 A. I couldn't make out what he was actually  
15 saying.

16 Q. I'm going to show you what's marked as  
17 State's Exhibit No. 7 for identification and ask if  
18 you recognize that.

19 A. Yes, I do.

20 Q. What is that?

21 A. That's an image of Ryan Sena and Terrie  
22 Sena.

23 Q. That's a still from the video that we just  
24 saw.

25 A. Yes.

1 Q. Now, there's two remaining videos, is that  
2 correct, 7 and 8?

3 A. Yes.

4 Q. And what's depicted on those videos?

5 A. I believe those videos are of the showers.

6 Q. And who specifically is depicted in the  
7 shower in those videos?

8 A. Tamara and Erin.

9 Q. Let's take a look. I'm playing video 7.  
10 Are you able to determine who is depicted in that  
11 video?

12 A. Yes, Tamara.

13 Q. Is this similar to the same showers that  
14 we've seen previously?

15 A. Yes.

16 Q. The shower scenes.

17 A. Yes.

18 Q. And it's similar in angle as to the  
19 direction we see the shower being filmed.

20 A. Yes.

21 Q. I'm showing you for identification what's  
22 marked as State's Exhibit No. 8 and ask do you  
23 recognize that?

24 A. Yes, I do.

25 Q. And what is that?

1 A. That's an image of Tamara.

2 Q. That's the video we just saw.

3 A. Yes.

4 Q. I also have one last video here, video

5 No. 8. Is this a separate video that you retrieved

6 off of that electronic storage device?

7 A. Yes.

8 Q. And who is depicted in this particular

9 video?

10 A. It appears to be Tamara.

11 Q. And what's depicted in the video?

12 A. Tamara's in the stand-up shower.

13 Q. Does it appear to be the same shower that's

14 in the previous video?

15 A. Yes.

16 Q. And the same angle of filming in the

17 previous video?

18 A. Yes.

19 Q. I'm showing you what's marked as State's

20 Exhibit No. 9 and ask if you recognize this.

21 A. Yes, I do.

22 Q. What is that?

23 A. That's an image of Tamara in the shower.

24 Q. A still from the video we just saw.

25 A. Yes.

1 Q. Now, Detective, we made reference to you  
2 reviewing this particular electronic storage device  
3 and these videos came off of that device; is that  
4 correct?

5 A. Correct.

6 Q. Were there other entries of evidentiary  
7 value that also came off of that device?

8 A. Yes.

9 Q. I'll show you what's marked as State's  
10 Exhibits 13 through 22 and ask you to take a look  
11 through these and let me know when you're done.

12 A. Okay.

13 Q. And what are those exhibits?

14 A. Those are images of Melissa and on two of  
15 them that's Melissa and Terrie.

16 Q. Okay. And when you say Melissa, you're  
17 referring to Melissa Clark; is that correct?

18 A. Correct.

19 Q. And when you say Terrie, you're referring  
20 to Terrie Sena.

21 A. Yes.

22 Q. Is that Terry Tails Sena or Terrie female  
23 seen average?

24 A. Terrie female Sena.

25 Q. And all of those came off of that same



1 electronic device we made mention of.

2 A. Yes.

3 Q. I'm showing you State's proposed Exhibit  
4 No. 10 and ask if you recognize that.

5 A. Yes.

6 Q. What is that?

7 A. It's a DVD that contains images of the  
8 printed copies.

9 Q. Besides these particular printed copies,  
10 are there other printed copies that are detailed on  
11 this exhibit?

12 A. Yes.

13 Q. And what do those items look like?

14 What are they?

15 A. They're stills of Ryan, Terrie, and  
16 Mr. Christopher Sena in an office in the home.

17 Q. So you made reference to Ryan, would that  
18 be Ryan Sena?

19 A. Yes.

20 Q. And Terrie, would that be Terrie female  
21 Sena?

22 A. Yes.

23 Q. And Chris Sena, would that be the  
24 defendant?

25 A. Yes.

1 Q. How are those particular images relative to  
2 this investigation?

3 A. Those images are basically from the  
4 unallocated -- they were obviously from a video that  
5 was broken up when it was into the unallocated space,  
6 and they're images of Terrie Sena and Ryan Sena  
7 engaged in sexual contact with Mr. Sena,  
8 Mr. Christopher Sena.

9 MR. SWEETIN: The State would move for the  
10 admission of what's been marked as State's proposed  
11 Exhibit No. 10.

12 MR. LOPEZ-NEGRETTE: Submitted.

13 THE COURT: Admitted.

14 MR. SWEETIN: Permission to publish.

15 THE COURT: Yes. I have that 1 through 24  
16 are all admitted at this point.

17 MR. SWEETIN: Thank you, Judge.

18 Q. Now, you indicated there's a number of  
19 images; is that correct?

20 A. Correct.

21 Q. Approximately how many images are there?

22 A. Overall?

23 Q. In regards to the incident you've described  
24 involving Ryan, Terrie, and the defendant.

25 A. Typically each set of stills or each set of

1 block contains 500.

2 Q. We're looking at one of those stills now.

3 Do you recognize this particular area as being

4 consistent with areas in other videos?

5 A. Yes.

6 Q. And which area of the residence would this

7 be based upon your review?

8 A. That appears to be the room that has been

9 labeled as the office.

10 THE COURT: Does that have a corresponding

11 number?

12 MR. SWEETIN: Yes.

13 Q. I guess we just looked at what's frame

14 0458, would that be accurate?

15 THE COURT: I can't see from here.

16 THE WITNESS: Yes.

17 THE COURT: I can't see it.

18 MR. SWEETIN:

19 Q. Would that be accurate, we're looking at

20 frame 0458?

21 A. Yes.

22 Q. Do you need to stand up and take a closer

23 look?

24 A. No. I can see it.

25 Q. Okay. Is it fair to say we're looking at

1 frame I believe it's 750. Let me double-check here.

2 A. It's on the very top.

3 Q. Looking at this frame, would that be 0750?

4 A. Correct.

5 Q. And what do you see depicted in that frame?

6 A. That's an image of Ryan sitting on a stool  
7 clothed and the other images of Terrie Sena, and  
8 that's Ryan Sena.

9 Q. Looking here at image 1,000, would that be  
10 accurate?

11 A. Yes.

12 Q. What's depicted in that?

13 A. That's another image of Ryan Sena. He's  
14 positioned his legs kind of like cocking it up  
15 playing with his foot and Terrie Sena.

16 Q. This was image 1328. Is that fair?

17 A. Yes.

18 Q. What's depicted there?

19 A. That's an image of Ryan Sena standing up  
20 and Terrie Sena's knelt down and she appears to be  
21 unbuckling his shorts.

22 Q. Okay. And this would be 1500. Would that  
23 be fair?

24 A. Yes.

25 Q. What do we see there?

1       A.    That is Ryan Sena.  He's removing his  
2 shirt, polo shirt, and he doesn't have his shorts on  
3 any more.  His penis is exposed.  Terrie's still  
4 kneeling down holding a blue object of clothing and  
5 has her brassiere still on.

6       Q.    You mentioned that this particular video  
7 is, was sort of chunked up.  Does it appear that the  
8 numbers are in sequence of the video as it moves  
9 along?

10      A.    Yes.

11      Q.    This would be 1640.  Would that be fair?

12      A.    Yes.

13      Q.    What do you observe there?

14      A.    It's an image of Ryan Sena.  He still has  
15 his top, shirt on partially, and it's Terrie Sena  
16 with her mouth positioned on Ryan's penis.  Now her  
17 brassiere is off and she's exposing her breasts.

18      Q.    And what do you observe -- let's go back.  
19 This is going to be I guess frame No. 4111, would  
20 that be fair?

21      A.    Yes.

22      Q.    What do you observe there?

23      A.    Ryan Sena.  He still has his shirt  
24 partially on top.  Terrie Sena has her mouth  
25 positioned on his penis.  It appears that the other

1 person is Mr. Christopher Sena. He has his pants  
2 partially down and he's masturbating himself with his  
3 right hand.

4 Q. And you've had the benefit of looking at  
5 all of these frames; is that correct?

6 A. Correct.

7 Q. In the course of these frames are you able  
8 to see Christopher Sena's face and make a positive  
9 I.D. on it?

10 A. Yes.

11 Q. How does the video proceed?

12 A. It proceeds with -- you'll see the still  
13 images where eventually you'll see Terrie Sena's  
14 mouth on Christopher Sena's penis while she's holding  
15 the penis of Ryan Sena, and it will be back and forth  
16 with the same sexual action.

17 Q. This is 4558, would that be fair?

18 A. Yes.

19 Q. And what do you observe there?

20 A. That is Terrie Sena with her mouth  
21 positioned on Mr. Christopher Sena's penis. His  
22 pants are still partially down. His shirt is just  
23 lifted up, and she's holding the penis of Ryan Sena.

24 Q. And this is after her mouth has been on the  
25 penis of Ryan Sena.

1 A. Yes.

2 Q. Is she noted in these particular stills to  
3 again bring her mouth back to the penis of Ryan Sena  
4 after putting her mouth on the penis of the  
5 defendant?

6 A. Could you repeat that.

7 Q. Is she noted in the sequence after in fact  
8 she put her mouth on the penis of the defendant to  
9 bring her mouth back to the penis of Ryan?

10 A. Yes.

11 Q. Now, I'm showing you what's marked for  
12 identification as State's Exhibits 11 and 12 and I  
13 ask if you recognize these.

14 A. Yes, I do.

15 Q. And what are those?

16 A. Those are, the first one is the image of  
17 Ryan Sena. He's sitting, positioned in front of  
18 Mr. Christopher Sena, and Terrie Sena is standing to  
19 the left of Mr. Christopher Sena.

20 Q. And that would be State's Exhibit 11.

21 A. Yes.

22 Q. And that's an image of Ryan Sena standing  
23 in front of Terrie Sena. Terrie Sena's kneeling  
24 down. They both have their clothing still on but  
25 Terrie Sena is removing, unbuckling the pants of Ryan

1 Sena. And that would be State's Exhibit 12; is that  
2 correct?

3 A. Yes.

4 Q. And these are both photos in the sequence  
5 that we previously observed.

6 A. Correct.

7 MR. SWEETIN: State will pass the witness.

8 (Whereupon Mr. Sweetin concluded  
9 this portion of his examination  
10 at 11:11 a.m.)

11 CROSS-EXAMINATION

12 BY MR. LOPEZ-NEGRETE:

13 Q. Detective, I just wanted to ask you  
14 obviously you mentioned I think yesterday that you  
15 procured a search warrant to view some of these  
16 items.

17 A. Yes.

18 Q. And did you author that search warrant?

19 A. Yes, I did.

20 Q. Do you have a copy of it?

21 A. I don't have it in my bag.

22 Q. But this is a copy.

23 A. Absolutely.

24 Q. You would make that available to us.

25 A. Absolutely.



1 Q. And that search warrant was for all the I  
2 guess electronic devices or storage devices recovered  
3 from the home; is that correct?

4 A. That's correct.

5 Q. So we're talking about 17 packages  
6 according to your examination reports.

7 A. Yes.

8 Q. Did you review every single item --

9 A. Yes, I did.

10 Q. -- impounded?

11 A. Yes.

12 Q. How much time did that take you?

13 A. It takes quite a bit of time. First you  
14 have to do the acquisition then once the acquisition  
15 is completed, you have to start processing all the  
16 digital devices.

17 Q. All right. So would you say it takes you  
18 days, weeks, months to get through all the items?

19 A. It took me a couple weeks.

20 Q. A couple weeks.

21 A. Yes.

22 Q. How much time did you spend on each item?  
23 I know it varies but if you could give me a  
24 ballpark.

25 A. It varies because one thumb drive would be

1 a matter of minutes and what you do is if I'm viewing  
2 a thumb drive and say now I just see something that I  
3 want to run another program on, then I'll run another  
4 program on that while I'm doing that so it's kind of  
5 a three-step process if I'm acquiring similar views  
6 and I'm processing so it's all taking place all at  
7 one.

8 Q. It's a lot of material that you're going  
9 through, correct?

10 A. Yes.

11 Q. A lot of information on these videos.

12 A. Yes.

13 Q. Do you take notes while you're doing this?

14 A. At this point likely the notes I take are  
15 just the serial numbers and what were the devices. I  
16 use that and that I put on the record.

17 Q. Okay. 'Cause your report is basically four  
18 pages long, right?

19 A. Correct.

20 Q. So it's a condensed version of all the work  
21 that you did to go through all those items.

22 A. Correct.

23 Q. So where are the notes for all of the other  
24 items that you went through?

25 A. If all the other items didn't have anything

1 of relevant value at this point, then those aren't  
2 commented on. They're put on there to show that I  
3 did review them.

4 Q. Right.

5 A. And I did examine them but if they didn't  
6 have anything of relevant value at the time, then  
7 they weren't reported on.

8 Q. You decide what's relevant.

9 A. Yes.

10 Q. All right. Do you still have all your  
11 notes from your review of all these materials?

12 A. Yes.

13 Q. Would you make those available to us?

14 A. Yes.

15 Q. All right. When we're talking about  
16 specifically the videos and photographs that we  
17 talked about today and yesterday, I think you  
18 mentioned G3 thumb drive, right?

19 A. Yes.

20 Q. And that's LVMPD package No. 6 item 25.

21 A. Correct.

22 Q. How much time do you think you spent going  
23 through that?

24 A. That one the acquisition only takes 15  
25 minutes but then the program that I ran against it to

1 power up the unallocated --

2 (Overlapping speakers --

3 verbatim record unattainable.)

4 MR. LOPEZ-NEGRETTE:

5 Q. Is that in case --

6 A. Case to acquire but it was a C4M program  
7 that's used to piece the videos back together that  
8 are in unallocated 'cause when you dump a video if it  
9 can't find a header or footer, it puts it in the  
10 stills like you saw.

11 If it can find the footer and header of  
12 that, then it can piece it back together.

13 Q. Right.

14 A. So that process, that took about a day and  
15 a half but that's the machine working that while I'm,  
16 you know, processing other things.

17 Q. Okay. And actually let me back up and ask  
18 you. When you did the work on the G3 thumb drive,  
19 you went to the evidence vault, right?

20 A. Correct.

21 Q. And you took that piece of evidence out,  
22 right?

23 A. Correct.

24 Q. Brought it back to your work space.

25 A. Yes.

1 Q. Made a copy, right?

2 A. Correct.

3 Q. And returned the actual evidence to the  
4 vault.

5 A. Yes.

6 Q. Did you do that for every specific item?

7 A. Yeah. Basically you do it all at once so  
8 you do all the acquisition. Once everything is  
9 acquired, then you go ahead and put everything back  
10 in, do all your paperwork, and turn it back into the  
11 file.

12 Q. So you actually took all of these packages  
13 in one shot or you made multiple trips to the vault.

14 A. All at once.

15 Q. And now when you're talking about the -- is  
16 that the Digital Intelligence Tableau Ultrabay  
17 Hardware Write Blocker referenced on page 2 of your  
18 report?

19 A. Yes.

20 Q. Can you just explain to me in layman's  
21 terms or -- correct me.

22 Does that put back the file together?

23 Is that basically its function?

24 A. No. Tableau write blocker. A write  
25 blocker all it does is not allow anything to touch

1 that, any digital device that you're acquiring so  
2 once you connect the writer, you see the host and  
3 everything else. Once it does that, then you can go  
4 ahead and start your acquisition because you don't  
5 want that evidence touched. You want the original.

6 Q. So then you're working from an exact copy  
7 of the drive.

8 A. Yeah. Basically I'm making a digital copy,  
9 you know, like it's called a digital (inaudible)  
10 print copy of that drive and that becomes my working  
11 copy so whatever work I do it's on that copy, not the  
12 original evidence.

13 Q. And you still have that --

14 A. Yes.

15 Q. -- digital copy?

16 A. They're called E01s.

17 Q. And will you make that available to the  
18 defense as well?

19 A. Yes, absolutely.

20 Q. I wanted ask you on page 3 of your report  
21 under investigative findings you're saying the drive  
22 was acquired successfully and the integrity was  
23 verified. Could you explain what integrity was  
24 verified means.

25 A. The integrity is basically you'll get an

1 acquisition hash. You'll get a big algorithm  
2 number. Once it's verified the integrity showing the  
3 acquisition was 100 percent exact showing it's  
4 verified. The acquisition was clean. There's no  
5 fault. There's no bad sectors and it is the exact  
6 duplicate of that and it's also checking to make  
7 sure, I always check to make sure there's no hidden  
8 partitions or any other partition that I am seeing  
9 the true volume of the whole device that I'm  
10 acquiring.

11 Q. So sometimes the integrity is not  
12 verified.

13 A. That's true if it failed.

14 Q. How often does that happen?

15 A. Not too often. You can have a bad set of  
16 cluster but it would tell you. You know, it wouldn't  
17 verify and you're going to get a different hash and  
18 knowledge it would tell you what clusters were bad so  
19 that you would have to look at those clusters and  
20 determine are those going to affect any part of the  
21 evidence or are they even touching any part of  
22 evidence.

23 Q. All right. And in this particular case  
24 would you say that the integrity was verified at a  
25 hundred percent of, 90 percent?

1 A. A hundred percent.

2 Q. Is that noted somewhere within the program  
3 itself? Is there a record of that?

4 A. As long as you got the hash and the  
5 verification, yes.

6 Q. Okay. Now, we were talking about some of  
7 these videos. Obviously you spent a lot of time  
8 going through them and there is some audio you can  
9 hear in some of these videos.

10 A. Yes.

11 Q. And in that audio you didn't hear  
12 resistance from Deborah.

13 A. No.

14 Q. She seemed like a willing person.

15 A. Yes.

16 Q. That's also the case with Terrie.

17 A. Yes.

18 Q. You didn't hear any resistance from her.

19 A. Yes.

20 Q. She was a willing participant.

21 A. Yes.

22 Q. In fact in some of the videos we just  
23 viewed between Terrie and Ryan you see that Terrie is  
24 directing Ryan, right?

25 A. Correct.



1 Q. She is actually one time putting his hand  
2 on her breasts.

3 A. Correct.

4 Q. And actually moves a second hand to her  
5 breast, right?

6 A. Correct.

7 Q. And Mr. Sena is not in the frame at that  
8 time.

9 A. No.

10 Q. And she also at one point is holding Ryan's  
11 hips as she's having intercourse with him. Can you  
12 remember that?

13 A. Yes.

14 Q. And for that particular scene there was a  
15 long period of minutes before Mr. Sena entered back  
16 into the scene, correct?

17 A. Yes.

18 Q. So Terrie and Ryan were basically acting  
19 alone from what you can see in the frame during that  
20 period.

21 A. Correct.

22 Q. Now, talking about the videos 7 and 8 which  
23 I think were also videos of the shower.

24 A. Yes.

25 Q. Do you recall those?

1 A. Yes.

2 Q. And these were actually blurry if you  
3 remember viewing them.

4 A. Yes.

5 Q. At least at the beginning.

6 A. Yes.

7 Q. Is there any way that you could tell if  
8 these were actual duplicates of video 4 which I think  
9 is the video of Tamara in the shower.

10 A. If it was not in the unallocated space,  
11 then I would be able to have a date and time stamp  
12 and I would be able to tell if it was a duplicate if  
13 it came from two different places and when they were  
14 deleted it's put in the unallocated that way if there  
15 was a copy of that or if he moved it but when it's in  
16 the unallocated it doesn't assign, it doesn't keep  
17 track of where that file came from so kind of like an  
18 index card.

19 Like the best way I can explain it is like  
20 a library index card. You pull a book somewhere.  
21 You want to put it back. You look at the index card  
22 and put it back in the library. In the unallocated  
23 function you can no longer do this. Could someone  
24 have made a copy and deleted both of those copies,  
25 that's why you have two that seem similar, that's

1 possible.

2 Q. And you just reminded me to ask you when  
3 you said that he moved something. Now, you only have  
4 a copy of the evidence from the vault, right?

5 A. Correct.

6 Q. You weren't present for any movement of  
7 these files from one part of the computer to another,  
8 right?

9 A. Correct.

10 Q. And you don't know who was using these  
11 files or doing anything with them, right?

12 A. That's why I said I did say he and I  
13 corrected myself and said someone.

14 Q. I appreciate that. Now, you also said that  
15 in certain points you saw Mr. Sena directing; is that  
16 right?

17 A. Yes.

18 Q. Okay. But you don't see him using any  
19 force, right?

20 A. No.

21 Q. You don't see him actually yelling?

22 A. No.

23 Q. You don't see him threatening anybody in  
24 the videos.

25 A. No.

1 Q. There were no weapons involved.

2 A. No.

3 MR. LOPEZ-NEGRETTE: Court's indulgence.

4 Q. Let me ask you. Do you know if -- maybe  
5 you don't -- if any hard drives were taken from  
6 Terrie's computer?

7 A. I'm not sure of that.

8 Q. You're not sure.

9 A. No.

10 Q. Did you speak with the detective about  
11 where these packages were recovered?

12 A. I just, you know, when I received them, I  
13 just see, you know, whatever is on the property  
14 sheet, and the property sheet didn't say where these  
15 were coming from.

16 Q. All right.

17 A. So I don't know.

18 Q. Okay. You got some information obviously  
19 to determine what was relevant in this case before  
20 you reviewed them, correct?

21 A. Yes.

22 Q. Who did you receive that from?

23 A. Detective Samples.

24 Q. Samples?

25 A. Yes.

1 Q. And did you speak with him about which  
2 computers, which devices, who was the owner of these  
3 devices?

4 A. All I know is those devices were taken from  
5 the office area so typically when I do any type of  
6 forensics, I look at the registry to see who's the  
7 registered owner of that so a lot of times, you know,  
8 they will just say owner. Sometimes people will put  
9 like their name as the owner.

10 Q. Sure.

11 A. I could find out all of those by going  
12 back, but I don't know exactly like each hard drive  
13 where it came from.

14 Q. And you didn't get into details with  
15 Detective Samples regarding that.

16 A. No.

17 MR. LOPEZ-NEGRETTE: Okay. Court's  
18 indulgence.

19 Q. And in terms of your timing, when did you  
20 actually perform this review?

21 Do you know if it happened before or after  
22 Terrie was arrested for instance?

23 A. Before.

24 Q. All right. And how about for Deborah?

25 A. The same.

1 Q. It was also before her arrest.

2 A. Yes.

3 MR. LOPEZ-NEGRETTE: All right. Pass the  
4 witness. Thank you.

5 (Whereupon Mr. Lopez-Negrete  
6 concluded this portion of his  
7 examination at 11:23 a.m.)

8 THE COURT: Redirect.

9 REDIRECT EXAMINATION

10 BY MR. SWEETIN:

11 Q. I just wanted to ask you just a couple  
12 questions. You've been asked some questions in  
13 regards to your review and testimony in regard to  
14 particularly the videos in this case; is that right?

15 A. Yes.

16 Q. As a matter of fact when you're going  
17 through the videos many times you even made reference  
18 to the defendant as being in the room when you  
19 couldn't see him on the video; is that correct?

20 A. Correct.

21 Q. Now, in the course of this investigation  
22 would it be fair to say that you take the totality  
23 approach and value file of the evidence in evaluating  
24 all the videos as a whole?

25 A. Yes.

1 Q. As you went through these videos was there  
2 anything to indicate to you that the defendant was  
3 involved in each and every one of these videos?

4 A. On a lot of the videos you would see  
5 Mr. Sena setting up the camera, you know. You start  
6 to look at his body size and shape so if you can't  
7 see his face all the time, you can see, you know, a  
8 subject who matches what you believe is Mr. Sena.

9 On one of the videos there is, you know, a  
10 lot of people pay attention to the actual video  
11 that's happening. Well, if you look on the right  
12 corner, you'll see a mirror and in that mirror if I  
13 see someone, you know, they left a room I say that  
14 because I saw the mirror and it shows the individual  
15 leaving that room.

16 Q. You indicated that you could make out some  
17 of the things that were said on some of the videos;  
18 is that correct?

19 A. Correct.

20 Q. Was there anything said based upon the male  
21 voice which you knew to be Christopher Sena from  
22 observing the video in the course of these videos  
23 that caused you to believe that he was involved in  
24 setting these videos up?

25 A. I heard him, Mr. Sena, say a name. In a

1 couple of videos he did make a couple of sexual  
2 comments. I believe it was in Brandon's video I  
3 heard him a little more clearer. So there is a  
4 couple of videos that you do hear his voice so when  
5 you just hear a muffled version of it, you know, you  
6 have to believe that that is Mr. Sena.

7 Q. Could you hear his voice at all at the  
8 beginning of the video involving Brandon and Deborah?

9 A. Yes.

10 Q. And what was the conversation that you  
11 heard the defendant engage in at that time?

12 A. I believe he was telling Brandon that if he  
13 wanted to try mommy's pussy. I'd have to look at my  
14 report to see exactly what was documented in that.

15 Q. Did he ever engage in a conversation with  
16 Deborah?

17 A. Yes.

18 Q. Could you describe that conversation. That  
19 would be involved in the video involving sexual  
20 conduct between Deborah, Brandon, and the defendant;  
21 is that correct?

22 A. There was one video that before the actions  
23 actually occurred or really started I believe it was  
24 a video with Deborah and Terry Tails. Mr. Sena asked  
25 Deborah about two penises in her mouth and she



1 basically said that she can't. She said, "I can't  
2 put two cocks in my mouth because yours is too big."

3 Q. And after that conversation is when the  
4 sexual acts involving Deborah and Terry Tails  
5 occurred in the video.

6 A. Yes.

7 MR. SWEETIN: Thanks. Nothing further.

8 (Whereupon Mr. Sweetin concluded  
9 his examination at 11:28 a.m.)

10 THE COURT: Anything further?

11 MR. LOPEZ-NEGRETTE: Court's indulgence.

12 RECROSS-EXAMINATION

13 BY MR. LOPEZ-NEGRETTE:

14 Q. Detective, now your basis for knowing  
15 Christopher Sena's voice is only these videos,  
16 correct?

17 A. Correct.

18 Q. You had never spoken to him outside of  
19 listening to these videos, right?

20 A. No.

21 Q. So do you know what the audio quality was  
22 on these videos?

23 A. The audio quality isn't the best.

24 Q. So it would go up and down depending on  
25 different videos, correct?

1 A. Correct, positioning of the person where  
2 they're at, varies where the camera is situated, yes.

3 Q. So you're just basing your opinion based  
4 upon your conclusions viewing the videos, correct?

5 A. Correct.

6 Q. And depending on the audio quality of each  
7 file, correct?

8 A. Right.

9 Q. You also said that you were asked questions  
10 about Mr. Sena setting up the camera.

11 A. Yes.

12 Q. Obviously you have no knowledge of anything  
13 that happened outside of what was recorded, right?

14 A. Right.

15 Q. So you don't know whose idea it was to  
16 perform any of these acts, correct?

17 A. No, I don't.

18 Q. So you don't know if it was Terrie's idea,  
19 for instance, to have some of this behavior to have  
20 Mr. Sena put the camera in place.

21 A. No, I don't.

22 MR. LOPEZ-NEGRETTE: Thank you.

23 (Whereupon Mr. Lopez-Negrete  
24 concluded his examination  
25 at 11:29 a.m.)

1 THE COURT: Anything further?

2 MR. SWEETIN: No, Your Honor.

3 THE COURT: All right. You're excused.

4 (Whereupon Vincente Ramirez  
5 was excused from the witness  
6 stand at 11:29 a.m.)

7 THE COURT: Next witness.

8 MR. SWEETIN: Erin Clark.

9 THE COURT: Okay. So we're going to clear  
10 the courtroom.

11 MR. SWEETIN: Judge, just for the record, I  
12 think we talked yesterday about the mother being able  
13 to sit with her. Her mother is Melissa Clark who's  
14 already testified in this proceeding. Pursuant to  
15 statute she's requesting that her mother sit by her.

16 THE COURT: I'll allow it.

17 MR. LOPEZ-NEGRETTE: Your Honor, just for  
18 the record, we do object to that.

19 THE COURT: She already testified. She's  
20 her mother. She's 14. I'll allow that. I'll ask  
21 everybody else to step out.

22 Hi, Erin, come on up. Are you feeling  
23 better today?

24 THE WITNESS: Yeah.

25 THE COURT: Good. There's some water right

1 there. Do you want some water?

2 All right. So your mom's going to sit next  
3 to you. She can't tell you what to say. You can't  
4 look at her for authorization or correction or  
5 confirmation. It's your testimony so it has to be  
6 based on what your answer is to the question. So if  
7 you'll raise your right hand for me.

8 ERIN CLARK,

9 having first duly affirmed to tell  
10 the truth under the pain and penalty  
11 of perjury, was examined and testified  
12 as follows:

13 THE COURT: All right. And you are 14.

14 THE WITNESS: Yes.

15 THE COURT: Okay. So let me just make sure  
16 you understand how the procedure works. So  
17 everything that we're saying is taken down by the  
18 court reporter. She's the lady in front of you. So  
19 if you can make sure you speak loudly enough so not  
20 just she can hear it but also the attorneys on this  
21 side. Everybody has the right to hear the questions  
22 and what the answers are.

23 If at any point in time you don't  
24 understand a question from an attorney, you need to  
25 ask them what they mean.

1 THE WITNESS: Okay.

2 THE COURT: Sometimes they use big words.  
3 Sometimes they get information incorrect so you need  
4 to verify what their question is, and you do that by  
5 saying I don't understand the question or can you  
6 rephrase it.

7 If they have information wrong and  
8 therefore, for example, they use your name wrong or  
9 somebody else's name that's incorrect or a day or a  
10 time or something is incorrect, do not answer the  
11 question correcting in your mind what that mistake  
12 was. You have to either tell them what it is or  
13 correct it in your answer.

14 When the preliminary hearing is completed,  
15 there will be a transcript of everything that was  
16 said verbatim so it will have here's the question and  
17 here's the answer. So wait until the attorney gets  
18 the question fully out.

19 Do not answer the question until they have  
20 finished asking it because in the normal course of  
21 conversation we do that a lot 'cause we understand  
22 what they're asking so we start answering. You can't  
23 do that in a court of law because of the fact that  
24 the court reporter needs it all down so then you can  
25 start your answer out with the question fully asked.

1           You have to verbalize all your responses  
2 which means you have to say out loud yes or no as  
3 opposed to shaking or nodding your head. If you say  
4 uh-huh or huh-uh, I'll have to prompt you and ask  
5 does that mean yes or does that mean no so if you  
6 could try to remember that in advance, it will make  
7 the process go smoother and easier for you.

8           Sometimes the other attorneys will object  
9 to a question so if that occurs, I need you to wait.  
10 Don't answer until I direct you whether to answer  
11 that question or I'll make the attorney ask another  
12 question.

13           I know you were upset yesterday so if at  
14 any point in time you need a break during the  
15 proceedings, just let me know if you're not feeling  
16 well. You can help yourself to water. If you need  
17 tissue, I'll put it right there for you. If you need  
18 a break let us know.

19           There is a difference between I don't know  
20 and I don't remember. I don't know means you never  
21 knew the answer. I don't remember means you knew it  
22 at sometime but right now you can't recall it. It's  
23 not a memory test. The attorneys are asking for your  
24 best recollection as you sit here today.

25           If you don't remember something, they will

1 ask you most likely additional questions to see if  
2 they can trigger your memory. So if the answer to  
3 the question is you never knew the answer, you need  
4 to tell them so they don't keep asking you questions  
5 trying to trigger your recollection if you never knew  
6 the answer. So please make sure when you're  
7 answering you let them know you don't remember it or  
8 you never knew the answer.

9 Any questions?

10 THE WITNESS: No.

11 THE COURT: If you could scoot a little bit  
12 forward so that microphone right there and go ahead.

13 DIRECT EXAMINATION

14 BY MS. HOLTHUS:

15 Q. Did you give us your full name, spell it  
16 already?

17 A. Erin Clark. E-R-I-N, C-L-A-R-K.

18 Q. Erin, how old are you?

19 A. 14.

20 Q. Who is your mom?

21 A. Melissa Clark.

22 Q. Is that her sitting back there behind you?

23 A. Yes.

24 Q. What grade are you in?

25 A. Ninth.

1 Q. Who do you live with?

2 A. My mom, grandparents, cousin, two sisters,  
3 brother, and aunt.

4 Q. Who is Christopher Sena?

5 You're pointing in the courtroom. Tell me  
6 what he's wearing.

7 A. I can't see.

8 THE COURT: You can stand up.

9 THE WITNESS: A blue jumpsuit [sic].

10 THE COURT: The record will reflect the  
11 witness has identified the defendant.

12 MS. HOLTHUS: Thank you.

13 Q. Who is he to you?

14 A. My aunt's ex-husband.

15 Q. How old were you when he became your  
16 uncle? Do you even remember?

17 A. No.

18 Q. Was he basically your uncle your whole life  
19 as far as you know?

20 A. Yeah.

21 Q. Have you ever been over to his place at  
22 6012 Yellowstone in North Las Vegas, Clark County,  
23 Nevada?

24 A. Yes.

25 Q. More than one time?



1 A. Yes.

2 Q. How old were you when you first started  
3 going over there?

4 A. Ten to eleven.

5 Q. And you remember that because --

6 A. That's when I first started going over  
7 there.

8 Q. Okay. Do you recall what grade you were in  
9 at the time?

10 A. Fifth.

11 Q. And how often would you go over there?

12 A. Almost every weekend.

13 Q. What did you go over there for?

14 A. To see family.

15 Q. And what family in particular would you go  
16 visit?

17 A. My aunt and cousins.

18 Q. Your aunt?

19 A. Terrie.

20 Q. Cousins?

21 A. Ryan and Anita and Tails.

22 Q. Were you close to all of them?

23 A. Yes.

24 Q. And what about Brandon?

25 A. Not really not so close to him.

1 Q. So Terrie and your mom are sisters, right?

2 A. Yes.

3 Q. So they were your actual cousins, Brandon  
4 was not.

5 A. Brandon was not.

6 Q. Okay. You know why we're here, right?

7 A. Yes.

8 Q. Did there come a time that something was  
9 going on in the house that made you uncomfortable?

10 A. Yes.

11 Q. Tell me about the first time. How old were  
12 you?

13 A. Eleven.

14 Q. What happened?

15 A. He would touch me in my breasts and vagina.

16 Q. And what did he touch you with?

17 A. His hand.

18 Q. Over or under your clothes?

19 A. Under.

20 Q. How would he get under your clothes?

21 A. He would make me lift up my shirt and put  
22 my pants down to my ankles.

23 Q. Where did this occur?

24 A. In the office.

25 Q. Daytime, nighttime, different times?

1 A. Different times.

2 Q. We are talking about the first time. Do  
3 you recall was that day or night?

4 A. I don't remember.

5 Q. Where specifically in the office would you  
6 be?

7 A. In the back. In the back of the office.

8 Q. And I don't really know -- I haven't been  
9 there. Can you describe for me. This is a one room  
10 building.

11 A. Yes.

12 Q. Is there a bathroom in it?

13 A. Yes.

14 Q. But other than that, just one room.

15 A. Yes, and there was also a kitchen.

16 Q. Okay. Is the kitchen like open though?  
17 It's a studio?

18 A. Yes.

19 Q. Was a bed in there?

20 A. I don't remember.

21 Q. Couch?

22 A. I don't remember.

23 Q. Desk?

24 A. Yes.

25 Q. That's why we called it the office.

1 A. Yes.

2 Q. Do you know whose office it was?

3 A. No.

4 Q. You said when you were eleven that he would  
5 touch you on your breasts and your vagina. Did that  
6 happen more than one time?

7 A. Yes.

8 Q. Can you describe -- was it always the same  
9 or was it different?

10 A. Yes, it was always the same.

11 Q. What would he do to your breasts?

12 A. Fondle them.

13 Q. With using what part of his body?

14 A. His hands.

15 Q. Did he use any other part of his body to  
16 touch your breasts?

17 A. No.

18 Q. What about your vagina, what part of his  
19 body?

20 A. Hands.

21 Q. And what would he do with his hands on your  
22 vagina?

23 A. Rub over it.

24 Q. Okay. You know how you have lips over  
25 there.

1 A. Yes.

2 Q. Did his hands or fingers ever go between  
3 the lips?

4 A. No.

5 Q. Stayed on the outside?

6 A. Yes.

7 Q. Did he say anything when he was doing that?

8 A. No.

9 Q. How often -- you said you went over there  
10 nearly every weekend.

11 A. Yes.

12 Q. Between what ages?

13 A. Eleven to 12, 13.

14 Q. Okay. So that would have been what grade?

15 A. Third to eighth, sixth, seventh, and  
16 eighth.

17 Q. Were you going over there still in eighth?

18 A. I don't remember.

19 Q. For sure in fifth.

20 A. Yes.

21 Q. For sure in sixth.

22 A. Yes.

23 Q. For sure in seventh.

24 A. Yes.

25 Q. Through these three grades did you continue

1 to go over there almost every weekend?

2 A. It would depend.

3 Q. Did you ever go more than like a couple  
4 months without going over there?

5 A. Yes.

6 Q. When was that?

7 A. I don't remember, I just remember a few  
8 years that our families didn't talk.

9 Q. What grade were you in during that?

10 A. I don't remember.

11 Q. During the time you were in fifth grade, do  
12 you remember going over there almost every weekend?

13 A. Yes.

14 Q. How often would he fondle your breasts and  
15 your vaginal area?

16 A. A couple times.

17 Q. A couple of times over the year, a couple  
18 of times over a weekend?

19 A. Over the weekend.

20 Q. Did it happen every weekend you went there?

21 A. I don't remember.

22 Q. Okay. Was there ever a weekend when it  
23 didn't happen?

24 A. I don't remember.

25 Q. Did it happen more than one time in fifth

1 grade?

2 A. Yes.

3 Q. How do you remember that?

4 A. What do you mean?

5 Q. You said you don't remember if it was every  
6 weekend or if you missed some weekend, but you don't  
7 remember if it was more than one time.

8 A. Yes.

9 Q. Would it be -- you said sometimes daytime.

10 A. Yes.

11 Q. Sometimes nighttime.

12 A. I don't remember.

13 Q. Can you tell me anything about any of the  
14 different times, one different from another.

15 A. No.

16 Q. How is it that you know that it happened  
17 more than one time?

18 A. I just remember it being more than once.

19 Q. Okay. Do you remember it being more than  
20 twice?

21 A. Yes.

22 Q. More than three times?

23 A. Yes.

24 Q. Do you remember whether after the first  
25 time was it a long time after he did it again or did

1 it become more of a routine?

2 A. Like a routine.

3 Q. So strictly when you would go over there.

4 A. Yes.

5 Q. And the year you were eleven, fifth grade  
6 whatever, 52 weekends in a year. And so nearly every  
7 weekend you may not have gone every weekend, but if  
8 there's 52 weekends in a year, you went a lot of  
9 weekends.

10 A. Yes.

11 Q. A lot of those weekends he touched you on  
12 your breasts and vagina.

13 A. Yes.

14 Q. Did he ever touch your breasts and not  
15 touch your vagina?

16 Your memory is he's touching your breasts  
17 and your vagina without your clothes.

18 A. Yes.

19 Q. Do you ever remember something differently,  
20 one time you were wearing pants, one time you were  
21 wearing shorts, one time a dress?

22 A. No.

23 Q. How old are you?

24 A. 14.

25 Q. And what's your date of birth?



1 A. December 21, 2000.

2 Q. Now, what about -- you said it happened  
3 when you were eleven in fifth grade. What about  
4 sixth grade, did it continue to happen then?

5 A. I don't remember.

6 Q. Seventh grade, did it continue to happen  
7 then?

8 A. I don't remember.

9 Q. When was the last time you remember it  
10 happening?

11 A. When Deborah, his wife left. That's what I  
12 stopped going over there.

13 Q. When she left, just not too long ago --

14 THE COURT: Did you answer that question?

15 THE WITNESS: What was the question?

16 MS. HOLTHUS: He was talking to me so I'm  
17 sorry.

18 Q. You said before Deborah left.

19 A. Yes.

20 Q. When was that?

21 A. I don't remember.

22 Q. Can you give me a year, recently, a long  
23 time ago, years ago, months ago?

24 A. Last year.

25 Q. Last year being 2014. So it was sometime

1 then --

2 A. 2014.

3 Q. -- was the last time you went over there.

4 A. Yes.

5 Q. The last time you went over there, did he  
6 touch your breast or your vagina?

7 A. I don't remember.

8 Q. Tell me about the last time you remember  
9 him touching you.

10 A. I don't remember.

11 Q. Did there come a time when he stopped  
12 touching you when you went over there?

13 A. I don't remember.

14 Q. So you remember multiple times when you  
15 were eleven in fifth grade.

16 MR. LOPEZ-NEGRETE: Your Honor, I think  
17 we're kind of getting repetitive at this point. I'm  
18 going to object, asked and answered.

19 THE COURT: Overruled.

20 / / /

21 MS. HOLTHUS:

22 Q. Did you -- when you say you don't remember,  
23 you remember it happening multiple times in fifth  
24 grade when you were eleven, right?

25 A. Yes.

1 Q. Are you telling me you don't remember  
2 anything after that?

3 A. Yes.

4 Q. So you remember something that happened  
5 more years ago than less years ago.

6 A. Yes.

7 Q. Did there -- when you would go over there,  
8 would you expect it to happen?

9 A. Yes.

10 Q. Did there ever come a time where you just  
11 kind of got used to it happening?

12 A. Yes.

13 Q. Did there ever come a time when you said,  
14 hey, how come it's not happening anymore?

15 THE COURT: Was she asking someone?

16 MS. HOLTHUS:

17 Q. Just commenting to yourself because you  
18 said you got to the point where you were expecting it  
19 to happen, right?

20 A. Yes.

21 Q. So did after you would expect it to happen,  
22 did there come a time when you would go over and say  
23 to yourself, hey, why isn't this happening? I expect  
24 it to happen.

25 MR. LOPEZ-NEGRETTE: Objection, relevance.

1 THE COURT: Overruled.

2 THE WITNESS: No.

3 MS. HOLTHUS:

4 Q. So is there any reason to believe that it  
5 ever stopped?

6 A. I don't understand.

7 Q. You don't remember it stopping, right?

8 A. Yes.

9 Q. Except that you know it didn't happen after  
10 Deborah moved out.

11 A. Yes.

12 Q. But up until that point as far as you know  
13 it never stopped.

14 A. Yes.

15 Q. The question was bad. Now I don't know  
16 what your answer meant. So you don't remember it  
17 stopping.

18 A. No.

19 Q. So you have every reason to believe that it  
20 continued to go on until you stopped going there.

21 A. Yes.

22 Q. And that was between fifth and seventh  
23 grade.

24 A. Yes.

25 Q. Did you continue going there as often?

1 A. No.

2 Q. Fewer times than sixth grade and seventh  
3 grade.

4 A. Yes.

5 Q. Fifth was the time like every other  
6 weekend.

7 A. Yes.

8 Q. And after that once a month maybe, a couple  
9 times a year.

10 A. A couple times a year.

11 Q. So you said you definitely remember it  
12 happening in fifth grade, sixth grade.

13 A. Yes.

14 Q. Seventh grade.

15 A. Yes.

16 Q. Eighth grade.

17 A. No.

18 Q. Fourth grade.

19 A. No.

20 Q. You didn't go over there. Okay. Do you  
21 recall was there a time that you took a shower?

22 A. Yes.

23 Q. Did that happen a lot of times?

24 A. No.

25 Q. How many times?

1 A. A couple times.

2 Q. Okay. Specifically do you recall was there  
3 a time when you got lice in your hair?

4 A. Yes.

5 Q. What grade were you in when that happened?

6 A. I don't remember.

7 Q. I'm going to show you what I believe has  
8 been admitted as State's Exhibit 6. You've seen a  
9 picture in this case, right, of you --

10 A. Yes.

11 Q. -- that you didn't know was being taken.

12 A. Yes.

13 Q. I'm showing you State's admitted  
14 Exhibit 6. Do you recognize that?

15 A. Yes.

16 Q. And who is that?

17 A. Me.

18 Q. And where are you?

19 A. I'm in the office taking a shower.

20 Q. In the office that we were talking about  
21 before as the defendant's house.

22 A. Yes.

23 Q. Did you know that picture was being taken?

24 A. No.

25 Q. What grade were you in at the time?

1 A. I don't remember.

2 Q. Okay. Sometime between fifth and seventh.

3 A. Yes.

4 Q. Was anybody around when you were taking the  
5 shower at this time?

6 Do you remember taking the shower in this  
7 picture?

8 A. Yes.

9 Q. Was there anybody there in the office with  
10 you?

11 A. I don't know.

12 MS. HOLTHUS: Thank you. Pass the  
13 witness.

14 (Whereupon Ms. Holthus concluded  
15 her examination at 11:50 a.m.)

16 CROSS-EXAMINATION

17 BY MR. LOPEZ-NEGRETE:

18 Q. Hi, Erin. I'm David. I'm going to ask you  
19 some questions, and if you don't understand, just  
20 tell me and I'll try to rephrase it so you do  
21 understand. Just like you have been doing, just  
22 answer truthfully.

23 A. Okay.

24 Q. Is that all right?

25 A. Yes.

1 Q. Okay. And your mom is sitting next to you,  
2 right?

3 A. Yes.

4 Q. How do you get along with your mom?

5 A. We're close.

6 Q. Have you always been close?

7 A. Yes.

8 Q. You haven't had any issues between each  
9 other?

10 A. No.

11 Q. You wouldn't get really angry or anything  
12 like that.

13 A. No.

14 Q. Do you have any problem telling your mom  
15 things that happen to you?

16 A. No.

17 Q. And if something upsets you, you have a  
18 close enough relationship that you can talk to her  
19 about it.

20 A. Yes.

21 Q. Now, you said that you would go over to see  
22 your Aunt Terrie, right?

23 A. Yes.

24 Q. And also to see Ryan.

25 A. Yes.



- 1 Q. And Anita.
- 2 A. Yes.
- 3 Q. And Tails.
- 4 A. Yes.
- 5 Q. Who would take you over to see them?
- 6 A. My aunt would pick me up.
- 7 Q. Terrie.
- 8 A. Yes.
- 9 Q. Where would she pick you up from?
- 10 A. My house.
- 11 Q. And that's when you were living with your
- 12 grandparents.
- 13 A. Yes.
- 14 Q. All right. Do you remember was your mom
- 15 home when she came to pick you up?
- 16 A. Yes.
- 17 Q. All right. Do you know why Terrie would
- 18 pick you up instead of your mom taking you over?
- 19 A. No.
- 20 Q. Did it change, sometimes your mom would
- 21 take you and sometimes Terrie would pick you up?
- 22 A. No.
- 23 Q. Was it always Terrie picking you up?
- 24 A. Yes.
- 25 Q. And how much time -- you said you would go

1 over there on weekends, right?

2 A. Yes.

3 Q. How much time would you spend over at  
4 Terrie's house?

5 A. The weekend, Saturday and Sunday.

6 Q. So you would spend the night.

7 A. Yes.

8 Q. All right. And then you would go back to  
9 your house.

10 A. Yes.

11 Q. All right. And would your mom come to  
12 Terrie's house while you were also there?

13 A. No.

14 Q. So you were there alone.

15 A. Yes, sometimes my cousin came with me.

16 Q. Which cousin?

17 A. Tamara.

18 Q. All right. And would your mom pick you up  
19 or would Terrie take you back to your house?

20 A. Terrie would take me back.

21 Q. All right. And then when Terrie dropped  
22 you off, you saw your mom again, right?

23 A. Yes.

24 Q. All right. And you guys would talk about  
25 what happened, what you guys were doing over the

1 weekend.

2 A. Yes.

3 Q. Okay. Now, would you go over there to swim  
4 or what was the main activity that you guys would do?

5 A. Yes, sometimes we would swim.

6 Q. All right. What else would you do, watch  
7 movies?

8 A. Yes.

9 Q. Play games?

10 A. Watch movies.

11 Q. Would you guys play any games or anything  
12 like that?

13 A. Yes.

14 Q. What kind of games?

15 A. Video games.

16 Q. All right. And where were you playing the  
17 video games if you remember?

18 A. The house.

19 Q. Do you know which room?

20 A. Livingroom.

21 Q. And who would be playing with you?

22 A. My cousins.

23 Q. So that would be Tails.

24 A. Tails and Ryan.

25 Q. All right. So they were over there most of

1 the time that you were over there as well; is that  
2 right?

3 A. Yes.

4 Q. Okay. And how do you get along with your  
5 cousins? Let's start with Ryan.

6 A. We're close.

7 Q. So you guys have a relationship where you  
8 guys talk to each other.

9 A. Yes.

10 Q. All right. And how about with Anita, how  
11 do you get along with her?

12 A. We're close.

13 Q. You also have no problem telling her  
14 stuff.

15 A. Yes.

16 Q. You would talk about things that maybe were  
17 going on at school.

18 That's okay.

19 So I wanted to ask you would you talk with  
20 Anita about what was going on at school?

21 A. Yes.

22 Q. Just regular stuff.

23 A. Yes.

24 Q. Things that came up.

25 A. Yes.

1 Q. All right. And then if you had any  
2 problems, you would feel comfortable going to Anita  
3 and talking to her about it.

4 A. Yes.

5 Q. She's older than you, right?

6 A. Yes.

7 Q. Is Ryan older than you?

8 A. Yes.

9 Q. And how about Tails?

10 A. Yes.

11 Q. Do you feel that they -- you would look up  
12 to them in a way?

13 A. Yes.

14 Q. You would expect them to protect you.

15 A. I guess.

16 Q. Okay. If you felt in danger, would you  
17 have a problem talking to them about it?

18 A. It depends on what it is.

19 Q. Okay. Do you think that they would be  
20 someone you would look to to help you out with some  
21 problem that you might be having?

22 A. Yes.

23 Q. Okay. And let me ask you, how do you get  
24 along with Terrie?

25 A. We were close.

1 Q. All right. And do you have the same type  
2 of relationship that we're talking about where you  
3 can talk to her about things?

4 A. Yes.

5 Q. And you don't have a problem telling her if  
6 something is upsetting you.

7 A. No.

8 Q. Would you tell her when things upset you?

9 A. It depends on what it is.

10 Q. Okay. How about with Tamara, what kind of  
11 relationship do you have with Tamara?

12 A. We're close.

13 Q. Kind of the same like your other cousins?

14 A. Yes.

15 Q. You can talk to her.

16 A. Yes.

17 Q. Can you tell her when things are upsetting  
18 to you?

19 A. Yes.

20 Q. She is older than you, right?

21 A. Yes.

22 Q. So she also would be someone you would look  
23 to to look out for you?

24 A. Yes.

25 Q. All right. Now, do you still live with

1 your grandparents?

2 A. Yes.

3 Q. Okay. So you've lived at that house  
4 basically your entire life.

5 A. Yes.

6 Q. How do you get along with your  
7 grandparents?

8 A. We get along.

9 Q. Do you talk to them?

10 A. Yes.

11 Q. Do you talk to one more than the other?

12 A. No.

13 Q. Do you think you're about as close to your  
14 grandfather as you are to your grandmother?

15 A. Yes.

16 Q. All right. And you would tell them if  
17 something was upsetting to you?

18 A. No.

19 Q. Why not?

20 A. Not that close with them.

21 Q. So you're closer to your mom than to your  
22 grandparents?

23 A. Yes.

24 Q. All right. Now, you were telling us about  
25 that Christopher would touch you sometimes, right?

1 A. Yes.

2 Q. And you were saying that it was kind of  
3 always the same.

4 A. Yes.

5 Q. Because it's hard to remember the specifics  
6 of each time.

7 A. Yes.

8 Q. They kind of all blur together to you.

9 A. Yes.

10 Q. It's hard to separate each one out for you;  
11 is that right?

12 A. Yes.

13 Q. Because it was similar each time.

14 A. Yes.

15 Q. And it happened in the same way.

16 A. Yes.

17 Q. And you said that there was a time when  
18 your families didn't talk, do you remember that, just  
19 earlier today?

20 A. Yes a little.

21 Q. A little bit.

22 A. Yes.

23 Q. Do you recall how long the time was that  
24 your families didn't talk, how long that lasted?

25 A. A few years.



1 Q. A few years. Okay. And did you ever tell  
2 Ryan about Christopher touching you?

3 A. No.

4 Q. Did you ever hear about -- you saw a  
5 picture today, right?

6 A. Yes.

7 Q. Of you taking a shower.

8 A. Yes.

9 Q. And did you ever hear about other pictures  
10 of your cousins or anybody else in that house, in  
11 Christopher and Terrie's house like that, naked  
12 pictures?

13 A. No.

14 Q. You never heard about anything else besides  
15 the one you saw today.

16 A. Yes.

17 Q. Did you hear anybody complaining about  
18 Christopher touching them like he touched you?

19 A. No.

20 Q. And when did you first tell someone about  
21 Christopher touching you?

22 A. When this case came up.

23 Q. Okay. Do you remember what day that  
24 happened that you said, "That happened to me too"?  
25 Can you kind of take me through that.

1 A. I don't know.

2 Q. Do you remember if you spoke with your mom  
3 about that?

4 A. Yes.

5 Q. All right. And what were you doing? How  
6 did it come up?

7 A. We told our statements and she just asked  
8 me what happened and why did I have to have a  
9 statement and what happened.

10 Q. So when you're talking about you had your  
11 statement, what do you mean? Do you mean like when  
12 you were talking to the police?

13 A. Yes, when I talked to the detective.

14 Q. All right. Was the detective the first  
15 person you told that Christopher touched you?

16 A. Yes.

17 Q. All right. And your mom talked to you  
18 after your statement.

19 A. Yes.

20 Q. And that's when she was asking you -- I'm  
21 just trying to clarify. That's when she's asking you  
22 when did you tell him what happened.

23 A. Yes.

24 Q. And did you tell her the same thing that  
25 you told the detective?

1 A. Yes.

2 Q. Did you tell your mom -- did you see a  
3 doctor at any point after you talked to the  
4 detective?

5 A. No.

6 Q. Did you ask to see a doctor?

7 A. Yes.

8 Q. Who did you ask?

9 A. My mom.

10 Q. And what happened?

11 A. We went to the doctor and he told me I had  
12 to go to a place to see if I needed to take therapy  
13 or pills.

14 Q. Okay. And which doctor is this?

15 Is this like your family doctor?

16 Do you know him from before?

17 A. Yes.

18 Q. Do you remember his name?

19 A. No.

20 Q. Okay. You'd been to see him before.

21 A. Yes.

22 Q. And did you actually go to the second place  
23 that the doctor told you you might need to go?

24 A. No.

25 Q. Why not?

1 A. I was feeling better.

2 Q. All right. And did you ever make an  
3 appointment do you remember?

4 A. No.

5 Q. All right. Did you tell your doctor why  
6 you were feeling upset or depressed?

7 A. No.

8 Q. Why not?

9 A. 'Cause I don't know.

10 Q. Did he ask you?

11 A. I don't remember.

12 Q. You don't remember. Okay. Now, were you  
13 afraid of Christopher?

14 A. Yes.

15 Q. And was that because he was buff?

16 A. I guess.

17 Q. Do you remember talking to the police about  
18 all this?

19 A. No. Like what do you mean?

20 Q. Do you remember telling the police that he  
21 touched you?

22 A. Yes.

23 Q. And you remember that you were talking  
24 about being afraid of him to the police?

25 A. I don't remember.

1 Q. All right. And was Christopher already in  
2 jail when you told the police about him touching you?

3 A. Yes.

4 MR. LOPEZ-NEGRETTE: Court's indulgence.

5 Q. Christopher touched you in the office; is  
6 that right?

7 A. Yes.

8 Q. And is that where Terrie slept also?

9 A. Yes.

10 Q. All right. And you knew that's where she  
11 slept.

12 A. Yes.

13 Q. Was she ever around when Christopher was  
14 touching you?

15 A. No.

16 Q. Do you know if she was not home or she was  
17 in a different part of the house?

18 A. Just a different part.

19 Q. All right. How long would it last when  
20 Christopher touched you?

21 A. A couple minutes.

22 Q. All right. And then you would go back and  
23 do what?

24 A. Go in the house.

25 Q. Hang out with your cousins.

1 A. Yes.

2 Q. Terrie also?

3 A. Yes.

4 Q. But you didn't tell them about Christopher  
5 touching you?

6 A. No.

7 Q. Why not?

8 A. I was embarrassed.

9 Q. Okay. Do you remember seeing that picture  
10 of you showering, right?

11 Do you remember if Terrie walked into the  
12 shower at that time?

13 A. No.

14 Q. Were you in the shower alone the whole time  
15 from what you remember?

16 A. Yes.

17 Q. Okay. Do you remember ever wanting to go  
18 over to Terrie's house and not being able to?

19 A. Yes.

20 Q. Tell me about that.

21 A. For like if I had plans.

22 Q. Yes.

23 A. Then I wouldn't go over there.

24 Q. If you had plans. Okay. And were there  
25 any times when you tried to go over and your mom or

1 Terrie would say, "You can't come over"?

2 A. Yes.

3 Q. Do you know if that happened in the  
4 beginning, in the middle, towards the time that you  
5 talked to the police?

6 A. I don't remember.

7 Q. All right. Would that happen a lot or not  
8 a lot --

9 A. A lot.

10 Q. -- that they would say you can't come over?

11 A. Yes.

12 MR. LOPEZ-NEGRETTE: Okay. Court's  
13 indulgence.

14 Q. Just a couple more questions, Erin. We  
15 were just talking about times that Terrie or your mom  
16 would say you can't go over to Terrie's house. Do  
17 you remember that?

18 A. Yes.

19 Q. Were there times after that that you still  
20 went over?

21 A. I don't remember.

22 Q. So let me ask it this way. Sometimes they  
23 would tell you you can't come over, right?

24 A. Yes.

25 Q. And then sometimes after that you were able

1 to come over.

2 A. Yes.

3 Q. All right. And let me ask you when you

4 spoke to the police and you told them about

5 Christopher touching you, do you remember that?

6 A. Yes.

7 Q. Who took you to the police, did someone?

8 A. To go see a detective and my mom took me,

9 and my cousin also went.

10 Q. Was your mom driving the car you were in?

11 A. Yes.

12 Q. And which cousin?

13 A. Tamara.

14 Q. Tamara was also in the same car as you.

15 A. Yes.

16 Q. And were you over at your grandparents'

17 house before that?

18 A. Yes.

19 Q. Did you guys talk on the ride over to the

20 police station --

21 A. Yes.

22 Q. -- about Christopher touching you.

23 A. No.

24 MR. LOPEZ-NEGRETTE: Thank you.

25 (Whereupon Mr. Lopez-Negrete



1 concluded his examination

2 at 12:09 p.m.)

3 THE COURT: Redirect.

4 MS. HOLTHUS: No thank you.

5 THE COURT: Thank you, Erin. You're free  
6 to go.

7 (Whereupon Erin Clark

8 was excused from the witness

9 stand at 12:09 p.m.)

10 THE COURT: All right. How many  
11 witnesses?

12 MR. SWEETIN: Next witness is fairly  
13 short. Do you want me to call her? Tamara Gresham.  
14 My direct is probably going to be about 15 minutes.

15 (Discussion off the record.)

16 TAMARA GRISHAM,

17 having first duly affirmed to tell

18 the truth under the pain and penalty

19 of perjury, was examined and testified

20 as follows:

21 THE CLERK: Please be seated. State your  
22 name and spell it for the record.

23 THE WITNESS: Tamara Grisham, T-A-M-A-R-A,  
24 G-R-I-S-H-A-M.

25 DIRECT EXAMINATION

1 BY MR. SWEETIN:

2 Q. Good afternoon, Tamara. How old are you?

3 A. 18.

4 Q. What's your date of birth?

5 A. January 9, 1997.

6 Q. Do you know someone by the name of Terrie  
7 Sena?

8 A. That's my aunt.

9 Q. And how are you related specifically to  
10 your aunt?

11 A. It's my mother's sister.

12 Q. And your mother is who?

13 A. Kimberly Grisham.

14 Q. Do you know a Melissa and Erin Clark?

15 A. Melissa's my aunt and Erin is my cousin.

16 Q. And they're actually the ones that just  
17 left the courtroom; is that right?

18 A. Yes.

19 Q. What city did you live in growing up?

20 A. Las Vegas.

21 Q. And did you have contact with your aunt  
22 Terrie as you were growing up?

23 A. Yes, I did.

24 Q. Did you visit her residence?

25 A. Yes.

1 Q. Was that the residence located at 6012  
2 Yellowstone Avenue, Las Vegas, Clark County, Nevada?

3 A. Yes.

4 Q. So about how old were you when you started  
5 visiting your aunt Terrie at that address?

6 A. Around seven or eight.

7 Q. And how often did you visit once you  
8 started visiting?

9 A. Every weekend.

10 Q. Did there come a point in time when you  
11 stopped going over here?

12 A. When I was around 15 I stopped going.

13 Q. So once you turned 15, then you didn't go  
14 over to the residence anymore.

15 A. Right.

16 Q. Do you know who was living at the residence  
17 when you were visiting?

18 A. Yes.

19 Q. Who was living there?

20 A. Chris, Terrie, Deborah.

21 Q. Let me stop you for a minute. When you say  
22 Chris, who are you referring to?

23 Do you see that person in the courtroom  
24 today?

25 A. Yes.

1 Q. What I'd like you to do for the benefit of  
2 the judge if you could point that person out and an  
3 item of clothing he's wearing.

4 A. He's wearing blue.

5 THE COURT: The record will reflect the  
6 witness has identified the defendant.

7 MR. SWEETIN: Thank you.

8 Q. So you indicated that the defendant lived  
9 at the residence; is that correct?

10 A. Yes.

11 Q. And who else lived at the residence?

12 A. Terrie also lived there, Deborah.

13 Q. When you say Terrie, you're talking about  
14 your aunt Terrie.

15 A. Yes. Terry my cousin Tails.

16 Q. Terry Tails Sena.

17 A. Yes. Anita, Tails, Brandon and Ryan.

18 Q. And I think you also mentioned Deborah; is  
19 that correct?

20 A. Yes.

21 Q. And when you say Deborah, is that Deborah  
22 Sena?

23 And you mentioned Anita, Ryan, and  
24 Brandon. They're all Senas as well.

25 A. Yes.

1 Q. When you were visiting the residence, did  
2 the defendant ever show you anything that was sort of  
3 unusual?

4 A. Once he showed me a picture of my aunt  
5 Melissa giving him oral sex.

6 Q. Where were you when he showed you that  
7 picture?

8 A. In the office.

9 Q. So that would be sort of a separate  
10 building behind the residence; is that correct?

11 A. Correct.

12 Q. What's in that office?

13 A. There were computers. There was a big TV,  
14 a couch, a little kitchen type thing, a bathroom, and  
15 that's all I can think of.

16 Q. Okay. Was there a shower in the bathroom?

17 A. Yes.

18 Q. Now, you made mention that he showed you  
19 these pictures you indicated of who now?

20 A. My aunt Melissa.

21 Q. And where were you within that office when  
22 he showed you those pictures?

23 A. On the computer.

24 Q. So it was right there on the computer where  
25 all the electronic stuff is.

1 A. Yes.

2 Q. And when you were there with him, was there  
3 anybody else in the office?

4 A. No.

5 Q. About how old were you at this time?

6 A. I'd say around 12 or 11.

7 Q. And what was the reason for him showing you  
8 these things, did he say?

9 A. We were just looking through pictures  
10 already and he just went to that one.

11 Q. Now, you made reference that it was your  
12 aunt Melissa engaged in some sort of sexual act.

13 A. Yes.

14 Q. And what would that be?

15 A. Oral sex.

16 Q. And who was she engaged in oral sex with?

17 A. Christopher.

18 Q. The defendant?

19 A. Yes.

20 Q. Did he show you just one picture like that  
21 or was it multiple pictures?

22 A. I only saw one.

23 Q. Did you say anything to him about why are  
24 you showing me this pictures?

25 A. I didn't really say anything that much.

1 Q. Okay. Now, when you visited that  
2 residence, did you -- you mentioned there was a  
3 shower in that office; is that right?

4 A. Yes.

5 Q. Did you ever use that shower?

6 A. Yeah, I did.

7 Q. How often did you use that shower?

8 A. A couple times.

9 Q. Now, you mentioned that you started going  
10 over there when you were very young, about seven; is  
11 that right?

12 A. I remember.

13 Q. And you stopped going there when you were  
14 15; is that right?

15 A. Yes.

16 Q. So over that entire period of time did you  
17 utilize that shower?

18 A. Yes.

19 Q. I'm going to show you what's marked as  
20 State's Exhibit 5, 8, and 9 for identification. I'm  
21 sorry. I just need you to look at these and when  
22 you're done looking at them, let me know.

23 A. Yeah, that's me.

24 Q. Okay. You recognize what's depicted in  
25 those photos.

1 A. Yeah.

2 Q. And what is depicted in those photos?

3 A. I'm showering.

4 Q. And you recognize the shower itself.

5 A. Yes.

6 Q. Is that in fact the shower that you made  
7 reference to in the office?

8 A. Yes, it is.

9 Q. Did you ever know that you were  
10 photographed while you were showering in that photo?

11 A. No, I did not.

12 Q. Do you know your approximate age in those  
13 three photos?

14 A. 13 or 14.

15 Q. And you made mention previously that you  
16 didn't -- you weren't at the residence or even taking  
17 a shower at the residence after you turned 16; is  
18 that right?

19 A. Correct.

20 MR. SWEETIN: Pass the witness.

21 (Whereupon Mr. Sweetin concluded  
22 this portion of his examination  
23 at 12:17 p.m.)

24 CROSS-EXAMINATION

25 BY MR. LOPEZ-NEGRETE:



1 Q. Hi, Tamara.

2 A. Hello.

3 Q. I just have a few questions for you.

4 Who do you live with right now?

5 A. I live with my grandparents, my aunt, three  
6 of my cousins, and my mom.

7 Q. Now, let me just pick up with the picture  
8 that Chris showed you of Melissa giving him oral  
9 sex. Do you remember that?

10 A. Yes.

11 Q. You thought it was weird when he showed you  
12 that.

13 A. Yeah.

14 Q. And what did you do after seeing that  
15 picture?

16 A. I didn't really do anything. We just moved  
17 on to other pictures of normal things.

18 Q. I'm sorry. Could you repeat that.

19 A. Of normal things.

20 Q. Okay. And was Melissa at the house that  
21 day that you saw the picture?

22 A. No.

23 Q. Did you see Melissa after that?

24 A. Yes.

25 Q. Did you ever talk to her about seeing that

1 picture?

2 A. A couple years later.

3 Q. All right.

4 A. But not right away.

5 Q. Okay. What did you -- what was the  
6 conversation like? Did you mention it to her or you  
7 had a full on --

8 A. I just told her that once when I was over  
9 there -- it was after I had already stopped going  
10 over there. I had told her that I saw a picture that  
11 he showed me and we didn't really talk about it after  
12 that. It was uncomfortable.

13 Q. All right. What was her reaction?

14 A. She just looked kind of like scared,  
15 nervous, I didn't want to talk about it after that.

16 Q. Okay. Did she ever bring it up after that?

17 A. No.

18 Q. Did you tell anybody else after seeing that  
19 picture?

20 A. Not that I can remember.

21 Q. All right. Now, you would go over and you  
22 would spend a lot of time over there when you were  
23 younger; is that right?

24 A. Yeah.

25 Q. Who would take you over there?

1       A.    My aunt Terrie.

2       Q.    She would come pick you up.

3       A.    Uh-huh.

4       Q.    Is that a yes?

5       A.    Yes.  I'm sorry.

6       Q.    And would anyone else go with you?

7       A.    Sometimes Erin would go with me.

8       Q.    All right.  And Terrie would also pick you

9 and Erin up.

10      A.    Yes.

11      Q.    All right.  Now, you would go almost every

12 weekend; is that right?

13      A.    Yeah.

14      Q.    Okay.  Now, eventually it got really

15 uncomfortable to go over there; is that right?

16      A.    Yes.

17      Q.    And do you remember there being an incident

18 where Chris asked you and your boyfriend about having

19 sex?

20      A.    It was just me.  My boyfriend wasn't there.

21      Q.    Okay.

22      A.    Yeah.

23      Q.    Was your boyfriend in another room or was

24 he in the house at all?

25      A.    He wasn't in the house at all.

1 Q. Who was there for that conversation?

2 A. It was me and all their family like Anita,  
3 Terrie, Tails, Brandon, Ryan. I think Erin was there  
4 too.

5 Q. And he asked about using protection for  
6 sex.

7 A. Yes.

8 Q. You guys were eating at the table.

9 A. Yes.

10 Q. All right. And did you talk with your  
11 cousins or with your aunt about that after that?

12 A. No.

13 Q. All right. Now, you said that you saw some  
14 other things when you went over there including that  
15 Christopher would sometimes pull the shirt off of  
16 Deborah.

17 A. Terrie.

18 Q. Terrie?

19 A. Yes.

20 Q. And show her breasts; is that right?

21 A. Uh-huh, yes.

22 Q. And would that happen with Deborah or just  
23 Terrie?

24 A. I just remember Terrie.

25 Q. Do you remember telling the police that you

1 said that it happened with Deborah as well?

2 A. No.

3 Q. Okay. And do you remember if anyone else  
4 was around to see that?

5 A. No.

6 Q. Was Anita there?

7 A. No.

8 Q. What about Brandon?

9 A. Not that I can recall.

10 Q. Or Ryan.

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

12 Q. So from what you remember you were in a  
13 room alone with Christopher and Terrie.

14 A. Yes, in the office.

15 Q. In the office.

16 A. Uh-huh.

17 Q. All right. Now, did you ever talk to  
18 your -- now, your mom lives with you at your  
19 grandparents' house; is that right?

20 A. Yes.

21 Q. And did you guys talk about any of this?

22 A. No.

23 Q. Why not?

24 A. I don't really like talking to my mom about  
25 things. She is sensitive.

1 Q. Is there someone else that you talk to  
2 about these type of things?

3 A. No.

4 Q. Do you talk to your dad or anything like  
5 that?

6 A. No.

7 Q. All right. Do you ever feel forced to go  
8 over there? You said you felt it was uncomfortable.

9 A. It was uncomfortable but I would go over  
10 there for my cousins mostly.

11 Q. To see them?

12 A. Yes.

13 Q. And to spend some time with them.

14 A. Yes.

15 Q. Did you ever hear from them that they were  
16 being abused or anything like that?

17 A. No. I had no idea.

18 Q. You had no idea?

19 A. I really didn't.

20 Q. Do you have the type of relationship with  
21 them that you feel that they would be able to tell  
22 you?

23 MR. SWEETIN: Objection, calls for  
24 speculation as to what another person might feel.

25 MR. LOPEZ-NEGRETTE: I'll rephrase.

1 THE COURT: Go ahead.

2 MR. LOPEZ-NEGRETTE:

3 Q. You have a close relationship with your  
4 cousins; is that right?

5 A. I wouldn't necessarily say it was close.

6 Q. Okay. What would you say?

7 A. I would go -- they were kind of annoying  
8 sometimes to be honest. I wouldn't say we were that  
9 close.

10 Q. Did that go for the cousins that are older  
11 than you or just the ones that are younger than you?

12 A. All of them.

13 Q. All right. Now, in terms of Christopher,  
14 that incident about him showing you the pictures,  
15 that was a weird incident, right?

16 A. Yes.

17 Q. What kind of relationship did you have with  
18 Christopher?

19 A. We were pretty cool. He was like one of my  
20 favorite like uncles.

21 Q. So then you didn't have a problem going  
22 over there.

23 A. Not really.

24 Q. All right. From your impression -- now,  
25 you said that no one could actually talk back to

1 Chris though; is that right?

2 A. That's right.

3 Q. But when you said -- there was some sort of  
4 incident regarding him threatening to taser people.

5 Do you remember that?

6 A. Yes.

7 Q. But you said that wouldn't happen to you.

8 A. Yes.

9 Q. That you would say you're not doing that.

10 A. Yeah.

11 Q. You're not putting up with any of his tough  
12 --

13 A. That's because he wasn't my dad so he  
14 doesn't have the right to do that to me.

15 Q. So you weren't scared to be over there,  
16 right?

17 A. No.

18 Q. You actually told the police that you were  
19 good even though you would go over there. Does that  
20 sound right?

21 A. I don't understand what you mean.

22 Q. When the police asked you if you were  
23 scared to go over there --

24 A. Oh, okay.

25 Q. -- you told them that you were good.



1 A. Yeah, that's right.

2 Q. Because he had never done anything to you  
3 personally, right?

4 A. No.

5 Q. And you knew that if something happened to  
6 you, you could just leave.

7 A. Yeah.

8 Q. And in fact nobody has ever touched your  
9 private parts without your permission.

10 A. No.

11 Q. And that includes Chris.

12 A. Yes.

13 Q. And you confirmed to the police when you  
14 spoke with them that you were sure about that.

15 A. Yes.

16 Q. And actually nobody ever made you touch  
17 them or do things to your private parts; is that  
18 right?

19 A. Yes.

20 Q. And nobody made you touch your own private  
21 parts.

22 MR. SWEETIN: Judge, I'm going to object.  
23 It's obviously the reason that she's here. I don't  
24 think he can ask her as to any sexual conduct she may  
25 technically be involved with. If he wants to

1 restrict it to any contact between the relevant  
2 parties here, I think that's appropriate.

3 MR. LOPEZ-NEGRETTE: I'm just asking about  
4 obviously unwilling sexual contact, not about her  
5 just general sexual history or anything like that.  
6 I'm talking about abuse.

7 THE COURT: At any point in time?

8 MR. LOPEZ-NEGRETTE: No, during the time  
9 that she was visiting the defendant's home.

10 THE COURT: Okay. So during when she's  
11 visiting defendant's home during that time period,  
12 did anybody touch her.

13 MR. LOPEZ-NEGRETTE: Right, at the  
14 defendant's home. I can limit it to just Mr. Sena if  
15 you'd like.

16 THE COURT: That's fine.

17 MR. SWEETIN: That's appropriate.

18 MR. LOPEZ-NEGRETTE:

19 Q. Now, just to clarify, he never made you  
20 touch him.

21 A. No.

22 Q. And he never made you touch yourself.

23 A. No.

24 Q. And he never made you touch somebody else.

25 A. No.

1 Q. But you heard that he did touch other  
2 people.

3 A. Not until this whole thing happened.

4 Q. Okay. And when you're saying when this  
5 whole thing happened, are you talking about reading  
6 the newspaper or hearing that somebody got arrested?  
7 Could you clarify.

8 A. I heard that the SWAT team had come to his  
9 house.

10 Q. All right.

11 A. Yeah. I don't know.

12 Q. So you didn't know anything was wrong --

13 A. No, I didn't.

14 Q. -- before that.

15 A. No.

16 Q. When you met with the police, you confirmed  
17 to them that nobody influenced you in terms of what  
18 you would tell them. Does that make sense?

19 A. I'm sorry.

20 Q. Nobody told you what to say to the police.

21 A. No.

22 Q. You would just tell them what you knew.

23 A. Yes.

24 Q. And it was the truth, right?

25 A. Uh-huh, yes.

1 Q. And even if somebody did, you wouldn't  
2 care, right?

3 A. Right.

4 Q. You don't really pay attention to what  
5 everyone else says in that regard and that includes  
6 Chris.

7 A. Yeah.

8 MR. LOPEZ-NEGRETTE: Pass the witness.

9 Thank you very much.

10 (Whereupon Mr. Lopez-Negrete  
11 concluded his examination  
12 at 12:28 p.m.)

13 THE COURT: Redirect?

14 MR. SWEETIN: No, Your Honor.

15 THE COURT: You're free to go.

16 (Whereupon Tamara Grisham  
17 was excused from the witness  
18 stand at 12:28 p.m.)

19 THE COURT: We will break now for lunch.

20 Do you want to start Tails and then break after the  
21 direct before cross?

22 MS. RADOSTA: That's fine. There's no way  
23 we're getting done today. The State can continue to  
24 say --

25 THE COURT: They didn't say.

1 MR. SWEETIN: We were hoping we would but I  
2 didn't expect cross to go that long. That one  
3 witness was just a picture.

4 THE COURT: It doesn't matter. I'm here  
5 every day.

6 MS. HOLTHUS: As long as I finish Tails. I  
7 believe Tails is from out of town.

8 (Discussion off the record.)

9 THE COURT: Let's break for lunch.

10 (Whereupon a recess was taken  
11 from 12:29 p.m. until 1:34 p.m.  
12 after which the following  
13 proceedings took place:)

14 THE COURT: All right. Parties ready to  
15 begin.

16 MS. RADOSTA: Yes, Your Honor.

17 MR. SWEETIN: Yes, Your Honor.

18 THE COURT: Anything to discuss before we  
19 start.

20 MS. RADOSTA: No.

21 THE COURT: And then your witness.

22 MS. HOLTHUS: Terry Tails Sena.

23 TERRY TAILS SENA,  
24 having first duly affirmed to tell  
25 the truth under the pain and penalty

1 of perjury, was examined and testified  
2 as follows:

3 THE CLERK: Please be seated. State your  
4 name and spell it for the record.

5 THE WITNESS: Terry Tails Sena.

6 DIRECT EXAMINATION

7 BY MS. HOLTHUS:

8 Q. Do you go by Tails?

9 A. Yes, ma'am.

10 Q. How old are you?

11 A. I'm 20 years old.

12 Q. When is your birthday?

13 A. December 2, 1994.

14 Q. Are you living here locally?

15 A. No.

16 Q. Who is Christopher Sena to you?

17 A. My father.

18 Q. Do you see him here in court?

19 A. Yes, ma'am.

20 Q. Would you point to him, tell me where he's  
21 sitting, what he's wearing.

22 A. He's sitting to my left.

23 THE COURT: The record will reflect the  
24 witness has identified the defendant.

25 MS. HOLTHUS:

1 Q. Just kind of briefly. The defendant is  
2 your dad. Who is your biological mother?

3 A. Terrie Sena.

4 Q. Deborah Sena, what is she to you, if  
5 anything?

6 A. My stepmom.

7 Q. You have brothers and sisters.

8 A. I have one sister and two brothers.

9 Q. And your sister is Anita Sena.

10 Do you all have the same parents?

11 A. Not exactly.

12 Q. Which is which?

13 A. Anita is with Christopher Sena and Terrie  
14 Sena. Ryan is Terrie Sena. Brandon is with Deborah  
15 Sena and Christopher Sena.

16 Q. You kind of know why you're here, right?

17 A. Yes, ma'am.

18 Q. You've testified before in a similar  
19 proceeding.

20 A. Yes, ma'am.

21 Q. And that testimony regarded sexual conduct  
22 that was going on in the trailer on the 6012  
23 Yellowstone.

24 A. Yes, ma'am.

25 Q. Who lived there with you?

1 A. Christopher Sena, Terrie Sena, Deborah  
2 Sena, and the whole family.

3 Q. From what age to what age?

4 A. I want to say from five to 18.

5 Q. And you said your birthday was 12/2 --

6 A. Yes.

7 Q. -- '94.

8 A. Yes, ma'am.

9 Q. And you moved out when you were 18.

10 A. Yes, ma'am.

11 Q. About how long after your 18th birthday if  
12 you know?

13 A. About a month.

14 Q. So that whole time from five until 18 you  
15 were living with the family including your father.

16 A. Yes, ma'am.

17 Q. Tell me about the first type of sexual  
18 conduct that occurred at that address in North Las  
19 Vegas.

20 A. Well, it started at like (inaudible).

21 Q. How old?

22 A. I'm going to say 14, 15.

23 Q. Tell me about that.

24 A. I don't remember much of that.

25 Q. Tell me what you do remember.



1       A.    Having sexual intercourse with both my  
2 parents.

3       Q.    Okay.  Where did that occur?

4       A.    Bedroom and the shower.

5       Q.    Which was first?

6       A.    I don't remember the order.

7       Q.    All right.  Tell me about the shower.

8       A.    The shower is when a day from painting and  
9 we were dirty.

10      Q.    "We" being who?

11      A.    Me and Deborah Sena.

12      Q.    And so what happened?

13      A.    We got in the shower.  We started cleaning  
14 each other.

15      Q.    How did it end up that you got in the  
16 shower together?

17      A.    I got up to take a shower.

18      Q.    Who asked you to take a shower?

19      A.    Christopher Sena.

20      Q.    So who got into the shower first?

21      A.    Deborah.

22      Q.    So when Christopher asked you to get into  
23 the shower, she was already in there.

24      A.    Yes, ma'am.

25      Q.    Stupid question.  Was she naked?

- 1 A. Yes, ma'am.
- 2 Q. Did he have you get naked?
- 3 A. Yes, ma'am.
- 4 Q. What were your thoughts at that point?
- 5 A. Kind of weird.
- 6 Q. Did you want to do that?
- 7 A. Not really.
- 8 Q. So why did you?
- 9 A. Just to obey order or just listen to him.
- 10 Q. Listen to who?
- 11 A. Christopher Sena.
- 12 Q. What happened once you got in the shower?
- 13 A. We just started cleaning each other.
- 14 Q. And why did you do that?
- 15 A. Just to take a shower I guess.
- 16 Q. Okay. Was it your own idea to clean
- 17 Deborah's body?
- 18 A. No, ma'am.
- 19 Q. Whose idea was that?
- 20 A. Christopher Sena's.
- 21 Q. Then what happened?
- 22 A. I don't remember.
- 23 Q. Okay. You said there was sexual conduct.
- 24 A. Yes, ma'am.
- 25 Q. What was that?

1 A. Blow jobs.

2 Q. Okay. Who gave -- we're talking about the  
3 shower still. Okay?

4 A. Yes, ma'am.

5 Q. Who gave who a blow job?

6 A. Deborah gave me a blow job.

7 Q. And by a blow job, you mean put her what on  
8 your what?

9 A. Her mouth around my penis.

10 Q. Did you ask her to do that?

11 A. No, ma'am.

12 Q. Did someone tell her to do that?

13 A. No, ma'am.

14 Q. That was something as far as you could tell  
15 she did of her own free will?

16 A. Yes, ma'am.

17 Q. What happened?

18 Where was your dad? Where was the  
19 defendant?

20 A. He was walking inside and out the bathroom  
21 occasionally.

22 Q. Watching?

23 A. I think, yes.

24 Q. What happened from there?

25 Was there any other sexual act in the

1 shower?

2 A. Sort of.

3 Q. Tell me about that.

4 A. Sort of where she bent over and the penis  
5 went around the vagina area but that didn't last  
6 long.

7 Q. Deborah bent over.

8 A. Uh-huh, yes, ma'am.

9 Q. Did you tell her to bend over?

10 A. No, ma'am.

11 Q. Did anybody tell her to bend over?

12 A. I don't remember.

13 Q. But at some point she bent over.

14 A. Yes, ma'am.

15 Q. And whose idea was it to put your penis  
16 around her vaginal area?

17 A. Christopher Sena's.

18 Q. Did he tell you to do that?

19 Now, you said she was bent over. Was she  
20 like bent all the way like --

21 A. Yes.

22 Q. -- fully exposing her vaginal area?

23 A. Yes, ma'am.

24 Q. And you said it only happened for a little  
25 while. Tell me exactly what happened.

- 1 A. I touched it. I didn't really go in.
- 2 Q. You didn't go in the hole.
- 3 A. No, ma'am.
- 4 Q. Did you go in between the lips?
- 5 A. Yes, ma'am.
- 6 Q. Did she say anything to you at that point?
- 7 A. No, ma'am.
- 8 Q. Did you say anything to her?
- 9 A. No, ma'am.
- 10 Q. What was her demeanor at that point?
- 11 A. What do you mean?
- 12 Q. What was her mood?
- 13 Was she laughing, crying?
- 14 A. She was kind of upset I think.
- 15 Q. Okay. What happened -- were there any
- 16 other sexual acts --
- 17 A. No, ma'am.
- 18 Q. -- or anything else in the shower.
- 19 And you said there was another time in the
- 20 office.
- 21 A. Office?
- 22 Q. I'm sorry. You didn't say office. You
- 23 said their bedroom.
- 24 A. Yes, ma'am.
- 25 Q. Tell me about that. How old were you then?

1 A. I don't remember what age I was.

2 Q. Okay. But as far as you recall both of  
3 these acts occurred between 14 and 15.

4 A. Yes, ma'am.

5 Q. So was it daytime or nighttime?

6 A. Daytime.

7 Q. And how did you end up in the bedroom?

8 A. I was called into the bedroom.

9 Q. By whom?

10 A. Christopher Sena.

11 Q. When you got to the bedroom, what did you  
12 find?

13 A. My dad naked.

14 Q. And anybody else?

15 A. Not at that time, no.

16 Q. So what happened then?

17 It was just you and your dad.

18 A. Uh-huh.

19 Q. Yes?

20 A. Yes, ma'am.

21 Q. And what happened next?

22 A. I don't remember.

23 Q. Did you stay dressed?

24 A. At that time yes, ma'am.

25 Q. Did there come a time when you got naked?

1 A. When I was told to.

2 Q. By whom?

3 A. Christopher Sena.

4 Q. You took off your clothes.

5 A. Yes.

6 Q. When that happened, was there anybody else  
7 present?

8 A. Deborah came in.

9 Q. Did she come in before or after you got  
10 undressed?

11 A. She went in and out.

12 Q. Okay. Was she in and out -- was she  
13 dressed?

14 A. She was dressed, then she got naked.

15 Q. Why did she get naked?

16 A. To have sexual intercourse.

17 Q. Did she say anything, did she do anything?

18 A. No.

19 Q. Did she seem to be getting naked of her own  
20 free will?

21 A. No, ma'am.

22 Q. Why did you think she was getting naked?

23 A. I think it was already prescheduled.

24 MS. RADOSTA: Objection, Your Honor,  
25 speculation.

1 THE COURT: Sustained.

2 MS. HOLTHUS: Okay.

3 Q. So there was no conversation amongst  
4 anyone. She just came in and got naked.

5 A. Yes, ma'am.

6 Q. Then what happened?

7 A. There was sexual intercourse.

8 Q. Between who and who?

9 A. All three of us.

10 Q. I need to know which part, whose body part  
11 went where?

12 A. Deborah's vaginal area went around my penis  
13 and my dad went around her anus.

14 Q. Dad's penis in --

15 A. Anus.

16 Q. -- Deborah's anus.

17 A. Yes, ma'am.

18 Q. And your penis in Deborah's.

19 A. It was around in that area.

20 Q. Vagina.

21 A. Yeah.

22 Q. Was it in between the lips?

23 A. Yes, ma'am.

24 Q. Were there any other sexual acts that  
25 occurred at that point?



1 A. No, ma'am.

2 Q. Did anything else happen in the bedroom?

3 A. No, ma'am.

4 Q. At some point did Deborah give you oral?

5 Did she suck your penis?

6 A. Yes, ma'am. I remember.

7 Q. And that happened in the bedroom as well.

8 A. Yes, ma'am.

9 Q. Was that before or after the intercourse?

10 A. Before.

11 Q. And what about -- did you have intercourse

12 in multiple positions?

13 A. I think so, ma'am.

14 Q. And did you get oral both before and after

15 the intercourse?

16 A. I don't remember.

17 Q. You're aware that there was a video

18 recovered, correct?

19 A. Yes, ma'am.

20 Q. And you had an opportunity to view that in

21 the past.

22 A. Yes, ma'am.

23 MS. RADOSTA: Your Honor, this is leading.

24 I have to object. His answers are yes/no, yes/no,

25 yes/no.

1 THE COURT: Obviously you need to make the  
2 objection at the time of the question. Don't get  
3 upset after they've already been asked.

4 MS. RADOSTA: I apologize. I just always  
5 hope that it's going to ease up.

6 THE COURT: Object at the time if you hear  
7 a question that's improper. I'll be happy to rule.

8 MS. HOLTHUS: Court's indulgence.

9 Q. I just want to clarify. You described that  
10 Deborah first gave you oral, right?

11 A. Yes, ma'am.

12 Q. And then you said she, then you had  
13 intercourse with her.

14 A. Yes, ma'am.

15 Q. And then she gave you oral again.

16 A. Did I?

17 Q. I'm asking you.

18 A. No, I don't remember oral then.

19 Q. Okay. Would it refresh your recollection  
20 if you saw the video?

21 A. Sure.

22 MS. RADOSTA: I think I'm going to object  
23 at this point. The video has been admitted. If he  
24 doesn't remember, I don't necessarily think the State  
25 needs to refresh your recollection. It's been

1 admitted.

2 THE COURT: They want to refresh his  
3 recollection. I'll allow them to do so.

4 MS. HOLTHUS:

5 Q. You do acknowledge having seen the video,  
6 correct --

7 A. Yes, ma'am.

8 Q. -- of you and your dad and Deborah Sena  
9 engaging in a number of acts you described.

10 A. Yes, ma'am.

11 Q. And as far as you could tell, that was an  
12 accurate representation of what happened.

13 A. Yes, ma'am.

14 Q. Although you may not remember all the  
15 details; is that correct?

16 A. Yes, ma'am.

17 Q. So the video kind of speaks for itself if  
18 you will.

19 A. Yes, ma'am.

20 Q. I'm going to show you State's Exhibit 3.  
21 First let me show you State's Exhibit 4. It's kind  
22 of hard to see, but do you recognize that?

23 A. Yes, ma'am.

24 Q. What is that?

25 A. That's me in the shower with Deborah.

1 Q. And is this a picture of you and the  
2 incident you talked about --

3 A. Yes, ma'am.

4 Q. -- when you believe you were 14 or 15.

5 A. Yes, ma'am.

6 Q. And State's Exhibit 3 do you recognize  
7 that?

8 A. Yes, ma'am.

9 Q. And who is that?

10 A. That's me and Deborah.

11 Q. And is this the incident that you were  
12 describing before?

13 A. Yes, ma'am.

14 Q. And that you also have seen video of.

15 A. Yes, ma'am.

16 Q. And at that point you believe you were also  
17 14 or 15.

18 A. Yes, ma'am.

19 Q. Was there any other sexual conduct that you  
20 engaged in at that address?

21 A. No.

22 Q. Did you want any of this to happen?

23 A. No, ma'am.

24 MS. HOLTHUS: Pass the witness.

25 (Whereupon Ms. Holthus concluded

1 her examination at 1:49 p.m.)

2 CROSS-EXAMINATION

3 BY MS. RADOSTA:

4 Q. Good afternoon, Tails. My name is Violet.

5 A. Nice to meet you.

6 Q. I'll ask you some questions and try to keep  
7 this as brief as possible.

8 A. Yes, ma'am.

9 Q. Now, you said that you're not living here  
10 locally.

11 A. No, ma'am.

12 Q. Where are you living currently? Just the  
13 city and state.

14 A. Oregon.

15 Q. Do you have friends there or family?

16 What caused you to move to Oregon?

17 A. Stepdad.

18 Q. Stepdad. So that would be someone related  
19 to Terrie.

20 A. Terrie Sena's new husband.

21 Q. He's up in Oregon.

22 A. Yes, ma'am.

23 Q. And at what point did you decide to move up  
24 to Oregon to live with your stepdad?

25 A. It was right after I got the job work

1 opportunity he gave me.

2 Q. And when was that?

3 A. A month ago.

4 Q. So you're working with your stepdad.

5 A. Sort of, yes.

6 Q. He helped you get the job that you're  
7 currently employed at.

8 A. Yes, ma'am.

9 Q. And are you living with your stepdad?

10 A. Currently, yes.

11 Q. Is it your plan to continue living with  
12 him, or are you hoping to get a place of your own?

13 A. After I settle for a couple months up  
14 there, I'm going to move up and start a new life.

15 Q. Stay up in Oregon when you say start a new  
16 life.

17 A. Yes, ma'am.

18 Q. And at what point in time did you meet your  
19 stepdad?

20 A. Just as I moved out --

21 Q. Okay.

22 A. -- from my dad's place.

23 Q. Okay. And you moved out -- well, let's  
24 talk about that for a second. You moved out right  
25 after your 18th birthday, correct?

1 A. Yes, ma'am.

2 Q. So that would be -- your birth date was '94  
3 so we're talking like 2012 or right --

4 A. It was the beginning.

5 Q. 2013.

6 A. Yes, ma'am.

7 Q. And you were -- did you ever move back into  
8 the residence on Yellowstone after that date, after  
9 January 2013?

10 A. Yes, ma'am.

11 Q. Okay. About six or seven months after that  
12 you moved back in; is that right?

13 A. It was almost a year.

14 Q. So sometime during the summer of 2013. Is  
15 that when you moved back in?

16 A. No, ma'am.

17 Q. Did I misunderstand?

18 A. It was a full year. It was the summer of  
19 '14 or near the summer. It was around April 2014.

20 Q. Okay. So you were out of the house for  
21 over a year.

22 A. Yes, ma'am.

23 Q. Out of the residence at Yellowstone.

24 A. Yes, ma'am.

25 Q. And you were supporting yourself.

1 A. Yes, ma'am.

2 Q. You had your apartment.

3 A. I was living with a friend.

4 Q. Were you working though and being able to  
5 pay your own bills?

6 A. No, I was at school still.

7 Q. High school or college?

8 A. High school.

9 Q. Okay. While you were living on your own in  
10 the year 2013, did you have any contact with the  
11 family?

12 A. Hardly.

13 Q. Hardly. Okay. How far away from the  
14 Yellowstone house did you live?

15 A. Lake Mead and Pecos.

16 Q. So was it driving distance?

17 A. Yes, ma'am.

18 Q. Did you have a car?

19 A. No, ma'am.

20 Q. So if you wanted to see the family, you  
21 would have had to call them and say, hey, somebody  
22 come and pick me up.

23 A. No, I would just take the bus.

24 Q. Did you take the bus often while you were  
25 not living at home?



1 A. When I'd get a chance, yes. When I had the  
2 chance, I'd take the bus.

3 Q. So during that year, that 14-month period  
4 of time that you weren't living at home, how many  
5 times do you think you went back to visit?

6 A. Four times.

7 Q. For holidays or any other special occasions  
8 or just randomly?

9 A. It was half and half of those, holidays,  
10 birthdays.

11 Q. And you knew when you moved out that your  
12 sister Anita was still living at the house, correct?

13 A. Yes, ma'am.

14 Q. And your younger brothers Brandon and Ryan  
15 were still living there when you moved out.

16 A. Ryan was. I don't know what happened to  
17 Brandon.

18 Q. When you moved out in 2014, were Ryan and  
19 Terrie still living at the house?

20 A. I don't know.

21 Q. Maybe I misunderstood your answer. When  
22 you moved out right after your 18th birthday, who was  
23 living at the house on the day that you moved out?

24 A. Everyone.

25 Q. And is everyone Christopher, Deborah, your

1 mom Terrie --

2 A. Yes.

3 Q. -- Ryan, Brandon, and Anita.

4 A. Yes, ma'am.

5 Q. And at some point after you moved out did  
6 you learn that Terrie and Ryan had moved out?

7 A. After a few months, yes, ma'am.

8 Q. After -- I'm sorry -- how long?

9 A. After a month or so.

10 Q. You found out that Terrie and Ryan had  
11 moved out.

12 A. Yes, ma'am.

13 Q. After Terrie and Ryan moved out, did you  
14 have any contact with them since they weren't living  
15 at the Yellowstone house?

16 A. Yes, ma'am.

17 Q. What kind of contact did you have with  
18 Terrie and Ryan?

19 A. The same contact I had with other family.  
20 I'd see them once in a while.

21 Q. Once in a while. Okay. At that point in  
22 time you said it was shortly after you moved out that  
23 you met Ed, I'm sorry, your stepdad.

24 A. Yes.

25 Q. And his first name is Ed.

1 A. Yes.

2 Q. So it was during this period of time that  
3 Terrie had moved out with Ryan that you met Ed.

4 A. Yes, ma'am.

5 Q. Did meet him with Terrie one day?

6 A. Yes. We were out at an event. Yes, ma'am.

7 Q. So the first time you met him he was  
8 introduced as a friend or a boyfriend of your mom's?

9 A. A friend.

10 Q. And at that point in time did you know if  
11 they were dating or anything?

12 A. No, ma'am.

13 Q. And you said that you moved back into the  
14 residence in April, March or April of 2014; is that  
15 right?

16 A. Yes, ma'am.

17 Q. So by the time you moved back into the  
18 house Terrie and Ryan had also moved back into the  
19 house, correct?

20 A. Shortly after I did.

21 Q. Shortly after you did.

22 A. I think.

23 Q. It was around there.

24 A. Yes, shortly after.

25 Q. Your memory is that you moved in first and

1 then Terrie and Ryan came shortly after you.

2 A. Yes, ma'am.

3 Q. And how long after you moved back in did  
4 Deborah, Brandon, and Anita leave the house?

5 A. Two to three months.

6 Q. Okay. Did you have any idea what Deborah,  
7 Brandon, and Anita were planning on leaving the  
8 house?

9 A. No, ma'am.

10 Q. They did not tell you ahead of time.

11 A. No, ma'am.

12 Q. And Anita is your full biological sister;  
13 is that correct?

14 A. Yes.

15 Q. How would you describe your relationship  
16 with Anita, are you close, are you normal brother and  
17 sister?

18 A. Normal brother and sister.

19 Q. You argue a little bit but ultimately --

20 A. (Inaudible) yes, ma'am.

21 Q. Were you surprised she moved out of the  
22 house without telling you?

23 A. I broke down.

24 Q. In what way, anger or crying?

25 A. It was an anger type of matter.

1 Q. Angry at Anita for leaving you in the  
2 house?

3 A. No, just angry that they just left.

4 Q. Okay. And you were sharing a room at that  
5 time with Brandon and Ryan, correct?

6 A. What period of time?

7 Q. I'm sorry. I didn't understand your  
8 answer.

9 A. Before I moved when I was 18 yes, I shared  
10 a room. After when I came back, I slept in the  
11 livingroom.

12 Q. Sorry. So at the time that Brandon Deborah  
13 and Anita moved out, you were sleeping on the  
14 livingroom couch.

15 A. Yes, ma'am.

16 Q. And is it your understanding that they kind  
17 of packed up their things in the middle of the night,  
18 packed up the car and they left?

19 Is that your understanding of how Brandon,  
20 Anita, and Deborah left?

21 A. Yes.

22 Q. While that was happening you were sleeping  
23 on the livingroom couch.

24 A. Yes, ma'am.

25 Q. You initially were interviewed by the

1 police around the time that your father was arrested,  
2 correct?

3 A. Yes, ma'am.

4 Q. And you were actually home in the house  
5 when SWAT came in and served the search warrant,  
6 correct?

7 A. Yes, ma'am.

8 Q. Kind of scary occurrence.

9 A. Terrifying.

10 Q. Approximately how long did that interaction  
11 with SWAT last?

12 A. Six hours.

13 Q. Okay. And you were located in what part of  
14 the house when SWAT came in?

15 A. When they came in, I was put in zip ties  
16 and I was escorted down the street.

17 Q. When SWAT came in, where were you?

18 A. I was sleeping in the livingroom.

19 Q. And they came in the middle of the night.

20 A. Yes.

21 Q. You said they put you in zip ties and  
22 escorted you down the street.

23 A. Yes, ma'am.

24 Q. Did they tell you where your father was?

25 A. He was ten feet away from me.

1 Q. So you were both escorted out of the  
2 house.

3 A. Yes, ma'am.

4 Q. And you were kept zip tied that whole  
5 entire six hours.

6 A. No.

7 Q. Shortly after that incident you were  
8 interviewed by the police.

9 A. Yes.

10 Q. And in your first statement to the police  
11 you denied any type of sexual conduct happening  
12 within the home, correct?

13 A. Yes, ma'am.

14 Q. But then about six months or so ago you  
15 testified at the preliminary hearing of Deborah Sena,  
16 correct?

17 A. Yes, ma'am.

18 Q. In between the time that you spoke to the  
19 police and the time that you testified at Deborah  
20 Sena's hearing, were you having regular contact with  
21 your family members?

22 A. No.

23 Q. No? Between the time that you were  
24 interviewed and the time you testified at Deborah  
25 Sena's hearing, who were you living with?

1 A. My aunt.

2 Q. Which aunt was that?

3 A. My dad's sister.

4 Q. Okay.

5 A. Wait, no, no. The period of time first it  
6 was with Ed then shortly after that it was a friend  
7 and recently it was my dad's sister.

8 Q. Okay. So in the time leading up to your  
9 testimony at Deborah Sena's hearing you were living  
10 with your dad's sister.

11 A. Yes, ma'am.

12 Q. And after your testimony at Deborah Sena's  
13 hearing did you continue to live with your aunt, your  
14 dad's sister?

15 A. No, ma'am.

16 Q. Why did that living arrangement change?

17 A. Because I got a job opportunity, like I  
18 said, up in Oregon.

19 Q. So it was just shortly after your testimony  
20 that you moved up to Oregon.

21 A. Yes, ma'am.

22 Q. Okay. Since you've been up in Oregon other  
23 than living with Ed, are you having contact with  
24 Anita?

25 A. Yes. They called to check on me regularly



1 to see how I'm doing and everything.

2 Q. And "they" being Anita and whom else?

3 A. Anita, Brandon, my aunt.

4 Q. Which aunt?

5 A. Aunt Vickie, my dad's sister.

6 Q. There's obviously a lot of family here so  
7 we have to know. Your aunt Kimberly and Melissa --

8 A. They rarely talk to me.

9 Q. So Melissa and Kimberly rarely talk to  
10 you.

11 A. Yes, ma'am.

12 Q. What about Erin or Tamara?

13 A. They rarely talk to me too.

14 Q. So it's primarily Brandon, Ryan, and  
15 Anita.

16 A. No, just Anita and Brandon.

17 Q. What is your relationship with Ryan?

18 A. Ryan is outside. He doesn't contact  
19 anyone.

20 Q. Not just you.

21 A. Anyone in the family, not after something  
22 like this.

23 Q. In your interview with police, you  
24 referred -- you said that one of your younger  
25 brothers is manipulative and a tattletale. Which

1 younger brother were you talking about?

2 Was that Ryan or Brandon?

3 A. Both.

4 Q. Both of them are younger brothers.

5 A. Yes.

6 Q. By tattletale, did you mean that they would  
7 tell on you to the adults in the house?

8 A. Yeah. Like when we did arguing or we were  
9 fighting over small things, yeah. They would  
10 tattletale to the adults.

11 Q. Was it an adult in particular that they  
12 would tattletale to?

13 A. Brandon. It would be Deborah and Ryan, he  
14 really didn't do much tattletaling but when he did,  
15 it was my grandma.

16 Q. So basically if there was, you know,  
17 discord between the kids in the household, the moms  
18 dealt with it. Is that a fair statement?

19 A. To a point, yes.

20 Q. Okay. To a point. And just every day  
21 goings on in the house, the moms would deal with that  
22 type of thing.

23 A. Yes, ma'am.

24 Q. Okay. And was it pretty much divided, like  
25 if Anita had a problem would she be more apt to go to

1 Terrie which is your mom or go to Deborah?

2 A. That's really hard to say.

3 Q. Why would --

4 A. Anita is really close minded.

5 Q. Why would Anita being close minded affect  
6 who she's going to?

7 A. Jealousy of her mom.

8 Q. Jealousy of both moms.

9 A. No, just Terrie.

10 Q. Is it fair to say Anita was closer in your  
11 opinion to Deborah than she was to Terrie?

12 A. Yes, ma'am.

13 Q. And if Anita had a problem, she'd be more  
14 apt to go to Deborah for help than to Terrie.

15 A. Yes, ma'am.

16 Q. So were you surprised when Deborah -- I'm  
17 sorry -- when Anita left the house with Deborah and  
18 left your mom Terrie behind --

19 A. Yes, ma'am.

20 Q. -- did that surprise you even though Anita  
21 seemed closer to Deborah?

22 A. Yes, ma'am.

23 Q. Okay. So I just want to make sure that I'm  
24 clear. You only moved out of the house on  
25 Yellowstone the one time, correct, in like January

1 2013?

2 A. Yes, ma'am.

3 Q. And once you -- did you ever text your mom  
4 Terrie after she moved out of the house asking her to  
5 move back into the house?

6 A. Not that I remember, no, ma'am.

7 Q. You were out of the house. You didn't  
8 really have any concerns about who was in the house.  
9 Is that a fair statement?

10 A. Yes, ma'am. I was only worried about  
11 myself.

12 Q. Okay. So if Terrie had said that you were  
13 texting her trying to convince her to move back into  
14 the house, you don't recall doing that?

15 A. No. It couldn't be possible because I  
16 didn't have a working phone.

17 Q. Okay. And actually let's talk about your  
18 phone for a second. At that point in time when you  
19 were not living in the house that entire like year,  
20 you didn't have a working phone.

21 A. No.

22 Q. Okay. So if the family wanted to get ahold  
23 of you, would they have to call the house phone of  
24 the friend that you were living at?

25 A. Yeah. I would have used my friend's phone.

1 Q. Prior to leaving the house, did you have a  
2 working phone?

3 A. When I was living there?

4 Q. Yeah, like before January 2013.

5 A. Yes, ma'am.

6 Q. Did you have access on your phone to the  
7 security cameras that were inside the house?

8 A. Yes, ma'am.

9 Q. To the feed that was the security cameras.

10 A. Yes, ma'am.

11 Q. And it was like a live feed on your phone,  
12 correct?

13 A. Yes. It was for me when I was watching the  
14 house by myself.

15 Q. So it was meant for security purposes.

16 A. Yes, because the neighborhood wasn't  
17 friendly.

18 Q. Okay. And these cameras were located just  
19 outside the house or outside the house and inside?

20 A. Both.

21 Q. And it was like an app on your phone,  
22 correct?

23 A. I think so yes, ma'am.

24 Q. And did you put that app on your phone or  
25 did somebody else put that app on your phone?

1       A.    My dad did for, like I said, security  
2 reasons.

3       Q.    So he allowed you to have access to that  
4 information.

5       A.    Yes, ma'am.

6       Q.    Additionally, Tails, in your original  
7 interview with police almost a year ago now back in  
8 September of 2014 you indicated that your mom Terrie  
9 didn't like your stepmom.

10      A.    Correct.

11      Q.    Why -- how were you able to tell that your  
12 mom didn't like your stepmom?

13      A.    There was a lot of reasons. Jealousy is  
14 the main thing.

15      Q.    Was there things that your mom said around  
16 the house that caused you to think she didn't like  
17 Deborah?

18      A.    Her body language.

19      Q.    Specifically what type of body language did  
20 you see that told you your mom didn't like --

21      A.    Furious, she had like anger.

22      Q.    Okay. Would she like look at Deborah in an  
23 angry way? Is that what you're saying?

24      A.    Yes, ma'am.

25      Q.    Okay. Was there ever any motions like

1 behind Deborah's back?

2 A. Occasionally.

3 Q. Okay. What type of motions?

4 A. Middle finger, funny faces towards her.

5 Q. Ever any indication of like wanting to do  
6 some type of violence to her?

7 A. No.

8 Q. 'Cause sometimes people will just do an  
9 action as though you're strangling someone if they  
10 turn their back or anything like that.

11 A. No. If it was really bad, she just walked  
12 away.

13 Q. If it was really bad, your mom Terrie would  
14 just walk away?

15 A. Yeah. She'd just walk out of the house.

16 Q. Did you hear your mom and stepmom get into  
17 any arguments?

18 A. A few times when I was present.

19 Q. Were there arguments about household things  
20 or arguments about your dad?

21 A. It was the household and actually the  
22 children to be honest.

23 Q. In all honesty this was kind of an unusual  
24 arrangement.

25 A. Yes.

1 Q. Was it something comfortable to talk about  
2 with your friends at school?

3 A. I don't recall seeing her growing up so it  
4 was good she was there for my teen years. My friends  
5 actually thought it was cool.

6 Q. That you had two moms in the house.

7 A. Yeah.

8 Q. Is that part of the reason why your friends  
9 thought it was cool, because you had a positive  
10 opinion?

11 A. Yeah, yes, ma'am.

12 Q. When you say you didn't really see your mom  
13 much growing up, at what point in your life did your  
14 mom Terrie move in the house?

15 A. It was back when I was growing up just as  
16 we moved to Yellowstone. There was additionally when  
17 she got in a fight she'd just move out and then come  
18 back in, move out, come back in, so it was an on and  
19 off thing when I was growing up.

20 Q. And that was after Ryan was born, correct?

21 A. Yes.

22 Q. So she would move out, take Ryan with her,  
23 and be gone for a week at a time or a month at a  
24 time.

25 A. Month.



1 Q. And then one day just show back up again.

2 A. Yes.

3 Q. How many times when you were -- well, let  
4 me withdraw that for a second.

5 What's the youngest age you recall your mom  
6 Terrie moving out of the house like that?

7 A. I would have to say six.

8 Q. Okay. And what was the oldest age that you  
9 recall your mom moving out like that?

10 A. 18.

11 Q. During from the age of six to the age of 18  
12 how many times do you think your mom that you recall  
13 picked up and moved out?

14 A. Four to five.

15 Q. Okay. And each of those four or five times  
16 would she be gone for a month or more?

17 A. Yes, ma'am.

18 Q. Sometimes many months.

19 A. Yes, ma'am.

20 Q. When she would move, out would she always  
21 take Ryan with her?

22 A. Yes, ma'am.

23 Q. And she never took you or Anita with her.

24 A. No, ma'am.

25 Q. When she would move out, did you know she

1 was moving out or did you just come home from school  
2 and she was gone?

3 A. No, we would know.

4 Q. You would know. Did you ever ask to go  
5 with her?

6 A. No, ma'am.

7 Q. Okay. And when she would move back in, did  
8 you know she was coming back or did you just find out  
9 one day 'cause she was back?

10 A. I would know the routine. She'd be angry,  
11 leave for a couple months and then come back level  
12 headed.

13 Q. You wouldn't know the exact day she'd come  
14 back but you just figured.

15 A. Yeah, I figured she had been back.

16 Q. During the time she was gone, would you  
17 have contact with her?

18 A. No, ma'am.

19 Q. Have you, since you moved out -- since  
20 your dad has been arrested, have you had any type of  
21 therapy or counseling?

22 A. No, ma'am.

23 MS. RADOSTA: Court's indulgence.

24 Q. Just to clarify one of the comments, one of  
25 your statements on direct. You said there was sexual

1 intercourse with both parents on direct. Did you  
2 mean -- were you speaking of the incident when it was  
3 Chris and Deborah in the room with you?

4 A. Please explain.

5 Q. Unless I misunderstood something that you  
6 said on direct, I wrote down that you said you had  
7 sexual intercourse with both parents. You've never  
8 had any sexual contact with your mother Terrie,  
9 correct?

10 A. Not that I recall.

11 Q. And when you said sexual intercourse with  
12 both parents, you're speaking of the incident when it  
13 was Deborah and Christopher in the room with you --

14 A. Yes, ma'am.

15 Q. -- when Christopher was having sex with  
16 Deborah.

17 A. Yes, ma'am.

18 Q. You never had any sexual intercourse with  
19 Christopher, correct?

20 A. No, ma'am.

21 MS. RADOSTA: Court's indulgence. Sorry,  
22 Judge. Nothing further.

23 (Whereupon Ms. Radosta concluded  
24 her examination at 2:12 p.m.)

25 THE COURT: Redirect.

1 MS. HOLTHUS: No thank you.

2 THE COURT: You're free to go.

3 (Whereupon Terry Tails Sena  
4 was excused from the witness  
5 stand at 2:12 p.m.)

6 THE COURT: Next witness.

7 MR. SWEETIN: The State would call Brandon  
8 Sena.

9 BRANDON SENA,  
10 having first duly affirmed to tell  
11 the truth under the pain and penalty  
12 of perjury, was examined and testified  
13 as follows:

14 THE WITNESS: I swear the whole truth.

15 THE COURT: You're all right.

16 THE CLERK: Please be seated. State your  
17 full name and spell it for the record.

18 THE WITNESS: Brandon Sena, B-R-A-N-D-O-N,  
19 S-E-N-A.

20 DIRECT EXAMINATION

21 BY MR. SWEETIN:

22 Q. Hello, Brandon. What's your date of birth?

23 A. August 13, 1998.

24 Q. So how old are you now?

25 A. 17.

- 1 Q. Are you currently in school?
- 2 A. Yes.
- 3 Q. Where are you going to school?
- 4 A. Bonanza High School.
- 5 Q. And what year are you in now?
- 6 A. Senior, last year.
- 7 Q. You were a senior last year?
- 8 A. No. This is my last year.
- 9 Q. Senior. This is your last year.
- 10 A. Yes.
- 11 Q. So you were a junior last year, now you're
- 12 going in your senior year.
- 13 A. Yes.
- 14 Q. Who do you currently live with?
- 15 A. Just my sister Anita Sena.
- 16 Q. Here in town?
- 17 A. Yes.
- 18 Q. Which sister would that be?
- 19 A. My half sister Anita.
- 20 Q. Anita Sena.
- 21 A. Yes.
- 22 Q. Did you ever live at a residence located at
- 23 6012 Yellowstone Avenue here in North Las Vegas,
- 24 Clark County, Nevada?
- 25 A. Yes.

1 Q. And when did you live at that residence?

2 A. I lived there from 1998 all the way to 2014  
3 I think it was or 2013 in June.

4 Q. Would that be just this last June, a year  
5 ago from this last June?

6 A. Yeah.

7 Q. So that would be June --

8 A. 2014.

9 Q. -- 2014.

10 A. Yes.

11 Q. So basically your whole life then up to  
12 June 2014. Would that be accurate?

13 A. Say that again.

14 Q. So you lived at that residence basically  
15 your whole life from the time you were born until  
16 June 2014.

17 A. Yes.

18 Q. Over that time that you lived at that  
19 residence, who lived there with you, if anyone?

20 A. My half sister Anita Sena, my half brother  
21 Terry Tails Sena.

22 Q. Let me get this straight. So Anita Sena  
23 you said is your half sister; is that right?

24 A. Yes.

25 Q. So who are her parents?

1 A. Terrie Sena and Christopher Sena.

2 Q. Okay. Do you see Christopher Sena in the  
3 courtroom today?

4 A. Yes.

5 Q. What I'd like you to do is point that  
6 person out for the judge and just tell the judge  
7 something that person's wearing today.

8 A. He's wearing a blue I think shirt with his  
9 hair combed back.

10 THE COURT: The record will reflect that  
11 the witness has identified the defendant.

12 MR. SWEETIN: Okay.

13 Q. Now, you mentioned Anita. Who else was  
14 living there with you?

15 A. Ryan Sena.

16 Q. And who was Ryan's parents?

17 A. His mom was Terry Sena. His dad I'm not  
18 sure of the full name but --

19 Q. But his dad wasn't living with you in the  
20 residence.

21 A. No.

22 Q. Okay. So that's Anita, Ryan, who else?

23 A. Terry Tails Sena.

24 Q. Is that the person who just left the  
25 courtroom?

- 1 A. Yes.
- 2 Q. And his parents were who?
- 3 A. Christopher Sena and Terrie Sena.
- 4 Q. Okay. And who else --
- 5 A. Oh.
- 6 Q. -- was living at the house.
- 7 A. Terrie Sena.
- 8 Q. And Terrie Sena. Were you related to her
- 9 directly?
- 10 A. No. No, sir.
- 11 Q. Okay. And who else?
- 12 A. Deborah Sena.
- 13 Q. And you were related to her.
- 14 A. Yes.
- 15 Q. She was how related to you?
- 16 A. She was my actual mother.
- 17 Q. And anyone else living there?
- 18 A. Christopher Sena.
- 19 Q. And that's the defendant that you
- 20 previously identified; is that right?
- 21 A. Yes.
- 22 Q. Now, while you were living there over that
- 23 period of time, did anything happen that you came to
- 24 tell the judge about today?
- 25 A. Yes. There was a lot of abuse, sexual



1 assault, and that's all I can remember at this  
2 moment.

3 Q. All right. Let's talk about some of the  
4 sexual acts that you made reference to. Okay? Did  
5 any of those sexual acts involve Terrie Sena?

6 A. Yes.

7 Q. Could you describe approximately how old  
8 you were when these sexual acts occurred?

9 A. Around 14 years old.

10 Q. And where did these sexual acts occur in?

11 A. In the back office.

12 Q. Now, just to be clear, you mentioned  
13 the back office. Is that actually in the house or  
14 that is in another building?

15 A. Same yard and the same area but it's in  
16 like another building.

17 Q. Okay. Could you describe a little bit  
18 about what's inside the office.

19 A. A ton of computers, like one computer, a  
20 ton of different anime dolls, a kitchen, bathroom  
21 like normal what I can remember as much.

22 Q. Okay. You indicated that some sexual acts  
23 involved Terrie. Who was present during these sexual  
24 acts? Was it just you and Terrie or anybody else?

25 A. Christopher Sena.

1 Q. The defendant that you previously  
2 identified.

3 A. Yes.

4 Q. Could you describe to us one of those  
5 sexual acts that occurred when you were about 14 or  
6 15 years old.

7 A. Oral sex.

8 Q. How did you come to go back into the office  
9 and be involved in any sort of oral sex acts?

10 A. I can't remember.

11 Q. But you remember that you were back in the  
12 office and it was just you, the defendant, and Terrie  
13 in the office.

14 A. Yes.

15 Q. Okay. And what is it that you remember  
16 happening exactly?

17 A. All I can remember is my dad telling me to  
18 pull down my pants and stuff and having Terrie start  
19 giving me oral.

20 Q. Now, we haven't talked about this. I  
21 haven't talked to you about this ever, have I, about  
22 the actual acts that happened?

23 A. No.

24 Q. Okay. Do you remember talking to the  
25 police about what happened?

1 A. No, I do not.

2 Q. Okay. Would it refresh your recollection  
3 to look at a transcript of a statement that you gave  
4 to the police? A transcript is where they sort of  
5 write down what's said.

6 A. Yes, I will take a look.

7 Q. And looking at the statement that was given  
8 to Las Vegas Metropolitan Police Department about  
9 page 34 and 35, I'll say 33, 34, and 35. So what I'm  
10 going to do is I'm going to give this to you and let  
11 you take a look at it and read about halfway down the  
12 page 33, page 34, and page 35. Just take your time.  
13 Take a look at that and let me know when you're  
14 done.

15 A. Okay.

16 Okay. I remember this one.

17 Q. Looking at that, did that sort of refresh  
18 your recollection to help you remember?

19 A. Yes, it does.

20 Q. So now we're talking about Terrie and we're  
21 talking about when you're 14 to 15 out in the office  
22 behind the house, right?

23 A. Yes.

24 Q. What do you recall happening in regards to  
25 Terrie and the defendant back in the office?

1       A.    Wait. Refresh on what that was. Okay. I  
2 remember going back there. I can't remember exact --  
3 like, sorry. Okay. I went back there. He -- I  
4 can't remember how it got to that stage, but I  
5 remember ending up having actual sex with her all the  
6 way until he told me to finish and all that like  
7 actual penis in the vagina and all that.

8       Q.    Okay. Now, you said "with her." Who are  
9 you talking about?

10      A.    Terrie Sena.

11      Q.    Okay. And this happened back in the  
12 office.

13      A.    Yes.

14      Q.    Is that right? When you were about 14 or  
15 15.

16      A.    Yes.

17      Q.    And where was the defendant when this is  
18 happening?

19      A.    Standing watching the whole thing while  
20 trying to direct us.

21      Q.    Okay. Now, you said you remember while  
22 this was happening that your penis went into the  
23 vagina of Terrie; is that correct?

24      A.    Yes.

25      Q.    Was there any other sexual touching that

1 happened at this time?

2 A. I remember him having me play with her  
3 boobs and stuff. That's all I can really remember.

4 Q. And you said "him" again. Are you talking  
5 about --

6 A. Christopher Sena, yes.

7 Q. What do you mean by "play with her boobs"?  
8 Can you be more specific?

9 A. Just had me put her hand on her boobs and  
10 just start moving around.

11 Q. Okay. Now, do you remember if this  
12 happened just one time or more than one time?

13 A. More than one time.

14 Q. Okay. Can you remember about was it more  
15 than two times?

16 A. For the playing with the boobs I think so.

17 Q. I'm talking about having you back at the  
18 office, having you place your penis in her vagina  
19 and touch her breasts.

20 A. Twice.

21 Q. That was twice?

22 A. Yes.

23 Q. Let's start with those two times. How far  
24 apart were those two times?

25 A. Most likely within a year if I can recall.

1 Q. Okay. And so you would have still been 14  
2 or 15 years old?

3 A. Yes.

4 Q. Okay. And on both of those occasions they  
5 both happened back in the office.

6 A. Yes.

7 Q. And on both of those occasions it was only  
8 you and the defendant and Terrie that were present.

9 A. Yes.

10 Q. Okay. Now, you made mention of Terrie  
11 performing oral sex on you; is that correct?

12 A. Yes. I think that was the first time when  
13 it all happened.

14 Q. Okay. In fact was there another incident,  
15 any other incidents involving Terrie? I just want to  
16 be clear.

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

18 Q. You said there was an incident involving  
19 fellatio, is that right, putting your penis in her  
20 mouth.

21 A. That was around the first time when all  
22 this happened.

23 Q. Okay. When we say the first time, what are  
24 we referring to?

25 A. When the first time the actual sex

1 happened.

2 Q. And is that the sex that we just talked  
3 about back in the office?

4 A. It could be.

5 Q. Okay. What do you remember it as being the  
6 first time?

7 A. It was back in the office. It was during  
8 when the -- when the tornado I think it was hit Japan  
9 and it was all over the news. If you could figure  
10 out that date, that would help. But it was around  
11 there and I think he was trying to -- he told me to  
12 pull down my pants and stuff and I think she was  
13 drunk and all that so . . . .

14 Q. Okay. What happened then?

15 A. I can't remember after that.

16 Q. Okay. You said that your penis went into  
17 her mouth.

18 A. Yes.

19 Q. And was that on that occasion?

20 A. Yes.

21 Q. Okay. And you said this was the first  
22 time. So this was before the other two incidents?

23 A. No, no, no, no. The first time it happened  
24 with the oral sex too, but I can't remember exactly  
25 how it all went down.

1 Q. Okay. Just to be clear, and I might be  
2 asking bad questions here, but there was an incident  
3 that involved you putting your penis into Terrie's  
4 mouth; is that correct?

5 A. Yes.

6 Q. And that happens back in the office just  
7 the three of you are present.

8 A. Yes.

9 Q. And then after that there's two incidents  
10 in which you put your penis inside the vagina of  
11 Terrie.

12 A. No.

13 Q. And touched her breasts.

14 A. The second time was by itself. The first  
15 time was during the -- both of those together were  
16 during the first time during the Japan being  
17 destroyed or whatever.

18 Q. When you say both of those, what are you  
19 talking about?

20 A. When the oral sex happened and the penis in  
21 the vagina too but I don't remember how it went from  
22 that to that.

23 Q. Okay. So that happened all at one time.

24 A. Yes.

25 Q. Okay. And then the second time --



1 A. Was later on.

2 Q. -- something happened. That's when you put  
3 your penis in her vagina.

4 A. No. That was the second time.

5 Q. Okay. So that's the second time.

6 A. Yes.

7 Q. Okay. Now, sorry. I just have trouble  
8 understanding some things sometimes.

9 A. I understand.

10 Q. The first time that you're talking about is  
11 back in the office. You put your --

12 (Overlapping speakers --  
13 verbatim record unattainable.)

14 THE WITNESS: Both times.

15 MR. SWEETIN:

16 Q. -- was in the office. Let's just talk  
17 about the first time.

18 MS. RADOSTA: Your Honor, I'm sorry. I'm  
19 having a hard time. They're talking over one  
20 another.

21 THE WITNESS: Sorry about that.

22 THE COURT: If you could just wait until he  
23 finishes asking the question before you start  
24 answering.

25 MS. RADOSTA: Thank you, Your Honor.

1 MR. SWEETIN:

2 Q. The first you're back in the office. Your  
3 penis goes inside of Terrie's vagina. Your penis  
4 goes inside of her mouth, and you touch her breasts;  
5 is that right?

6 A. Yes.

7 Q. Okay. And that was when you were 14 or  
8 15.

9 A. 14.

10 Q. Okay. And the second time can you tell us  
11 about that.

12 A. The second time was in the office also, I  
13 don't remember around what time that was. I know I  
14 was 14, and it was somewhere early in one of the  
15 mornings when I had to go get something back there  
16 when he was forcing me to have sex with her.

17 Q. Okay. So when you went back to the office  
18 on that occasion, it's just the three of you back in  
19 the office; is that right?

20 A. Yes.

21 Q. We can't talk over each other.

22 A. Sorry.

23 Q. What happens next when you get back to the  
24 office?

25 A. All I can remember is it ended up where

1 he's telling us to have sex and directing us.

2 Q. Okay. And did you have sex?

3 A. Yes.

4 Q. And your penis went inside of her vagina.

5 A. Yes.

6 Q. And did you touch her in any other way on  
7 that occasion?

8 A. I don't think so.

9 Q. You didn't touch her breasts on that  
10 occasion.

11 A. I could have. I just don't remember.

12 Q. Okay. And you said that there was a third  
13 time; is that right?

14 A. No.

15 Q. So it's those two times.

16 A. Just two.

17 Q. Okay. Now, besides those two times that  
18 you made reference to having sexual contact with  
19 Terrie while the defendant was present, were there  
20 any others?

21 A. Just one with Deborah.

22 Q. Okay. Let's talk about that. About how  
23 old were you on that occasion?

24 A. I think 14.

25 Q. And where did that happen?

1 A. Inside the bedroom.

2 Q. And how did you come to be inside the  
3 bedroom that time?

4 A. It started out where I was trying to watch  
5 TV and the two parents were in the pool 'cause I  
6 don't like jumping in the pool. He called me up  
7 forcing me to come outside. We go -- I go to the  
8 pool.

9 Q. Let me stop you there. You said your  
10 parents called you to go out to the pool; is that  
11 right?

12 A. Yes.

13 Q. So who is in the pool?

14 A. Deborah and Chris.

15 Q. Okay. And what happens next?

16 A. He forces me to go inside the pool and he  
17 ended up having her and he took off the clothes of  
18 theirs.

19 Q. Okay. So at that point the defendant and  
20 Deborah were in the nude.

21 A. Yes.

22 Q. What happens next?

23 A. He starts having sex with her.

24 Q. Okay.

25 A. And I tried to look away.

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CHRISTOPHER SENA, ) No. 79036  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 THE STATE OF NEVADA, )  
 )  
 Respondent. )  
 )

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I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 19 day of May, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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