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IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER SENA,)	No. 79036	
)		Electronically Filed
Appellant,)		May 20 2020 01:27 p.m.
)		Elizabeth A. Brown
v.)		Clerk of Supreme Court
)		
THE STATE OF NEVADA,)		
)		
Respondent.)		
)		

APPELLANT’S APPENDIX VOLUME XXI PAGES 4705-4954

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1 A Yes.

2 Q In February of -- or sorry, in like August of 2015?

3 A Yes.

4 Q Okay. I'm directing you to page 15. If you could
5 just read page 15 to yourself, and let me know when you're
6 done.

7 A Yes.

8 Q Does that refresh your recollection as to the
9 testimony at the preliminary hearing that you said he
10 unzipped his pants and he was still wearing clothes?

11 A Yes.

12 Q Okay. Now, again, yesterday about this particular
13 incident, you -- I believe you testified that while in the
14 living room, he allegedly had you bend over and that you were
15 on all fours in the living room on the floor?

16 A Yes.

17 Q Do you recall that? And do you recall, though, at
18 the preliminary hearing that you testified that you moved --
19 that he moved and you moved from the living room to the
20 master bedroom and that you were laying on the bed with your
21 back on the bed and your legs hanging off the bed?

22 A As I said before, I've been raped so many times,
23 it's hard to keep track which one was first.

24 Q Okay. And you were specifically asked, though,
25 yesterday to recount the first time this allegedly happened,

1 correct?

2 MS. SUDANO: Your Honor, I'm going to object to
3 move that that misstates the testimony.

4 THE COURT: What misstates the testimony, that she
5 was asked about the first time or --

6 MS. SUDANO: It was the first time that she
7 remembers. I don't know that she can say it was the first
8 time that it happened.

9 THE COURT: Well, you'll have an opportunity to
10 redirect. This is cross, go ahead. It's overruled.

11 MS. RADOSTA: Thank you.

12 BY MS. RADOSTA:

13 Q So when you were testifying yesterday this -- about
14 this alleged incident when you were 11 years old, in your
15 mind, that's the first time that you remember anything
16 happening to you, correct?

17 A Correct.

18 Q Okay. And when you've talked about the alleged
19 first time previously, it's the same -- it's the same
20 incident that we're talking about right here, correct?

21 A I believe so.

22 Q Okay. So do you recall testifying at the
23 preliminary hearing, though, that this did not happen in the
24 living room, but rather, that it was in the master bedroom
25 and that you were laying on the bed?

1 A As I said before, I've been raped so many times,
2 it's hard to recall.

3 Q Okay. Do you recall your testimony at the
4 preliminary hearing, though?

5 A Yes.

6 Q Yes? And that you said that it happened not in the
7 living room, but on the -- in the master bedroom on the bed?

8 A Rereading the script, yes.

9 Q I'm sorry?

10 A Rereading it, yes.

11 Q Okay. When you've had a chance to look at your
12 testimony; is that what you mean?

13 A Correct.

14 Q Okay. Do you recall yesterday you also talked about
15 how there were various types of lubrication that were used?

16 A Yes.

17 Q Sometimes it was saliva, correct?

18 A Yes.

19 Q Sometimes it was Vaseline, correct?

20 A Correct.

21 Q Do you recall telling Detective Samples that there
22 was no lubrication used the first time that there was alleged
23 anal penetration?

24 A I told you yesterday that there was no lubrication
25 yesterday at times.

1 Q At times. But do you recall when you were speaking
2 of the first incident with Detective Samples that you said
3 that there was no lubrication?
4 A There should have been no lubrication.
5 Q I'm sorry, I couldn't hear you.
6 A But I'm not sure.
7 Q I'm sorry, I couldn't --
8 A I'm not sure.
9 Q Okay. So you -- now you don't recall if there was
10 or if there wasn't?
11 A As I said before, I've been raped so many times,
12 it's hard to recall.
13 Q Okay. But when you were discussing this with
14 Detective Samples, he was asking you to do your best to
15 remember, correct?
16 A Correct.
17 Q Because Detective Samples was just there to get your
18 version of events, correct?
19 A Correct.
20 Q He just wanted you to be honest, correct?
21 A Correct.
22 Q He just wanted you to get -- to tell him what you
23 say had been going on in the house, right?
24 A Yeah. And I remember being upset and crying.
25 Q Okay. And your impression of Detective Samples is

1 he was there to help you as much as he could, correct?

2 A I hope so.

3 Q Okay. So you may have been upset, but you weren't
4 scared of Detective Samples, correct?

5 A Correct.

6 Q You weren't worried that you were going to get in
7 trouble with Detective Samples if you got something wrong,
8 correct?

9 A Correct.

10 Q If you remembered something differently the next
11 day, did you feel like you could call Detective Samples and
12 say, hey, you know what, I got that one wrong, can I come
13 back in and talk to you again?

14 A No.

15 Q No? He didn't give you contact information or
16 Deborah contact information?

17 A He gave me some contact information and if I
18 remember anything else.

19 Q Okay. And you actually did go back and talk to him
20 two other times on kind of related, but unrelated topics,
21 correct?

22 A Correct.

23 Q And had you remembered a detail differently, you
24 could have brought it up to him at those subsequent
25 interviews, correct?

1 A Correct.

2 Q He's a nice guy, correct?

3 A Correct.

4 Q Okay. Now, after this alleged incident concluded
5 where, I believe, you're now testifying that there was no
6 lubrication used when there was anal penetration, correct?

7 A Yes.

8 Q You -- it was just you and Chris in the house at
9 that particular point in time, correct?

10 A Correct.

11 Q And Terrie was the first one to come home that day;
12 is that correct?

13 A I don't remember.

14 Q Okay. Who -- well, do you remember who the first
15 person to come home was?

16 A Most likely Deborah.

17 Q Most likely Deborah. Okay. And at this point in
18 time, you're probably getting home from school like about
19 2:00, 2:30, correct? You're in middle school at this point?

20 A Yes.

21 Q Okay. Deborah gets home about 3:00, 3:30 from work,
22 correct?

23 A Correct.

24 Q Okay. So within an hour, maybe, of this alleged
25 incident ending, Deborah comes home, correct?

1 A Correct.

2 Q And you're sitting on the couch; is that right?

3 A Everything was done.

4 Q Okay.

5 A Yes.

6 Q So you were sitting on the couch?

7 A Yes.

8 Q Okay. And Deborah didn't see a look on your face
9 and ask you what was wrong? Let me rephrase that. Deborah
10 didn't ask you what was wrong, correct?

11 A Correct.

12 Q And you didn't tell Deborah what had just occurred,
13 correct?

14 A At first I thought it was just normal --

15 Q Okay.

16 A -- because my father said in order for me to show
17 and prove my love to him I would do that with him.

18 Q Okay. But you did not ask Deborah when she got home
19 that day if this was a normal way to show your love for your
20 father, correct?

21 A I didn't ask her.

22 Q Okay. And she did not ask you what was wrong,
23 correct?

24 A No.

25 Q Okay. And then Terrie got home at some point later

1 on in the day as well, correct?

2 A Correct.

3 Q And you didn't tell Terrie what had just allegedly
4 occurred, correct?

5 A Correct.

6 Q And she didn't ask you what was wrong, correct?

7 A Correct.

8 Q Okay. And the boys -- at that point in time, the --
9 well, Brandon and Ryan are quite little at that point, aren't
10 they? They're about three years old, aren't they?

11 A Correct.

12 Q If you're 11. Where were the boys during the day
13 when they were three years old?

14 A They would be with Terrie.

15 Q They would be with Terrie? Okay. Just out and
16 about or did they have like daycare or --

17 A They didn't go to daycare. They normally went to
18 their grandma's house.

19 Q Okay. So when Terrie came home within, you know,
20 that afternoon, she brought the little ones with her,
21 correct?

22 A Yes.

23 Q And that was a fairly standard, normal practice,
24 that the boys went with Terrie when they were little?

25 A Yeah.

1 Q Okay. And then at some point Tails came home?
2 A Yes.
3 Q But he's a -- at that point, he's, what, a
4 seven-year-old boy? He probably just interested in like
5 video games or something of that nature; fair enough to say?
6 A Video games, yes.
7 Q Okay. Okay.
8 Did you -- I believe you testified yesterday that
9 you testified that -- I believe you testified yesterday that
10 there was pain when there was the alleged anal penetration?
11 A There's always pain.
12 Q Okay. But regarding that first alleged time you
13 said that there was pain, correct?
14 A There's always pain.
15 Q Okay. But regarding that first time you testified
16 that there was pain, correct?
17 A Correct.
18 Q Okay. And that -- did you have any -- was there any
19 blood afterwards?
20 A I believe so.
21 Q Okay. And was it in your underwear?
22 A I believe I wiped it all out.
23 Q Okay. And at that point in time, you didn't go to
24 either Deborah or Terrie and tell them you were worried that
25 you were bleeding?

1 A I already started my period.

2 Q Okay. So you thought maybe that this was your
3 period happening?

4 A Probably.

5 Q Okay. Could it have been your period?

6 A Probably.

7 Q Okay. Okay. Do you recall if you've ever told
8 Detective Samples about finding Chris in the house multiple
9 times just masturbating?

10 A Yes.

11 Q Okay. And that he was always being naked in his
12 bed, you told Detective Samples about --

13 A Yeah.

14 Q -- those things?

15 But you -- you didn't testify about that at Chris's
16 preliminary hearing, correct?

17 A I wasn't asked.

18 Q Okay. And you didn't testify about that at
19 Deborah's preliminary hearing, correct?

20 A I wasn't asked.

21 Q Okay. Now, I'm going to talk to you a little bit
22 more about your interview with Detective Samples. I've
23 already asked you some questions just about what you
24 understood that interview to be.

25 This was -- at that point in time, who did you

1 believe you were talking to the police about?

2 A Rephrase that.

3 Q Sorry. You were being interviewed by Detective
4 Samples, correct?

5 A Correct.

6 Q A Metropolitan police officer, correct?

7 A Correct.

8 Q Correct. Okay.

9 Deborah was with you in the -- at the police station
10 that day, correct?

11 A Correct.

12 Q Did she -- she drove you there?

13 A She drove me there.

14 Q Okay. And Brandon was with you as well, correct?

15 A Correct.

16 Q And do you know if Deborah was interviewed that day
17 by the police as well?

18 A I don't know.

19 Q Okay. Do you know if Brandon was interviewed that
20 day?

21 A I don't know.

22 Q Okay. But when you sat down with Detective Samples,
23 did you believe you were there to talk about Chris or to talk
24 about Deborah or talk about Terrie or talk about all three of
25 them?

1 A I just laid it all out.

2 Q Okay. But the purpose, though -- well, the --

3 Detective Samples told you he just wanted you to, as you just

4 said, lay it all out, correct?

5 A Correct.

6 Q Be as honest as you can, correct?

7 A Correct.

8 Q Remember as much as you can, correct?

9 A Correct.

10 Q Okay. And fair to say that Detective Samples is

11 pretty easy to talk to?

12 A Yes, he is very easy to talk to.

13 Q Okay. So -- and this interview took place, you and

14 -- you and Deborah and Brandon left the house in June,

15 correct?

16 A Correct.

17 Q And do you recall -- I think I already asked you

18 this -- the interview took place in mid-September; does that

19 sound about right?

20 A Yes.

21 Q I think it's actually -- I think that's the A in

22 front of you, does there -- does it refresh your recollection

23 to look and see what the date is on the A?

24 A The A?

25 Q Yeah.

1 A There's no date.

2 Q There's no date on it?

3 A No date or time.

4 Q It doesn't -- in the middle of the page it doesn't

5 say it's on September 17, 2014? Like the --

6 A On the transcript, yes.

7 Q Okay.

8 A But not on the top.

9 Q Okay. Fair enough. Fair enough. I mean, yeah,

10 sorry.

11 So fair enough to say you think that this -- that

12 that date's correct, if it says it on the transcript?

13 A Yes.

14 Q Okay. Now, you did talk to Detective Samples about

15 a lot of varying topics that day, including the fact that you

16 didn't like bringing friends over to the house very often,

17 correct?

18 A Correct.

19 Q You actually told Detective Samples that Chris

20 wanted you to bring girlfriends over to the house?

21 A Yes.

22 Q Okay. And you actually didn't really like to do

23 that, did you?

24 A No.

25 Q You actually think that maybe one of your

1 girlfriends actually might have had sex with Chris, correct?

2 A Correct, but it's only assumption.

3 Q Okay. And you gave her name to Detective Samples,

4 correct?

5 A Correct.

6 Q And that was Jennifer -- Jennifer, correct?

7 A Jennifer.

8 Q You didn't remember her last name, though?

9 A No.

10 Q But you told him -- you told -- you knew

11 approximately where she lived, like what street she lived on,

12 correct?

13 A Yes.

14 Q And so you gave Detective Samples as much

15 information about Jennifer as you could?

16 A Correct.

17 Q Okay. And there were -- and you said that it was

18 just an assumption on area part that Jennifer may have had

19 sex with your dad?

20 A Yeah.

21 Q Okay. You never asked her?

22 A Well, she showed her -- her boobs to him.

23 Q Okay. So you saw that happen yourself?

24 A Yes.

25 Q Okay. Did you tell Detective Samples that you saw

1 her flash her boobs at your dad?

2 A I don't think I did.

3 Q Okay. Did you ever actually follow up with

4 Jennifer --

5 A I haven't --

6 Q -- to see if -- if it had happened?

7 A I haven't talked to her.

8 Q Okay. At the time when you were talking to

9 Detective Samples, I think you were saying Jennifer was a

10 friend of yours in high school, correct?

11 A Correct.

12 Q Okay. And you've testified here that there were

13 things happening allegedly in the household that you didn't

14 want to happen to you, when you were in high school, correct?

15 A Correct.

16 Q So did you ever ask Jennifer, when you were friends

17 with her in high school, if anything happened between her and

18 your dad?

19 A I was too embarrassed to ask.

20 Q Okay. Were you concerned for your friend, Jennifer?

21 A Yes.

22 Q Okay. But you thought, I'm going to tell Detective

23 Samples about it and maybe he can find her, if I give her --

24 if I give him enough information?

25 A He will find her --

1 Q Okay.

2 A -- yes.

3 Q And you also gave him some other names of friends
4 that you thought might have information, correct?

5 A Correct.

6 Q You told him about your friend Desiree (phonetic)?

7 A Yes.

8 Q And I think you did actually give Desiree's last
9 name as well to Detective Samples?

10 A I believe so, I found it.

11 Q And you also had a friend named Blanca (phonetic)
12 that you talked about?

13 A Yes.

14 Q And same thing, you gave a last name, if you
15 remembered it?

16 A Yes.

17 Q You wanted to make sure that Detective Samples could
18 have as much information as possible?

19 A Correct.

20 Q These friends, Blanca and Desiree, Jennifer, you
21 never -- did you ever warn them to stay away from your dad?

22 A I've -- no. I just told him I always got in
23 trouble, not to come over to the house, trying to keep them
24 away, making them believe that I was constantly in trouble to
25 the point that they can't come over.

1 Q Okay. But they did come over a few times, correct?
2 A Correct.
3 Q You actually saw them go into the back office with
4 your dad, one of them, at least, correct?
5 A Correct.
6 Q And did you ask her after the fact if everything was
7 okay or if anything had happened?
8 A I was too embarrassed to ask if anything happened.
9 Q Okay. Isn't it -- oh, you also had a friend name
10 Amanda, you shared her name with Detective Samples as well?
11 A Yes.
12 Q And do you remember anything specific about your dad
13 and Amanda?
14 A Other than he liked Amanda in her bathing suit.
15 Q Do you recall telling Detective Samples that your
16 dad was asking you to bring Amanda over to the house?
17 A Yes.
18 Q And that he wanted to actually have sex with Amanda?
19 A He was indicating it.
20 Q Okay. After he indicated it, did Amanda still come
21 over to the house?
22 A I tried to keep her away.
23 Q Okay. But did she come over tot house?
24 A She kept coming over, but I kept on trying to tell
25 her don't come over.

1 Q Okay. And you also -- now, we haven't really talked
2 about this too much so far, but you never -- once -- sorry
3 about that.

4 Prior to talking to Detective Samples, you had not told
5 anybody what was allegedly going on in the house, correct?

6 A Correct.

7 Q Outside maybe a conversation here or there with
8 Brandon, correct?

9 A Correct.

10 Q Did you believe, though, that your -- that an
11 ex-boyfriend of yours might have suspected something was
12 going on?

13 A Yes.

14 Q Ex-boyfriend named Kristoff (phonetic)?

15 A Yes.

16 Q Okay. And you, again, shared this information with
17 Detective Samples?

18 A Yes.

19 Q That Kristoff actually asked you if you had ever
20 been raped before, correct?

21 A Correct.

22 Q And you were boyfriend/girlfriend with Kristoff at
23 what point were you -- this is high school? This is after
24 high school?

25 A After high school.

1 Q Okay. About how old were you?
2 A About 22.
3 Q Okay. And he asked you that question, and you just
4 did not answer him, correct?
5 A I just didn't answer.
6 Q Okay. You, again, shared that information about
7 Kristoff with Detective Samples, correct?
8 A Correct.
9 Q Now, one of the other meetings that you had with
10 Detective Samples was to review some of the videos that were
11 found at the house, correct?
12 A Correct.
13 Q And some still photos as well, correct?
14 A Correct.
15 Q Now, were you, as far as you know, the only one in
16 the family that was asked to, at that point, look at videos?
17 A I don't know.
18 Q Okay. But you were asked to identify -- to watch
19 and identify people, correct?
20 A Correct.
21 Q You did not see any videos of you that day, correct?
22 A Correct.
23 Q Okay. But you did -- Chris did tell you that he
24 wanted to videotape you, correct?
25 A He wanted pictures.

1 Q Pictures or videotape?
2 A Pictures.
3 Q Okay. Do you recall telling Detective Samples that
4 Chris wanted to videotape you?
5 A He wanted to videotape me having sex with the dog.
6 Q Okay. And that you told him no on numerous
7 occasions that you did not want that to happen?
8 A It never happened. I said no.
9 Q But that you told Chris no, you didn't want it to
10 happen, correct?
11 A Correct.
12 Q And it did not happen, correct?
13 A I wasn't forced to. We didn't have a big dog.
14 Q Okay. But you were able to tell Chris no about
15 something, correct?
16 A Yeah.
17 Q Okay. And you also told detective -- well, did
18 Chris ever take any photos of you?
19 A Yes.
20 Q Okay. On your own phone?
21 A Yes.
22 Q On more than one occasion?
23 A On more than occasion.
24 Q Okay. And on -- after the first time it happened,
25 you deleted the photos on your phone, correct?

1 A I didn't want to remember any of them.

2 Q Okay. I'm sorry, I just want to make sure I
3 understand you. You deleted them on your phone because you
4 did not want to remember them, was that your answer?

5 A Correct.

6 Q Okay. And then Chris took more photos of you on
7 your phone, correct?

8 A Correct.

9 Q He discovered that you had deleted the other ones,
10 correct?

11 A I don't know.

12 Q Okay. Did he look at your phone in front of you?

13 A On a number of occasions.

14 Q Okay. Do you know if he was ever looking for the
15 photos that he had previously taken that you had deleted?

16 A I can't -- I can't assume for others.

17 Q But you did go ahead and delete any photos that were
18 on your phone?

19 A Correct.

20 Q On more than one occasion?

21 A I didn't want to remember them.

22 Q Okay. How many times did you delete photos that
23 were on your phone?

24 A About three or four.

25 Q Okay. How old were you when you were deleting those

1 -- the first time that you deleted photos on your phone, how
2 old were you?

3 A 14.

4 Q Okay. How old were you the second time you deleted
5 photos on your phone?

6 A 15.

7 Q Okay. What about the third time?

8 A It ended after 15.

9 Q Okay. Did he, after the age of 15, tell you that he
10 wanted to take photos of you again?

11 A He didn't ask me for my phone.

12 Q Okay. And when he asked you about recording you
13 when you said no, how old were you when that happened?

14 A I was about in high school.

15 Q Okay. So high school is as young as 14 and as old
16 as 17 or 18?

17 A Yes.

18 Q Freshman year or senior year, when was that?

19 A I can't tell you exactly.

20 Q Okay. Do you think it was maybe around the time of
21 the photos or years later?

22 A Around the time of the photos.

23 Q Okay. So when you were 14 or 15 years old, he was
24 wanting to videotape you, and you said no, and then he was
25 taking photos of you, and you were able to delete them from

1 your phone, correct?

2 A I was able to delete the stuff that was on my phone.

3 Q Okay. You also did tell -- you talked to Detective

4 Samples about physical abuse, correct?

5 A Correct.

6 Q Some of the things that you testified to here

7 yesterday, correct?

8 A Correct.

9 Q That there was a bump, I believe, on your head from

10 being hit from behind, correct?

11 A Correct.

12 Q And you told Detective Samples about that?

13 A Yes.

14 Q Did you actually have him feel the bump or did you

15 just indicate to him where it was?

16 A I told him there was a bump.

17 Q Okay. And you also related to him that there was a

18 scar from a heavy cardboard box?

19 A Yes.

20 Q And where was that scar -- did you tell him

21 specifically where that scar was located?

22 A Yeah.

23 Q Or did you show him where that scar was located?

24 A I was showing him where the scar was located.

25 Q Okay. And where is that scar located?

1 A It's located on my right leg right above the foot.
2 Q Okay. And you also told him that there was a gash
3 from when something was thrown at you when you were about 21
4 years old, correct?
5 A Yes.
6 Q And you told him about that as well?
7 A Correct.
8 Q Okay.
9 A Right above the left eye.
10 Q Okay.
11 A Above the eyebrow.
12 Q After you were done with your interview with
13 Detective Samples, did you have a medical exam?
14 A I don't know.
15 Q You don't recall having a medical exam, do you?
16 A No.
17 Q Did they take photographs of any of these scars or
18 injuries that you had just related?
19 A They did not.
20 Q They did not? Okay. Okay.
21 So I want to go back to the incident with you, Deb,
22 and Christopher. I think I have my page number correct now.
23 And I was talking asking you questions about whether
24 or not Deb was naked when she came into the room or whether
25 or not you had previously told Detective Samples that she

1 took her clothes off after she got into the room. Do you
2 recall that?

3 A Correct.

4 Q Okay. So do you -- you testified yesterday that she
5 was pulled into the room and she was already naked; do you
6 remember saying that yesterday?

7 A Yes.

8 Q Okay. Do you recall talking to Detective Samples
9 about this same incident?

10 A Yes.

11 Q Okay. And do you recall telling him that Deborah
12 took her clothes off when she was in the living room, but she
13 wasn't naked when she came in the room?

14 A No.

15 Q Okay. I'd direct you to the one that has A on the
16 front of it -- let's hope I actually have this right this
17 time -- and page 75. Actually, if you want to start just at
18 the bottom of page 74 and read through page 75. And let me
19 know when you're done.

20 A You said page 75?

21 Q Yeah. Just the whole -- when you're done reading
22 the whole page.

23 A (Witness reading). Correct. Yes.

24 Q Are you done? Did that refresh your recollection as
25 to what you testified to -- or, I'm sorry, what you told

1 Detective Samples about Deborah?

2 A Yes, but I was also upset.

3 Q Okay. But you did tell Detective Samples that she

4 was -- got undressed in the living room, correct?

5 A I was telling him how -- where we were at what it

6 was happening.

7 Q Okay.

8 A But the undressing part --

9 Q Isn't it --

10 A -- did indicate that it was in the living room.

11 Q Isn't it true that you say about halfway down the

12 page, He basically kind of ruined it a lot for me. We were

13 in the living room. He told Deborah to get undressed?

14 A And I told you I was upset.

15 Q Okay. But --

16 A So I am also here and there with what I say -- what

17 I say about being in a VHS test where it speeds forward,

18 speeds back, speeds forward. She was already undressed.

19 Q Okay. So could you -- if you were feeling tired or

20 confused with Detective Samples, did you tell him that?

21 A I believe I already told him I was already upset.

22 Q Okay. But did you tell him you wanted to take a

23 break?

24 A On several occasions --

25 Q Okay.

1 A -- I believe.

2 Q Right before you started talking about this
3 incident, did you want to take a break?

4 A I was just so wound up tight.

5 Q So -- but you do recall that you told him that
6 Deborah was getting undressed in the living room, not already
7 naked when she came into the room, correct?

8 A Also, this was prior.

9 Q I'm sorry, this was prior -- I'm not --

10 A Prior before the living room. This is all over the
11 place, this transcript.

12 Q You're saying the transcript is inaccurate?

13 A No. It's not inaccurate. It's all true.

14 Q Okay.

15 A It's just in different places because I was so
16 upset, it's all over the place.

17 Q Okay. There was one alleged incident with you and
18 Deborah, correct?

19 A Correct.

20 Q There wasn't more than one, correct?

21 A Correct.

22 Q So when you're talking about you and Deborah being
23 in the same space and somebody taking off their clothes,
24 there's only one alleged incident that you're referring to,
25 correct?

1 A Correct.

2 Q You -- you shouldn't be getting confused between
3 incidents because there is only one incident; is that a fair
4 statement?

5 A Correct, but also, when you're talking to somebody,
6 you jump over all the time when you're speaking to somebody.

7 Q Okay.

8 A At one moment, you'll be like oh, it was located at
9 this room, and then you forget to mention, oh, I'm sorry, she
10 was already -- he already told her to get undressed.

11 Q So you -- you're agreeing with me that what you told
12 Detective Samples is different than what you testified to
13 yesterday?

14 A It's all over the place.

15 Q It's different, though, correct?

16 A But it still happened.

17 Q That --

18 A It didn't indicate that it did not happen because it
19 did happen.

20 Q My question is very simple, Anita.

21 A Okay.

22 Q Did you tell Detective Samples that she got
23 undressed in the living room?

24 A According to the transcript, yes.

25 Q Okay. You also testified yesterday that as Deborah

1 was being brought into the room yesterday -- I'm sorry, you
2 testified yesterday that as she was being brought into the
3 living room naked, that she was crying uncontrollably and
4 mouthing the words I'm sorry to you.

5 A She was mouthing "I'm sorry".

6 Q Did you see any reference to that when you just
7 reviewed page 75 in the statement to Detective Samples?

8 A No.

9 Q Okay. You did, though, have an opportunity to
10 testify at Deborah's preliminary hearing, correct?

11 A Correct.

12 Q And as asked you earlier, that was about six months
13 later; is that a fair --

14 A I think so.

15 Q -- statement? Okay.

16 You did not want to be testifying at Deborah's
17 preliminary hearing, correct?

18 A I didn't want to be here.

19 Q Be at Deborah's preliminary hearing, correct?

20 A I don't want to be here.

21 Q You don't want to be here or there? I'm sorry, I
22 just couldn't hear you?

23 A I just didn't want to be there.

24 Q Okay. So -- and because Deborah was the one sitting
25 in the defendant's chair at that particular hearing, correct?

1 A Correct.

2 Q And you felt that she shouldn't be, correct?

3 A Correct.

4 Q So at the preliminary hearing do you remember,
5 though, testifying that she was mouthing, I'm sorry to you,
6 as she was being brought out from the master bath -- master
7 bedroom?

8 A I believe so.

9 Q And your intent at Deborah's preliminary hearing was
10 to try to help her as much as you could; is that a fair
11 statement?

12 MS. SUDANO: Objection, Your Honor. Argumentative.

13 THE COURT: What's that?

14 MS. SUDANO: I said, objection, argumentative.

15 THE COURT: Sustained.

16 BY MS. RADOSTA:

17 Q When you were testifying at Deborah's preliminary
18 hearing, you've already said you didn't want to be there,
19 correct?

20 A Correct.

21 Q You didn't support the prosecution of your
22 stepmother, correct?

23 A Correct.

24 Q You were upset that you were being made to testify,
25 correct?

1 A Correct, for six reasons.

2 Q Okay. And you wanted to make sure that people
3 understood your opinion of the whole process; is that a fair
4 statement?

5 A Correct.

6 Q That in your opinion, Deborah was not responsible
7 for anything that she did, okay; correct?

8 A Correct.

9 Q Okay. And in that effort, you would -- you were
10 going to say things that you thought might be able to help
11 her?

12 A No.

13 Q No?

14 A No.

15 Q Okay. You don't think by telling -- or testifying
16 that she was mouthing, I'm sorry to you as she was being
17 pulled out from the master bedroom, that that wasn't
18 something that could help her?

19 A No.

20 Q No? Okay.

21 You also testified yesterday about various sexual acts
22 that occurred between you and Deborah.

23 A Correct.

24 Q And I believe you testified yesterday that in
25 addition to kissing and touching each other's breasts, that

1 there was oral sex between you and Deborah that day, correct?

2 A Correct.

3 Q Okay. You did not tell Detective Samples that there

4 was oral sex between you and Deborah, correct?

5 A Correct.

6 Q And you did not testify at Deborah's preliminary

7 hearing that there was oral sex between you and Deborah,

8 correct?

9 A Correct.

10 Q And you didn't testify at Christopher's preliminary

11 hearing that this was oral sex between you and Deborah,

12 correct?

13 A Correct.

14 Q Okay. You also testified yesterday about the

15 touching of the vaginal -- of Deborah's vaginal area, that

16 you did not touch Deborah's vaginal area. Do you remember

17 saying that yesterday?

18 A Yes.

19 Q That it was just like the pubic hair part of

20 Deborah?

21 A The pubic hair.

22 Q Okay. And then -- and I believe you also testified

23 yesterday that Deborah did not touch your vaginal area

24 either, correct?

25 A I believe she did. I had said that she did, or was

1 it me.

2 Q I want -- I want to make sure I understand what you
3 just said. Did you -- sorry, because I'm having a little
4 trouble hearing you.

5 Did you just say that you testified that it didn't
6 happen, but you may have said that it did?

7 A I didn't understand what you just said there.

8 Q No problem because I'm a little confused, so let's
9 back up a little bit.

10 A Okay.

11 Q Yesterday when you were talking about Deborah
12 touching your vaginal area, your testimony was that she did
13 not touch -- actually touch your vaginal area, correct?

14 A Correct.

15 Q Okay. But you have previously -- after you said
16 yesterday that you only touched the pubic hair area of
17 Deborah, Ms. Sudano asked you if you had ever previously said
18 something different; do you remember that?

19 A Yes.

20 Q About your touching of Deborah?

21 A Yes.

22 Q And you have previously said something different
23 about you touching Deborah, correct?

24 A I have touched Deborah.

25 Q Okay. That you've said that you have touched

1 Deborah or you have touched Deborah?

2 A That I have touched Deborah.

3 Q Okay. And so -- but at Deborah's preliminary
4 hearing do you recall saying you didn't touch her in the
5 vagina and she didn't touch you in the vaginal area?

6 A I can't recall.

7 Q Okay. That's the one, I think -- is there one up
8 there with a B on it?

9 A No, it's just A and C.

10 MS. RADOSTA: May I approach the witness, Your
11 Honor?

12 THE COURT: Yes.

13 THE WITNESS: It's just A and C.

14 (Pause in the proceedings)

15 MS. RADOSTA: Court's indulgence. I lost B.

16 (Pause in the proceedings)

17 MS. RADOSTA: May I approach the witness again,
18 Your Honor?

19 THE COURT: Yes.

20 BY MS. RADOSTA:

21 Q Can you take a look at that, Anita, and see if that
22 is a transcript of your testimony for Deborah's preliminary
23 hearing in February of 2015?

24 A Sorry, it's hard to see. Yes, I believe.

25 Q Does that sound about right, February 2015?

1 A Yeah.

2 Q I'm going to direct you to page -- I hope I'm right
3 this time -- 75. If you could just read page 75 to yourself,
4 and let me know when you've -- when you're done.

5 A Correct.

6 Q Do you recall the -- at Deborah's preliminary
7 hearing saying that neither one of you touched the other one
8 in the vaginal area? You did not touch --

9 A Yes.

10 Q -- Deborah, Deborah did not touch you?

11 A Correct.

12 Q Okay. Now, you also testified at Christopher's
13 preliminary hearing; do you recall that?

14 A Yes.

15 Q About the same alleged incident, correct?

16 A Correct.

17 Q And do you recall testifying that you had to touch
18 Deborah because of the angle that Chris was at? He could see
19 what you were doing, but Deborah did not touch you?

20 A Correct.

21 Q Okay. You also testified yesterday about the
22 incident -- the alleged incident with Terrie when you were 14
23 years old.

24 A Yes.

25 Q That it was in the office, I believe is what you

1 testified to yesterday?

2 A It was in the office.

3 Q Okay. Do you remember that alleged incident?

4 A Some, yes.

5 Q Okay. And you remember testifying about it

6 yesterday?

7 A Yes.

8 Q I believe you testified yesterday that you had to

9 pretend something about some -- you had to pretend --

10 A That I never had sex --

11 Q -- for this particular incident --

12 A -- before.

13 Q I'm sorry?

14 A Pretend that I never had sex with Chris before.

15 Q You had to pretend that you had never had sex

16 before. And that was -- how did you know you had to pretend?

17 Did you have a conversation with somebody prior to this

18 alleged incident starting?

19 A No, Chris said that I never knew what sex was and

20 that I would like to participate.

21 Q And I'm sorry, you wanted to?

22 A That I wanted to know.

23 Q Okay. He said this in front of you?

24 A In front of me and Terrie.

25 Q Okay. So there hadn't been any prior conversation

1 as -- with you and Chris prior to you walking into the office,
2 correct?

3 A Correct.

4 Q And I believe yesterday you said that when you came
5 into the office, that he was watching or they were watching
6 porn on the computer?

7 A They were looking at pictures.

8 Q They were looking at pictures.

9 And is that the time when you said you saw the picture
10 of your Aunt Melissa?

11 A No.

12 Q A different time?

13 A It was a different time.

14 Q So you walked in -- your testimony yesterday was
15 that you walked into the office and that they were watching
16 porn on the computer?

17 A They were looking at porn.

18 Q Okay. Looking at porn on the computer.

19 Was -- who was sitting down, who was standing up, or
20 were they both sitting down?

21 A They were both sitting down.

22 Q Okay. Were they sitting --

23 A I believe. They were both sitting down, I believe.

24 Q Okay. Were they sitting in the same chair? Was she
25 on his lap, was he on her lap or did they have two chairs?

1 A Two chairs.

2 Q Okay. You went back -- or do you recall why you
3 went back to the office?

4 A I had just went back to ask a question.

5 Q Okay.

6 A I don't remember what it was.

7 Q Okay. And then you recounted yesterday the, you
8 know, alleged incident where, I believe, you said Terrie
9 didn't stop it from happening and --

10 A She didn't stop it from happening.

11 Q -- and you were -- never forgave her for that?

12 A Yeah.

13 Q Okay. Do you recall testifying about this
14 particular incident at Chris's preliminary hearing?

15 A I believe so.

16 Q Okay. Do you recall testifying that when you walked
17 into the office, they were not watching porn but Terrie was
18 giving Chris a blow job?

19 A They were looking at porn and probably giving a blow
20 job.

21 Q Okay. So now it's your recollection that --

22 A I don't remember.

23 Q Okay. But do you recall testifying at the
24 preliminary hearing to that fact?

25 A Yes.

1 Q Okay. And that the -- I believe you testified
2 yesterday that he -- after the alleged incident or during the
3 alleged incident that he ejaculated in your anus?
4 A Yes.
5 Q Okay. Do you recall testifying at the preliminary
6 hearing that he actually pulled out and ejaculated on your
7 stomach?
8 A He did that multiple times.
9 Q Okay. But this is referring to the incident --
10 alleged incident with your mother, Terrie, in the back
11 office. Do you recall --
12 A Correct.
13 Q -- that specific incident?
14 A No.
15 Q I'm sorry?
16 A No.
17 Q You don't recall the specific incident with your
18 mother, Terrie?
19 A Oh, no, I remember that one.
20 Q Okay. And that you've testified yesterday that he
21 ejaculated in your anus; do you recall saying that yesterday?
22 A Yes.
23 Q Do you recall testifying previously that that --
24 that he ejaculated on your stomach during that incident?
25 A I didn't recall from --

1 Q Okay.

2 A -- my previous --

3 Q If I were to show you your testimony at the previous
4 hearing, would that help refresh your memory?

5 A Yes.

6 Q Okay. That is the one marked C. I'm going to
7 direct you to pages 27 and 28. I'm sorry, 28 and 29.

8 A (Witness reading). I've read it.

9 Q Does that refresh your memory as to whether or not
10 you testified previously about Terrie giving him a blow job?

11 A Yes.

12 Q Okay. Does that refresh your memory about whether
13 or not he ejaculated on your stomach?

14 A Yes.

15 Q Did you testify previously that he ejaculated on
16 your stomach?

17 A I believe so, yes.

18 Q Okay. And that's different than your testimony
19 yesterday, correct?

20 A Yes.

21 Q Okay.

22 MS. RADOSTA: Your Honor, if you want, I still have
23 some to go. I know you said maybe break at noon, but I can
24 -- it you want, I can keep going or we can break.

25 THE COURT: You guys want to break for lunch -- or

1 okay. All right.

2 We're going to take a lunch break. During this
3 recess, you're admonished not to converse among yourself or
4 with anyone else on any subject connected with this trial,
5 read, watch or listen to any report or commentary on the
6 trial or any person connected with this trial, or by any
7 medium of information, including without limitation,
8 newspapers, television, Internet or radio, or form or express
9 any opinion on any subject connected with this trial until it
10 is finally submitted to you.

11 It's -- if you're here by a quarter to -- a quarter
12 -- wait. Let's go 1:00 -- a quarter after 1:00. All right?
13 That will give you about an hour and 20 minutes.

14 All right. We'll be at ease while the jury exits
15 the courtroom.

16 (Jury recessed at 11:55 A.M.)

17 THE COURT: All right. Anita. You can go ahead
18 and step down, and we'll see you back here at quarter after.
19 Okay?

20 I'm going to instruct you not to discuss your
21 testimony with anyone. Okay?

22 THE WITNESS: Yes.

23 THE COURT: All right. Go ahead. Okay. We're
24 outside the presence of the jury. Is there anything that
25 needs to be put on the record before we take our lunch break?

1 MS. RADOSTA: No, Your Honor.
2 THE COURT: State? All right. Quarter after 1:00.
3 Okay?
4 MS. RADOSTA: Thank you.
5 THE COURT: All right.
6 (Court recessed at 11:56 a.m. until 1:19 p.m.)
7 (Outside the presence of the jury.)
8 (Pause in the proceedings)
9 THE MARSHAL: All rise. Department 19 is now in
10 session. The Honorable Judge William Kephart, presiding.
11 THE COURT: All right.
12 THE MARSHAL: Please be seated.
13 THE COURT: Ed, you want to go ahead and get the
14 jury?
15 THE MARSHAL: Yes.
16 THE COURT: Bring --
17 THE MARSHAL: (Indiscernible) first?
18 THE COURT: -- Anita back first, yeah.
19 THE MARSHAL: Okay.
20 (Pause in the proceedings)
21 THE MARSHAL: All rise for the jury.
22 (Jury enters at 1:19 P.M.)
23 THE COURT: All right. Everybody go ahead and have
24 a seat. Back on the record in Case No. C311453, State of
25 Nevada versus Christopher Sena.

1 I'd like the record to reflect the presence of the
2 defendant, his counsel, as well as State and their counsel,
3 all members of the jury.

4 Will the parties stipulate to the presence of the
5 jury?

6 MR. SWEETIN: Yes, Your Honor.

7 MS. RADOSTA: Yes, Your Honor. Sorry, I saw some
8 people bending down.

9 THE COURT: All right. Okay. Ladies and
10 gentlemen, before we took our lunch break, the defense was
11 still cross-examining Ms. Sena.

12 Ms. Radosta, do you have any additional questions?

13 MS. RADOSTA: Yes, Your Honor.

14 THE COURT: Okay. Ms. Sena, I want to remind you
15 you are still under oath.

16 THE WITNESS: Yes, Your Honor.

17 THE COURT: Okay? Thank you.

18 BY MS. RADOSTA:

19 Q Good afternoon, Anita.

20 A Good afternoon.

21 Q I wanted to talk to you a little bit about an
22 incident you referred to yesterday when you were
23 approximately nine years old, and you had a conversation with
24 some people from Child Protective Services, CPS.

25 Do you remember talking about that yesterday?

1 A Yes.

2 Q Okay. And you were at school, correct, and were
3 called out of -- or went down to the school nurse because you
4 were having trouble concentrating?

5 A I was having a hard time concentrating, yes.

6 Q Okay. So you were sent down to the school nurse or
7 you asked to go down to the school nurse?

8 A I was sent.

9 Q Okay. By your teacher?

10 A By my teacher.

11 Q Do you remember what grade you were in?

12 A No.

13 Q Okay. But you know you were about nine years old?

14 A Yeah.

15 Q Okay. And did you have any idea why -- or did you
16 have an opinion as to why you were having a hard time
17 concentrating?

18 A It just hurt.

19 Q Okay. It being what, your head?

20 A My head.

21 Q Okay. So you went down to the school nurse, and did
22 she examine you?

23 A Yes.

24 Q Okay. And at some point she saw a bruise on your
25 head; is that fair?

1 A Yes.

2 Q Did she ask -- did the school nurse ask you about it
3 or did she just go make a phone call?

4 A She asked me about it.

5 Q Okay. And based on that conversation, other people
6 were called in; is that a fair statement?

7 A I believe so.

8 Q Okay. You didn't know these other people that came
9 and talked to you about the bruise on your head, correct?

10 A I didn't know them.

11 Q Okay. You didn't have any family with you when
12 these people were talking to you about the bruise on your
13 head, correct?

14 A Correct.

15 Q Your dad wasn't there, right?

16 A Correct.

17 Q Terrie wasn't there?

18 A Correct.

19 Q And Deborah at this point was already in your life,
20 right?

21 A Correct.

22 Q Okay. And she wasn't there either?

23 A She wasn't there either.

24 Q Okay. And you -- how did you get the bruise on your
25 head? Do you remember testifying about that yesterday?

1 A Yes.

2 Q That there was a pipe that hit you in the back of
3 the head?

4 A Yes.

5 Q And you testified yesterday that it was an accident?

6 A It was assumed to be an accident.

7 Q Okay. You testified yesterday that it -- that
8 actually, you didn't know if it was or was not an accident;
9 is that a fair --

10 A Correct.

11 Q Okay. Do you recall that you've also talked about
12 this particular incident at other hearings as well?

13 A Not that I recall.

14 Q You don't recall testifying --

15 A Other than probably Detective Samples.

16 Q Okay. Do you recall testifying about it at
17 Deborah's preliminary hearing?

18 A No.

19 Q Okay. Do you recall testifying that you told Child
20 Protective Services that it was an accident that you were hit
21 in the back of the head?

22 A I said it was probably an accident.

23 Q Do you -- would it refresh your recollection to look
24 at your preliminary hearing testimony from Deborah's hearing?

25 A Which was?

1 Q Which -- that's the B. Page 146. If you could read
2 it to yourself.

3 A (Witness reading). Read.

4 Q Does that -- reviewing that testimony, does that
5 refresh your recollection as to what you testified to?

6 A Yes.

7 Q That it was at first you said most likely an
8 accident, that -- I'm sorry -- it was most likely an
9 accident, and then you also went on to say that he -- you
10 told CPS that he accidentally hit you in the head?

11 A Yeah, but it also says because I didn't want to get
12 in trouble.

13 Q That you -- my apologies. You indicated that it was
14 most likely an accident because you didn't want to get in
15 trouble, and that a little further down, that you did tell
16 them that he did accidentally hit you in the head?

17 A Because I didn't want to get in trouble.

18 Q But you did not tell the CPS the part that you --
19 that you didn't want to get in trouble, you only told them it
20 was an accident, correct?

21 A Correct.

22 Q Okay. And do you recall that -- you testified
23 yesterday that you also told Child Protective Services about
24 other issues at the house, spankings and other punishments
25 and being hit. Do you recall testifying that way yesterday?

1 A It was spankings and other hits, yes.

2 Q Okay. And do you recall testifying that you told
3 Child Protective Services that?

4 A Yes.

5 Q You did not testify about that information being
6 given to Child Protective Services at Deborah's preliminary
7 hearing, did you?

8 A Because it was irrelevant at the time.

9 Q Okay. Do you -- you also did not testify at
10 Christopher's preliminary hearing about sharing that
11 information with Child Protective Services, that there was
12 punishments at the house, correct?

13 A There was punishments at the house.

14 Q You did not testify about those -- about those
15 statements that you supposedly say to Child Protective
16 Services when you testified at the Chris's preliminary
17 hearing?

18 A As I said, I don't recall if I did.

19 Q Okay. You also -- when you spoke to Detective
20 Samples back in September of 2014, you didn't tell him that
21 you shared that information with Child Protective Services,
22 correct?

23 A I did mention being hit.

24 Q Okay. You mentioned being hit to Detective Samples;
25 is that what you're saying?

1 A Correct.

2 Q But we're talking about whether or not you told
3 Child Protective Services about being hit and being punished?

4 A I can't recall if I did.

5 Q Okay. But you did testify yesterday that you
6 received, when you got home, after seeing the school nurse
7 and after talking to Child Protective Services, you recall
8 that you received a major beating when you got home.

9 A I did.

10 Q Okay. That you were -- I think, testified yesterday
11 that you were hit with a wooden spoon.

12 A I was hit with a wooden spoon.

13 Q Okay. And --

14 A It was a common punishment of spankings.

15 Q Okay. And you went back to school after that major
16 beating, correct?

17 A Correct.

18 Q And did the -- did your teacher notice any bruises
19 on you?

20 A I didn't want to speak up.

21 Q Okay. Did your teacher notice any bruises on you?

22 A If she did, I wouldn't know.

23 Q Okay. Did she say anything to you about seeing
24 bruises on you?

25 A It was as if it was dropped.

1 Q Okay. Did the school nurse seeing any bruises on
2 you?

3 A I didn't go to the school nurse after that.

4 Q Okay. Do you -- this particular story, I think you
5 testified yesterday, that you felt that Child Protective
6 Services didn't protect you after this incident when you were
7 nine years old?

8 A Correct.

9 Q Okay. And you actually shared your experience with
10 Child Protective Services with other -- with Brandon, most
11 specifically, in your family, correct?

12 A I don't -- I don't know if I did.

13 Q Okay. You don't recall telling Brandon about the
14 Child Protective Services, that you had had some contact with
15 people and they didn't help you?

16 A I don't recall telling Brandon any of that.

17 Q Okay. When you -- when you think back on that
18 incident from Child Protective Services when you were nine
19 years old, you -- I think, fair to say you feel like they did
20 not help you, correct?

21 A It just made me in trouble.

22 Q Okay. When you think about the fact that they did
23 not help you, what should they have done, in your opinion?

24 A Kept tabs on me.

25 Q Kept tabs on you? What about take you or your

1 brothers out of the home? Did you want that to happen?

2 A At the time, at that age, no.

3 Q Okay. But you never told your schoolteacher that
4 the pipe hit you in the head purposefully, correct?

5 A As I said, I didn't want to get in trouble, and I
6 assumed it was an accident.

7 Q Okay. And you didn't tell the school nurse that it
8 happened on purpose, correct?

9 A Correct.

10 Q And you didn't even tell Terrie or Deborah that this
11 incident happened purposefully, correct?

12 A Correct.

13 Q After that insurance accident when you were nine
14 years old, though, I believe you testified yesterday you did
15 allegedly see your brothers being hit by Chris being correct?

16 A Correct.

17 Q And you testified yesterday that you saw Deborah
18 being hit, correct?

19 A Correct.

20 Q And you saw Terrie being hit, correct?

21 A Correct.

22 Q And you never made a phone call to 911 any of those
23 times that you saw those things happening?

24 A Of course, not. My threat from Chris was if you
25 call the cops, I have 45 minutes to do whatever the hell I

1 want to you.

2 Q Okay.

3 A And as soon as I go to jail and come back out, I'm
4 going to break your legs. And he said that he will do that
5 every single time I call the cops.

6 Q Okay. You never called the cops, though, did you?

7 A No.

8 Q Okay. So you never tested to see if he meant what
9 he was saying or if what he was telling you was accurate,
10 that he would be out and come back to hurt you?

11 A He strangled me three times when I was a child. Of
12 course, I wouldn't test it.

13 Q Okay. When -- and after those things happened, you
14 did not tell your mothers about those things happening,
15 correct?

16 A Correct.

17 Q You did not call the police when those things
18 started happening, correct?

19 A Correct.

20 Q You had grandmother here in town, correct?

21 A Yes.

22 Q You didn't tell her about the physical violence that
23 was happening at home, correct?

24 A Correct.

25 Q You didn't tell your Aunt Melissa about the alleged

1 physical violence that was happening in the home, correct?

2 A Correct.

3 Q You didn't tell your Aunt Kim about the alleged

4 physical abuse that was happening in the home, correct?

5 A Correct.

6 Q When you -- when -- as you got older -- this alleged

7 incident that we just were talking about when up in school

8 and the school nurse saw you, nine years old, correct?

9 A Correct.

10 Q And you lived in that house for another 15 years; is

11 that -- is that -- am I doing the math correctly? Until you

12 were 24.

13 A I believe so.

14 Q And you obviously had younger brothers in the home

15 with you, correct?

16 A Correct.

17 Q As you got older, you had your own job, correct?

18 A Yes.

19 Q You -- you didn't drive, though, right?

20 A I was never taught to drive.

21 Q Okay. But you were able to take the bus to work,

22 correct?

23 A No.

24 Q How did you get back and forth to work?

25 A A bike.

1 Q Okay. So you did have some type of transportation
2 of your own, correct?

3 A Correct.

4 Q And you even were able to pay for your own cell
5 phone at some point in time, correct?

6 A Correct.

7 Q You were not on the family plan, correct?

8 A Correct.

9 Q How old were you when got your own cell phone? Was
10 it when you got your job?

11 A When I first got my first job.

12 Q Okay. So -- and I think we established yesterday
13 that was around the age of 21?

14 A Yes.

15 Q So one of the reasons you said that you wanted to
16 get your own phone was you wanted to pay for it yourself, you
17 wanted it to be your phone, correct?

18 A Yes.

19 Q So you never called 911 after you got your own cell
20 phone, correct?

21 A Correct.

22 Q You never called even 311, the non-emergency line?

23 A Correct.

24 Q You never called Child Protective Services and made
25 -- make an anonymous complaint about what you saw -- you say

1 you saw happening in your own home?

2 A I didn't want to be killed.

3 Q Okay. Anonymous complaint to Child Protective
4 Services, you never did that either?

5 A I never knew there was.

6 Q Okay. You never even tried to find out if there was
7 a way to stop what you say was happening inside the home?

8 A No, because Chris told me his friends were the cops,
9 and they would never believe me because they were on his side
10 and not on my side.

11 Q Okay. Well, let's talk about that for a second.
12 Your father had friends that were Metro police officers?

13 A Correct.

14 Q He had friends that came over to the house?

15 A Which we were never allowed around.

16 Q Okay. So -- but you saw them come over to the
17 house, correct?

18 A Correct.

19 Q You knew one of their names, correct?

20 A Correct.

21 Q Officer Mike Brinkley, you know --

22 A Officer Brinkley.

23 Q Officer Brinkley. Sometimes Officer Brinkley came
24 over to your house when he was on duty, correct?

25 A Correct.

1 Q He was in his uniform and had the patrol vehicle out
2 in front of the house, correct?

3 A Correct.

4 Q Sometimes he came over with his partner as well,
5 correct?

6 A Correct.

7 Q Female partner, correct?

8 A Correct.

9 Q You didn't really know her name, though?

10 A No.

11 Q Didn't see her as often as you saw Officer Brinkley?

12 A Correct.

13 Q Okay. And actually, Officer Brinkley was more than
14 just a casual friend of your father's, correct?

15 A I wouldn't know.

16 Q He didn't come to Ryan's birthday party just a few
17 days before you and Deborah and Brandon left the house?

18 A I didn't know if they were true friends or not.

19 Q Let me rephrase the question. Did Officer Brinkley
20 attend your younger brother, Ryan's, birthday party?

21 A I wouldn't recall.

22 Q A few days before you left the residence?

23 A As I said, I wouldn't recall.

24 Q Okay. Were you at that birthday party?

25 A I believe so.

1 Q Okay. Did you ever meet Officer Brinkley's wife?
2 A If I did, I don't remember her name.
3 Q Okay. Did you ever meet Officer Brinkley's
4 children?
5 A I wasn't introduced if I -- if they were.
6 Q Okay. Approximately, how many times, if you
7 remember, did Officer Brinkley come over to your house?
8 A A couple of times.
9 Q Okay. Over the course of how long? A year? Two
10 years? Three years?
11 A More than a few times.
12 Q More than a few times?
13 A Yes.
14 Q Okay. You said earlier you weren't allowed to
15 interact with him?
16 A Correct.
17 Q Did you -- were you expected to be polite to him,
18 though, if he came into the house?
19 A I was expected to be polite to him.
20 Q Okay. Were you allowed to call him Mike, or were
21 you expected to call him Officer?
22 A Officer or Brinkley.
23 Q Okay. So you were aware that he was an officer when
24 he was coming into your house, correct?
25 A Correct.

1 Q And were there any other officers that you knew
2 their first name?

3 A No.

4 Q Your father also volunteered for Metro events, fund-
5 raising events; is that correct?

6 A Correct.

7 Q Okay. And -- and just -- just to make sure. I
8 mean, you never approached Officer Brinkley and told him
9 about any of the alleged abuse that was happening inside the
10 house, correct?

11 A Of course, not.

12 Q Okay. Were you ever -- did you ever have an
13 opportunity to be alone with Officer Brinkley?

14 A Not really.

15 Q Okay. Do you know if either of your brothers or any
16 of your brothers ever had an opportunity to be alone with
17 Officer Brinkley?

18 A I wouldn't know.

19 Q Okay. Did they ever tell you about an opportunity
20 where they were alone with Officer Brinkley?

21 A No. We were only allowed in the house when Officer
22 Brinkley was there so he could go to the back with Chris in
23 the office.

24 Q Okay. So when Officer Brinkley came over, you were
25 told to -- or you were expected to stay in the front part of

1 the house, they went into the back --

2 A Yes.

3 Q -- in the office?

4 A Correct.

5 Q They being your father and Officer Brinkley?

6 A Yes.

7 Q Now, the fundraising events, they -- or that Metro

8 did, your father had a company called Knights Imaging

9 (phonetic)?

10 A Yes.

11 Q And it was like a lights and sound company or

12 something like that?

13 A Yes.

14 Q Okay. And there was one fund-raising event in

15 particular that you spoke of yesterday, and that was the one

16 for the officers that were shot at the Cici -- Cici's

17 Pizzeria?

18 A Yes.

19 Q And you said that you -- the family was expected to

20 build the stage and help set up the event?

21 A Yes.

22 Q And you were also expected to be at the event while

23 the event was going on, correct?

24 A No.

25 Q No? Where were you during the event?

1 A Me and Deborah were packing our stuff --

2 Q Okay.

3 A -- because it was an hour or two before I had to go

4 to work.

5 Q Okay. So was -- did you have to make an excuse to

6 Chris as to why you were not at the event?

7 A No. I was working.

8 Q Okay. But you weren't actually working, you were --

9 A I was working. It was two hours before I started

10 working.

11 Q Okay. So for the two hours before you were supposed

12 to start work, where did Chris think that you were, if you

13 know?

14 A At home.

15 Q The -- while you were setting up the stage and

16 prepping the event, were there any other people around at the

17 event?

18 A I wasn't at that event.

19 Q You did not have to set up the event?

20 A I did not have to set up that particular event.

21 Q Okay. Were there other events involving Metro

22 officers that you did have to set up?

23 A No.

24 Q Okay. Were there other events, fundraising events

25 that you did have to set up?

1 A For schools, like elementary schools, or to his
2 friends' birthday parties.

3 Q Okay. Outside of you and Deborah not being at the
4 event for the Cici's Pizzeria, your brothers, if you know,
5 were all at that event?

6 A Yes.

7 Q Helping your father?

8 A Correct.

9 Q Do you have any idea how long that event lasted?

10 A I wouldn't know.

11 Q Now, you did mention a second ago that you had a job
12 at Albertsons at the time that you were getting ready to
13 leave the house.

14 A Yes.

15 Q How long did you work at Albertsons?

16 A For a year.

17 Q For a year? And approximately 20 hours a week?

18 A Approximately, yes.

19 Q Okay. You had a supervisor at work, right?

20 A Yes.

21 Q You had coworkers at work?

22 A Yes.

23 Q You never confided in any of them about what you say
24 was going on at the house, correct?

25 A Correct.

1 Q You never confided in them about what you say you
2 say happening physically to your brothers inside the house?

3 A I was a courtesy clerk at Albertsons, I don't
4 socialize with any of the courtesy clerks.

5 Q Okay. What about a supervisor at work?

6 A She just told me what I was supposed to do for the
7 day, and went on with what they were supposed to do.

8 Q Okay. Prior to working at Albertsons, I they you
9 also mentioned that you worked at a City Stop?

10 A Yes.

11 Q Were there any other jobs besides those two?

12 A Just a few here and there jobs, like --

13 Q Nothing permanent?

14 A Nothing permanent.

15 Q Okay. Let's talk about what it was like inside the
16 house for a little bit.

17 A Okay.

18 Q Of everybody inside the house, would you say that
19 you were the closest with Deborah?

20 A No.

21 Q Brandon?

22 A Brandon.

23 Q Okay. After that Deborah?

24 A Deborah.

25 Q Okay. And you consider her to be your mom for

1 intents and purposes, right?

2 A Correct.

3 Q Okay. You never confided in Deborah about what you
4 say was happening to you in the house, right?

5 A I never told her what was fully going on.

6 Q Okay. And you didn't even -- after you and Deborah
7 and Brandon moved out of the house, you still never told
8 Deborah what you say was going on inside the house, correct?

9 A Correct.

10 Q Despite the fact that you called her a caregiver,
11 you never sought her help in protecting you while you were
12 inside the house, correct?

13 A So for all I know, I was trying to protect
14 everybody.

15 Q You were trying to protect everybody. Okay. But
16 you never asked Deborah for her protection, correct?

17 A Correct.

18 Q Now, there was this alleged incident when you were
19 about 18 years old with you and Deborah and Chris, correct?

20 A Correct.

21 Q Where there was sexual contact between you and
22 Deborah, correct?

23 A Correct.

24 Q And that you continued to live in the home for
25 another five to six years after that alleged incident,

1 correct?

2 A Correct.

3 Q Even after that alleged incident where there was
4 supposedly sexual contact between you and Deborah, you still
5 did not tell her about anything else you say was happening
6 inside the home?

7 A Correct.

8 Q There was, per your testimony yesterday, sexual
9 contact between you and Chris during that alleged incident
10 when you were -- right before your high school graduation,
11 correct?

12 A Clarify.

13 Q The incident when you -- right before your high
14 school graduation, you testified yesterday that there was
15 actually sexual contact between you and Chris, correct?

16 A Correct.

17 Q And Deborah was in the room when that happened,
18 correct?

19 A Are you talking about the -- the incident between
20 me, Deborah, and Chris --

21 Q Yes.

22 A -- or just separate?

23 Q You, Deborah, and Chris?

24 A Correct.

25 Q She saw sexual contact between you and be Chris?

1 A Yes.

2 Q And after that, Deborah never approached you to ask
3 you has anything like this ever happened before?

4 A She didn't ask.

5 Q Okay. She also didn't ask you if there was ever --
6 if there was anything -- if anything like that had ever
7 happened to you with anybody else in the household?

8 A She didn't ask.

9 Q And after you all left the house, and you went to
10 Safe House --

11 MS. RADOSTA: Court's indulgence.

12 BY MS. RADOSTA:

13 Q You'll, I'm going to back up a little bit. A few
14 weeks before you left the house, there was a conversation
15 between you and Brandon that had you very upset, correct?

16 A Yes.

17 Q Where he was threatening possibly to hurt himself,
18 correct?

19 A Yes.

20 Q He confided in you at that point in time, that there
21 had been sexual contact between he and Terrie, correct?

22 A Correct.

23 Q He did not tell you about anything having to do with
24 him and Deborah, correct?

25 A Correct.

1 Q Okay. And you confided in him at that point in
2 time, correct?

3 A Yes.

4 Q And you had just said, you're not alone, correct?

5 A Yes.

6 Q That's what you told Brandon?

7 A Yes.

8 Q Okay. And shortly after that conversation with
9 Brandon where he confided in you, you talked to Deborah about
10 that conversation, correct?

11 A Yes.

12 Q Fair to say Deborah's reaction was shock when you
13 related to her what Brandon had said?

14 A She seemed shocked.

15 Q That --

16 A But I can't assume.

17 Q I'm sorry?

18 A She seemed shocked, I can't assume.

19 Q Did you see an expression on her face that made you
20 think that she was shocked?

21 A Yeah.

22 Q Did her jaw drop?

23 A I don't remember.

24 Q Did she get tears in her eyes?

25 A I can't recall.

1 Q Okay. How -- why is it that you thought that she
2 was shocked?

3 A Just felt like she -- she knew after I --

4 Q It -- I'm sorry, it just --

5 A It -- it just seemed shocking that -- with the whole
6 suicide part.

7 Q Okay. So you think that if she was shocked, it was
8 because Brandon was talking maybe about hurting himself?

9 A Correct.

10 Q Not necessarily about the fact that there had been
11 sexual contact between Brandon and Terrie?

12 A I wouldn't know.

13 Q Okay. But you did relate that part of the
14 conversation to Deborah as well, correct?

15 A Correct.

16 Q Okay. You were very upset when Brandon related that
17 piece of information to you about he and Terrie, correct?

18 A Yes.

19 Q Because you felt like, as you said a little while
20 ago, you were protecting everybody in the family?

21 A Trying to --

22 Q Trying to.

23 A -- yes.

24 Q And it's true that at times you would actually
25 initiate sex or you've testified that would initiate sex with

1 Chris when you got older, correct?

2 A Correct.

3 Q When you thought he was in a bad mood?

4 A Yes.

5 Q Okay. In an effort to take the focus off of the

6 boys; is that a fair statement?

7 A Yes.

8 Q How old were you when that -- when you started doing

9 that?

10 A Pretty young.

11 Q Okay.

12 A About 13 or 14.

13 Q 13 or 14? You were going to Chris and you were

14 initiating contact with Chris?

15 A To keep them safe.

16 Q Okay. Okay.

17 Do you recall ever -- well, did you ever -- aside from

18 going to him first, did you ever take your own clothes off?

19 A There was times I would have done that --

20 Q Okay.

21 A -- so he would leave my brothers alone --

22 Q Okay.

23 A -- because he was so mean to them.

24 Q Okay. Did you ever take his -- Chris's likes off?

25 A No.

1 Q Okay. But by taking your clothes off, did you --
2 well, did you ever tell him that you wanted to have sex or by
3 taking your clothes off, were you communicating that?
4 A I was communicating that.
5 Q Okay. Did you ever fake an orgasm in order to make
6 the interaction end earlier?
7 A Yes.
8 Q Okay. Do you know if Chris ever knew that you were
9 faking an orgasm?
10 A I wouldn't know.
11 Q Okay. He never got upset at you or yelled at you
12 because he thought that you were faking?
13 A I don't think he realized I was faking.
14 Q Okay. The house that you -- actually, after you
15 left the house with Brandon and Deborah and you went to Safe
16 House for a few weeks, you then moved into an apartment for a
17 couple of months, correct?
18 A Correct.
19 Q And at some point in time, Deborah contacted a
20 divorce attorney, correct?
21 A I believe so.
22 Q Okay. Did you sit down with Deborah's divorce
23 attorney?
24 A No.
25 Q Okay. Did -- at some point after you left the

1 house, you spoke to Detective Samples, right?

2 A Sometime, yes.

3 Q It was approximately three months after you had
4 moved out of the residence, correct?

5 A Correct.

6 Q And you were purposefully trying to keep your
7 whereabouts unknown, correct?

8 A Correct.

9 Q You weren't talking to your mother during that
10 period of time, correct?

11 A I don't believe so.

12 Q Okay. You weren't talking to Ryan or Tails at that
13 point in time, correct?

14 A I don't believe so.

15 Q Because you were worried that they would share where
16 you guys were all living, correct?

17 A Correct.

18 Q Once you had left the house, the 6012 Yellowstone,
19 you still had your own personal cell phone, correct?

20 A Correct.

21 Q And yet, you never -- you still didn't call the
22 police for three months?

23 A Because I was in fear of my life.

24 Q Okay. You were out of the household, though,
25 correct?

1 A Yes.

2 Q Chris did not know where you were living, correct?

3 A I didn't want him to.

4 Q Okay. Whose decision was it, if you know, to get

5 the police involved?

6 A Me.

7 Q When did you make the decision to get the police

8 involved?

9 A The constant calls, the constant e-mails.

10 Q Okay.

11 A Chris stealing the -- the truck.

12 Q Okay. So when did you make -- well, when did you

13 make the decision to call the police?

14 A Enough was enough.

15 Q When did you make that decision?

16 A Probably before September.

17 Q Okay. How did you get in touch with the police,

18 then?

19 A I told Deborah it was time.

20 Q Okay.

21 A No more.

22 Q Okay. So did you actually contact Metropolitan

23 Police or did Deborah actually contact Metropolitan Police?

24 A Deborah did.

25 Q Okay. And that was sometime in early September?

1 A I believe so.

2 Q Okay.

3 A Yes.

4 Q Okay. And you just said right now that part of the
5 reason for contacting the police was because enough was
6 enough?

7 A Enough was enough.

8 Q Okay. That you felt that there were still attempts
9 by your father to get in touch with you, correct?

10 A And fear of my life, I didn't want him to know where
11 I was at.

12 Q Okay. You had been out of the house, though, for
13 over three months at this point in time, right?

14 A It doesn't matter, he'll still try to follow you and
15 try to find you.

16 Q Okay. But you had -- you'd had multiple
17 opportunities prior to that to contact the police, and it was
18 late September -- or I'm sorry, late August when finally the
19 police got involved; is that a fair statement?

20 A Correct.

21 Q I'm sorry?

22 A Correct.

23 Q Okay. You -- after you the initial conversation
24 with Detective Samples, you actually had a second -- second
25 and a third conversation with Detective Samples, but one of

1 them you had to actually view the -- some of the videos,
2 correct?

3 A Yes.

4 Q Okay. Was -- did you view a video -- did you view
5 any videos that surprised you?

6 A Yes.

7 Q Okay. Did you view videos involving Deborah that
8 you did not know existed?

9 A I did not know they existed.

10 Q And you had been living with Deborah for about three
11 or four months at this point in time, correct?

12 A Correct.

13 Q She never told you that those videos existed,
14 correct?

15 A Correct.

16 Q She never told you that those things were happening
17 while she was inside the home, correct?

18 A Correct.

19 Q Did you also see any videos involving your
20 biological mother, Terrie?

21 A Yes.

22 Q Have you ever had a conversation with your
23 biological mother about seeing those videos?

24 A No.

25 Q You never had a chance to ask her?

1 A I didn't ask.

2 Q Okay. Actually, since Deborah and Terrie have been
3 sentenced, have you had the opportunity -- you speak to them
4 on the phone, correct?

5 A Correct.

6 Q And they have to call you, correct?

7 A Correct.

8 Q So you accept calls from Terrie now?

9 A Yes.

10 Q And you accept phone calls from Deborah now,
11 correct?

12 A Correct.

13 Q And as far as Deborah is concerned, you've been
14 accepting phone calls from her since pretty much the day she
15 was arrested, correct?

16 A Correct.

17 Q At some point in time -- well, were you aware that
18 there was a no-contact order in place between Deborah and the
19 family or Deborah and the kids?

20 A No.

21 Q Okay. There were some other family members that
22 would come over to the house occasionally, Erin and Tamara?

23 A Yes.

24 Q They're your younger cousins?

25 A Yes.

1 Q I think yesterday you talked about them briefly.
2 You were worried when they came over to the house, correct?
3 A Yes.
4 Q Tamara is how much younger than you?
5 A I don't remember Erin -- Tamara's birthday.
6 Q Okay. But Erin is about, was it, nine years younger
7 than you?
8 A I -- she's turning 18.
9 Q She's turning 18, and you're 28, so about ten years
10 younger than you. Tamara is in between you and Erin in age?
11 A Yeah.
12 Q If you know.
13 A I believe so.
14 Q Okay. Do you recall talking to Detective Samples
15 about Erin?
16 A Yes.
17 Q And telling him that you were constantly concerned
18 when they were -- when Erin was over at the house?
19 A I was always worried.
20 Q Okay. But specifically regarding Erin, you --
21 A Yes.
22 Q -- when she was in the house, you were constantly
23 concerned?
24 A Yes.
25 Q Chris -- well, let me ask you this. Did you try to

1 keep an eye on them when you were inside the house?

2 A I tried to.

3 Q When they were over?

4 A I tried to.

5 Q You tried to. But you weren't always able to do

6 that?

7 A I was not always able to do that.

8 Q And I believe you were saying because sometimes

9 Chris would give you other things to do?

10 A Yes.

11 Q Okay. And if you didn't do the things that Chris

12 told you to do, you were worried that you would be hurt,

13 correct?

14 A Yes.

15 Q And -- but you did the things Chris asked you to do

16 instead of keeping an eye on your younger and -- or your

17 younger cousins?

18 A I would do it as quickly as possible.

19 Q Okay. But you still stepped away from your younger

20 cousins to do the things that Chris was supposedly telling

21 you to do?

22 A Yes.

23 Q You also -- you know their mothers, correct? You

24 know Erin's mother, right?

25 A Yes.

1 Q That's your Aunt Melissa?

2 A Yes.

3 Q Never told Aunt Melissa? Never called her up and
4 said, don't let Erin come over to the house, right?

5 A I didn't say anything.

6 Q Okay. And same thing with Tamara's mom, never
7 reached out to Tamara's mom and said, don't let her come over
8 to the house, correct?

9 A Correct.

10 Q How about your mom? These are her nieces, correct?

11 A Correct.

12 Q Did you ever have a conversation with your mom,
13 Terrie?

14 A No.

15 Q About Erin and Tamara and keeping them away from the
16 house?

17 A No.

18 Q After Erin -- Erin came over to the house quite a
19 bit for a period of time there, right?

20 A Yes.

21 Q After Erin would leave the house, did you ever reach
22 out to her to see if she was okay?

23 A No.

24 Q You didn't reach out to ask her if anything had
25 happened?

1 A No. I was too relieved that she was not in the
2 house.
3 Q Okay. But she was coming over for a while there
4 almost every weekend; is that what you remember?
5 A Almost.
6 Q You also --
7 MS. RADOSTA: Court's indulgence.
8 BY MS. RADOSTA:
9 Q When Tails was 18, he moved out of the house, right?
10 A I believe so.
11 Q You were living there still when Tails turned 18,
12 right?
13 A Yes.
14 Q You would have been 22?
15 A Correct.
16 Q Okay. Do you recall a time when Tails moved out of
17 the house?
18 A I recall that he moved out sometime.
19 Q Okay. Was it one time that Tails moved out of the
20 house or more than one time that Tails moved out of the
21 house?
22 A He would go and he would come back and he would go
23 and come back.
24 Q As far as you recall, was it once he turned 18?
25 A It was -- he didn't even finish high school.

1 Q He didn't finish high school before he moved out?
2 A When he just left.
3 Q Okay. So, I mean, we're not talking 13 or 14 here,
4 I'm assuming when Tails moved? It was 17, maybe?
5 A He was -- if he was still in school, he turns 18 in
6 December.
7 Q Okay. When he decided to move out of the house, did
8 he tell you he was leaving?
9 A No.
10 Q Just did you wake up one day and Tails was gone?
11 A I came back, and he was gone.
12 Q Okay. Did you have any idea where he had went --
13 A No.
14 Q -- or he had gone? No.
15 But when Tails left, Christopher didn't go try to find
16 him, correct?
17 A I don't believe so.
18 Q Okay. And at some point later, Tails moved back
19 into the house, yes?
20 A Yes.
21 Q After Tails moved back into the house -- well, how
22 long was he gone the first time he moved out, if you know, if
23 you remember?
24 A I can't recall.
25 Q Moved out again after that, right?

1 A Correct.

2 Q And was gone for a longer period of time the second
3 time?

4 A I believe so, yes.

5 Q Okay. And then was the second time, did he move
6 back in, was that right when you guys were leaving?

7 A I believe so.

8 Q Okay. Second time he moved out, once again, Chris
9 didn't do anything, didn't follow him, didn't get upset, as
10 far as you know?

11 A He was always wonder where he was at.

12 Q Wondering where he was at, but he didn't threaten
13 Tails that he better come back home, as far as you know,
14 correct?

15 A I wouldn't recall.

16 Q Okay. You didn't hear anything like that, correct?

17 A No.

18 Q And also, once -- your mom, Terrie, moved in and out
19 of the house several times during your teenage years,
20 correct?

21 A Correct.

22 Q She would sometimes go for a short period of time
23 and come back, sometimes go for long periods of time and come
24 back, correct?

25 A Correct.

1 Q You actually preferred it when she wasn't in the
2 household, correct?

3 A At the time, yes.

4 Q Less people in the house, is that fair to say?

5 A Less people in the house.

6 Q And she also always took Ryan with her, correct,
7 when she would leave?

8 A Correct.

9 Q What's the longest period of time you recall your
10 mom not being inside the house, having moved out?

11 A Why a year.

12 Q A year? Was that when you were younger or when you
13 were older?

14 A Older.

15 Q Older? When you were in your 20s?

16 A Yes.

17 Q Okay. When she came -- approximately, how many
18 times do you recall her moving in or out of the house?

19 A I can't recall how many times she exactly left and
20 came back.

21 Q Was it more than one?

22 A More than one.

23 Q More than two?

24 A More times that I could tell.

25 Q More times than you can tell?

1 A Um-h'm.

2 Q Was it -- did she ever tell you she was leaving?

3 A No.

4 Q Did she ever tell you when she was coming back?

5 A No.

6 Q So it was kind of a surprise to you, Terrie's

7 comings and goings?

8 A Yes.

9 MS. RADOSTA: Court's indulgence.

10 BY MS. RADOSTA:

11 Q When -- you testified a fair amount that you had to

12 do what your father told you to do.

13 A Correct.

14 Q Do you recall talking to Officer Samples about this?

15 A I believe so, yes.

16 Q Do you recall telling Officer Samples that as you

17 got older, the sex lessened as you got older?

18 A Yes, because of work.

19 Q Okay. Do you recall telling Officer Samples that

20 sometimes you just told Chris no, you didn't want to have

21 sex?

22 A There was sometimes I did.

23 Q As you got older?

24 A When I got older.

25 Q And there were no repercussions to you saying no at

1 that point?

2 A I would get in somewhat trouble, yes.

3 Q You would get this some trouble. Okay.

4 When you left the house in June of 2014, you

5 actually filed for a temporary protective order, correct?

6 A Correct.

7 Q And that was within a couple of days after leaving

8 the house, correct?

9 A Correct.

10 Q And did you -- were you living at the Safe House at

11 that point in time when you filed for the temporary

12 protective order?

13 A I was at the Safe House.

14 Q Okay. Were you -- did you need some guidance in how

15 to do that process?

16 A With the Safe House employees.

17 Q Okay. So they had -- did they help you get the

18 paperwork that you needed to fill out?

19 A Yes.

20 Q Okay. And part of -- I -- part of the reason you

21 wanted to get a temporary protective order was because you

22 didn't want Chris to come near you, correct?

23 A Correct.

24 Q And you were -- was it your understanding that you

25 should put as much detail into your temporary protective

1 order as possible?

2 A Put as much as I could in.

3 Q As much as you could?

4 A As much as I could.

5 Q Okay. Because there was just like a page for you to
6 fill out, correct?

7 A Yes.

8 Q Okay. And the temporary protective order was
9 actually denied, correct?

10 A Correct.

11 Q It was not granted?

12 A Yes.

13 Q And you found that out pretty quickly --

14 A Yes.

15 Q -- after leaving the residence?

16 A Yes.

17 Q You never reapplied for the temporary protective
18 order after it was denied, right?

19 A Correct.

20 Q And in the temporary protective order, you didn't
21 accuse Chris of any type of sexual abuse, did you?

22 A Clarify.

23 Q You -- when you filled out your temporary protective
24 order requesting -- requesting that Chris not come near you,
25 you did not mention anything about sexual abuse, did you?

1 A I talked about abuse and almost him wanting to kill
2 me.
3 Q Okay. You did not talk about sexual abuse, though,
4 did you?
5 A I didn't say anything.
6 Q I'm sorry?
7 A I didn't say anything.
8 Q But you went into detail about physical abuse,
9 correct?
10 A Correct.
11 Q Physical abuse that allegedly happened in -- well,
12 let me back up for a second.
13 You were applying for this in June of 2014, correct,
14 right after you left the house? Do you remember that?
15 A Yes.
16 Q You talked about physical abuse that this happened a
17 few months earlier in March of 2014; do you remember that?
18 A Correct.
19 Q And you talked about physical abuse that allegedly
20 happened on your 21st birthday --
21 A Yes.
22 Q -- which was in May 2011, correct?
23 A Correct.
24 Q And you talked about physical abuse that allegedly
25 happened when you were 14 years old, correct?

1 A Correct.

2 Q But you did not say that sex abuse had been
3 occurring inside that home since you were 11 years old,
4 correct?

5 A I started opening up about it to a therapist at the
6 Safe House.

7 Q Okay. But you did not put it in your temporary
8 protective order request, right?

9 A I wouldn't recall.

10 Q If I were to show you your temporary protective
11 order, would that help refresh your memory?

12 A Yes.

13 MS. RADOSTA: Your Honor, may I approach the
14 witness?

15 THE COURT: Yes.

16 THE WITNESS: (Witness reading document). Read.

17 BY MS. RADOSTA:

18 Q Nowhere in your application did you mention anything
19 about sexual abuse, correct?

20 A Correct.

21 Q You did actually, though, mention some physical
22 abuse to Brandon in there --

23 A Yes.

24 Q -- correct? And you -- as I asked you earlier,
25 there is specific instances of physical abuse against you

1 that you mentioned, correct?

2 A Correct.

3 Q But in the end, your application was denied,
4 correct?

5 A Yes.

6 Q And that happened pretty quickly within a few days;
7 is that correct?

8 A I believe so.

9 Q Okay. You could have reapplied for your temporary
10 protective order, correct?

11 A I didn't know --

12 Q Okay.

13 A -- if I could or not.

14 Q Okay. No one told you that you could have
15 reapplied?

16 A No.

17 Q Okay. Were you aware that Deborah also applied for
18 a temporary protective order at the same time as you?

19 A Yes.

20 Q Were you aware that hers was also denied?

21 A Yes.

22 Q Okay. Did you and she prepare your applications
23 together or separately?

24 A We were separate.

25 Q Did you ever see Deborah's application or see the --

1 what she wrote?

2 A No.

3 MS. RADOSTA: Court's indulgence.

4 BY MS. RADOSTA:

5 Q Actually, Anita, is this a fair and accurate
6 representation of the temporary protective order that you
7 applied for?

8 A Protection order, yes.

9 Q I mean, is that your signature on the last page,
10 page 9?

11 A Yes.

12 Q And on the first page -- actually, technically, the
13 second page, is that your handwriting filling out all of the
14 personal information?

15 A Yes.

16 Q Date of birth and things of that nature?

17 A Yes.

18 Q Thank you.

19 MS. RADOSTA: Court's indulgence. Sorry, folks,
20 just a second.

21 BY MS. RADOSTA:

22 Q Just a couple more questions, Anita.

23 I talked to you -- I asked you a fair amount of
24 questions about the alleged first time that Chris anally
25 penetrated you, when you were approximately 11 years old.

1 A Yes.

2 Q And you testified earlier that there -- that you --

3 there was pain.

4 A Of course, there was.

5 Q Do you -- do you recall also telling Detective

6 Samples that in your opinion he was pretty rough with you?

7 A He was always pretty rough with me.

8 Q Okay. But regarding that specific situation, he was

9 pretty rough with you?

10 A Yes.

11 Q Okay. And you also testified that once the sexual

12 contact began, it was fairly regularly; is that fair

13 statement?

14 A Yes.

15 Q Was that immediately as soon as that first time

16 happened, then it occurred fairly regularly?

17 A It -- it was fairly regularly.

18 Q So after that first alleged time, it was maybe a few

19 days later or within a week before the next time something

20 allegedly happened?

21 A Yes.

22 Q When you were --

23 MS. RADOSTA: Court's indulgence. Judge, can we

24 approach for a second?

25 THE COURT: Yes.

1 (Off-record bench conference.)
2 BY MS. RADOSTA:
3 Q Were you -- Anita, you were aware that at some point
4 in time your father had had a vasectomy, correct?
5 A Later on.
6 Q I'm sorry?
7 A Later on.
8 Q Later on? At what point? How old were you?
9 A Older.
10 Q How -- what -- how old?
11 A In my 20s.
12 Q You were in your 20s when you found out that he had
13 had a vasectomy?
14 A When he had one.
15 Q When he had one? Okay.
16 A Supposedly.
17 Q I'm sorry?
18 A Supposedly.
19 Q Supposedly. You did share the information, though,
20 with Detective Samples that you were aware that he,
21 quote/unquote, got fixed?
22 A Yes.
23 Q He being Chris?
24 A Chris.
25 Q Do you recall the last sexual contact that you and

1 Chris allegedly had?

2 A 23.

3 Q You were 23?

4 A Yes.

5 Q Okay. And was that actual sex or was that just some
6 type of sexual touching?

7 A Actual sex.

8 Q I'm sorry, actual sex?

9 A Actual sex.

10 Q Do you recall telling Detective Samples that the
11 last sexual touching was actually just him touching your
12 breasts?

13 A It was before, yes.

14 Q I'm sorry?

15 A Yes.

16 Q Okay. Just have a few more questions, Anita.

17 A Okay.

18 Q Okay? Do you recall telling Detective Samples that
19 the last sex you mean contact that you had with Chris was
20 just him touching your breasts?

21 A Yes.

22 Q Okay. And that was before -- or I'm sorry, that was
23 the last time?

24 A Yes.

25 Q Okay. And do you recall telling him that sometimes

1 that happened and Terrie would walk in the room, and he would
2 pull his hand away?

3 A Yes.

4 Q And this was when you were 23 years old, correct?

5 A Correct.

6 Q And you testified earlier that there had been an
7 incident between you, Deborah -- or I'm sorry, you, Terrie,
8 and Chris when you were considerably younger, correct?

9 A Correct.

10 MS. RADOSTA: Court's indulgence. Nothing further,
11 Your Honor. Pass the witness.

12 THE COURT: Any redirect?

13 MS. SUDANO: Yes, Your Honor.

14 THE COURT: Okay.

15 REDIRECT EXAMINATION

16 BY MS. SUDANO:

17 Q So, Anita, there are just some things that I kind of
18 want to clear up with you. Okay?

19 A Okay.

20 Q So did the abuse by the defendant happen anywhere
21 other than that 6012 Yellowstone?

22 A None that I could recall.

23 Q Okay. So every incident that we talked about
24 happened at that house?

25 A So far that I remember.

1 Q Okay. And we talked about things yesterday that
2 happened all the way from when you were 11 up until that last
3 incident when you were 23; is that right?

4 A Yes.

5 Q Is it easy for you to remember those things?

6 A When it pops up sometimes. Sometimes not.

7 Q Okay. And that's stuff that happened all the way
8 from when you were in sixth grade in middle school, all the
9 way through middle school; is that right?

10 A Correct.

11 Q All the way through high school?

12 A Yes.

13 Q And then all the way four or five years after high
14 school, right?

15 A Correct.

16 Q You were just asked a couple of questions about the
17 last time that you remember anything happening sexually with
18 the defendant. Do you recall that?

19 A Yes.

20 Q You indicated that the last time that you actually
21 were forced to have sex or forced yourself to have sex with
22 him, you were 23; is that correct?

23 A Yes.

24 Q Do you remember about when that was?

25 A No.

1 Q All right. And then you also said that the last
2 time anything sexual happened was in the incident where you
3 were sitting on the couch; is that right?

4 A Correct.

5 Q And he grabbed your breasts?

6 A Yes.

7 Q Do you remember when that happened?

8 A No.

9 Q Do you remember which one happened first?

10 A No.

11 Q Do you remember testifying previously that the
12 incident where he was grabbing your breasts was just shortly
13 before you moved out?

14 A Yes.

15 Q All right. Can you try and keep your voice up for
16 us? I know it's hard.

17 A Sorry.

18 Q So you talked about for a lot of these incidents
19 from the time that you were 13 or 14 on, you would force
20 yourself to have sex with the defendant; is that right?

21 A Correct.

22 Q Why would you force yourself to do that?

23 A So he wouldn't give my brothers a harsh beating when
24 he was upset with them.

25 Q Would you ever force yourself to go and have sexual

1 contact with the defendant when he was in a good mood?

2 A No.

3 Q Would you ever force yourself to do that when he was
4 happy?

5 A No.

6 Q Was it always when things were building up in the
7 house?

8 A When it became violent, yes.

9 Q You indicated that as you got older, the sex
10 lessened and there were times where you would tell him no; is
11 that right?

12 A Correct.

13 Q You said that you would be somewhat in trouble when
14 that happened, I think. Was that your words?

15 A Yes.

16 Q What do you mean by that?

17 A Let's just say little bit of threats.

18 Q What kind of threats would you receive when you were
19 older?

20 A Little threats like I can't tell anybody or pretty
21 much the same thing happened repeating with the police and --

22 Q Okay. Now, you were asked some questions about the
23 TPO, the temporary protective order that you filed; do you
24 recall that?

25 A Yes.

1 Q And you did not mention any of the sexual abuse in
2 that TPO; is that correct?

3 A Correct.

4 Q All right. At that time, right after you moved out
5 of the house, was it your intention to go to the police?

6 A At that time, no. I thought the police were his
7 friends.

8 Q All right. At that time, was it your intention to
9 just get away from the situation?

10 A Just to get away.

11 Q All right. And just trying to keep the defendant
12 away from yourself?

13 A To keep him away.

14 Q And away from Brandon?

15 A Yes.

16 Q And away from Deborah?

17 A Yes.

18 Q You indicated that you just started to talk about
19 the sexual abuse with the counselor at the Safe House; is
20 that correct?

21 A Correct.

22 Q Was that something you were comfortable discussing
23 when you filed that TPO application?

24 A No.

25 Q You were asked whether or not Deborah ever talked to

1 you and told you anything that was going on with her; is that
2 correct?

3 A Correct.

4 Q And you had indicated that you didn't learn a lot of
5 those things until you watched the videos later with the
6 detective; is that right?

7 A Correct.

8 Q Do you recall telling Detective Samples in that
9 initial interview that Deborah had actually talked to you
10 about what had -- what she had done with Tails before you
11 went to talk to Detective Samples in September?

12 A Not with Brandon.

13 Q Okay. But with Tails, were you aware of that?

14 A I was aware of something about a shower, but that
15 was it.

16 Q Okay. Did Deborah tell you before you went to talk
17 to the detective that there was video of her and Tails in the
18 shower?

19 A No.

20 Q You were asked some questions about the police
21 officers that would come around the house, and we talked a
22 little bit about Officer Brinkley; do you recall that?

23 A Yes.

24 Q All right. You said Officer Brinkley would come
25 over, and he would go back into the office with the

1 defendant; is that right?

2 A Yes.

3 Q How long would he spend in the office with the
4 defendant?

5 A I can't tell you exact time.

6 Q All right. Was it five minutes? Was it 15 minutes?
7 Was it an hour?

8 A Again, I couldn't give you exact time.

9 Q All right. Was it more than just a few minutes?

10 A More than a few minutes.

11 Q You talked about when the police were around, you
12 were expected to be polite; is that right?

13 A Yes.

14 Q Did the defendant ever talk to you about how you
15 were supposed to behave when there were police officers
16 present at the house?

17 A With respect.

18 Q Did he talk to you about how you were supposed to
19 behave when there were other friends around the house in
20 general?

21 A I wasn't allowed to say anything.

22 Q Did the defendant behave the same when there were
23 people or police officers at the house as he did when they
24 were not?

25 A He was always around.

1 Q So did he behave the same, though, when he had
2 police officers or friends over at the house?

3 A With the abuse or threats?

4 Q Yes.

5 A No.

6 Q What was different?

7 A He'd act all happy, try to be a goofball, try to
8 make it seem like nothing was wrong.

9 Q Did he ever hit you or threaten you when any of the
10 friends or the police officers were around?

11 A Only when they're not looking.

12 Q So you were asked some questions earlier about
13 knowing that there were guns in the house; do you recall
14 that?

15 A Yes.

16 Q And you indicated to the detective that you were
17 aware that there were guns in the house; is that right?

18 A Correct.

19 Q And you knew that there was at least one gun in the
20 office safe; is that right?

21 A Correct.

22 Q The office safe, did it have a combination lock or a
23 keypad lock; do you remember?

24 A It was a key lock.

25 Q A key --

1 A Or a pin key lock.

2 Q So you had to put in the pin number?

3 A Yes.

4 Q Did you know the pin number to access that safe?

5 A No.

6 Q Had you ever had the pin number anyway to access

7 that safe in the back?

8 A No.

9 Q We talked a little bit about Tails coming and going

10 from the residence; do you recall that?

11 A Yes.

12 Q Tails moved out, you said, when he was about --

13 A About 18 he --

14 Q -- about 18?

15 A -- he left when was [inaudible] finish school.

16 Q Okay. So he was still in school, you weren't sure

17 if he was 17 or 18, you think, right?

18 A Yeah.

19 Q Do you know if Tails moved out or was kicked out of

20 the house?

21 A I wouldn't know.

22 Q Okay. Now, Tails, did he ever officially move back

23 into the house?

24 A I don't believe so. He kept coming back and going.

25 Q Okay. So were there times he would spend the night

1 at the house and then times you wouldn't see him for a few
2 days?

3 A Yes.

4 Q When Tails started staying at the house after he had
5 moved out, did he go back and stay in that bedroom with
6 Brandon and Ryan?

7 A I believe so.

8 Q Were there times that Tails would sleep on the
9 couch?

10 A Sometimes.

11 Q You had talked about the night that you and Brandon
12 and Deborah left, you did not know that Tails was in the
13 house; is that right?

14 A Correct.

15 Q Had Tails been in the house when you got home the
16 night before from work?

17 A I didn't see him.

18 Q Okay. At that time, right before you left, was it
19 common for Tails to spend the night somewhere else?

20 A He would be at a friend's house.

21 Q Okay. You were asked some questions before about
22 whether or not you had wanted to move out or had tried to
23 move out once you started working; do you remember that?

24 A I believe so.

25 Q Did you have a plan in place with what you would

1 have done if you had moved out on your own?

2 A I -- I didn't have a plan.

3 Q Okay. You were working 20, 25 hours a week at

4 Albertsons?

5 A Um-h'm, yes.

6 Q Okay. And you were on a courtesy clerk salary?

7 A Yes.

8 Q So those are the people that are bagging groceries

9 and going out and getting the carts; is that right?

10 A And cleaning up the -- the grocery store.

11 Q Okay. And you didn't have a car at that point?

12 A No.

13 Q Had you gone to college at all at that point?

14 A No.

15 Q And you said you couldn't drive; is that right?

16 A Yes.

17 Q All right. Because you'd never been taught to

18 drive?

19 A I was never taught how to drive.

20 Q Okay. And you were also asked some questions about

21 why it was just you, Brandon, and Deborah that left the

22 residence when you did; do you remember that?

23 A Yes.

24 Q All right. Ryan was 15 when you left; is that

25 correct?

1 A I believe so, yes.

2 Q Did you feel like you could take Ryan away from his
3 mother, Terrie, at that point?

4 A No. It would be considered kidnapping.

5 Q And how old was Tails at that point when you left?

6 A He's four years younger than me.

7 Q So would he have been 19 or 20?

8 A Around there, yes.

9 Q Okay. So he was already at that point where he was
10 spending a bunch of nights at friends' houses and then coming
11 back for a few nights?

12 A Yeah.

13 Q Did you also learn that after you had left, that the
14 defendant kicked Ryan and Terrie out?

15 A It was all hearsay.

16 Q Okay. But that was your understanding later?

17 A Yes.

18 Q All right. Now, we had talked a lot about the
19 sexual abuse that was going on in your house from the time
20 that you were 11 all the way up through school and even after
21 school.

22 So you were asked some questions about the first
23 incident that you remember, and we've asked you that at every
24 hearing and every interview, right?

25 A Correct.

1 Q All right. Do you actually remember what incident
2 happened first?

3 A It happened so much, I -- most likely not.

4 Q Okay. So you testified yesterday about an incident
5 that happened when up walked by the defendant and he was
6 masturbating in the bedroom, and then you went into the
7 bedroom and then came out into the living room and he had you
8 get down on all fours; do you recall that?

9 A Yes.

10 Q And then he anally penetrated you?

11 A Yes.

12 Q Okay. And is that an incident that happened?

13 A Yes.

14 Q All right. And then you were also asked some
15 questions about testifying at a prior hearing, that there was
16 an incident where the defendant was wearing clothes, and it
17 started in the living room, and then went into the bedroom.
18 Do you recall that?

19 A Yes.

20 Q I believe you said during that incident he had
21 unzipped his pants and anally penetrated you while you were
22 laying on the bed in the bedroom; do you recall that?

23 A Yes.

24 Q And is that an incident that happened?

25 A Yes.

1 Q You had indicated that there were times where before
2 the defendant would anally penetrate you, when you were 11 or
3 12 years old, that he would use some sort of lube or Vaseline
4 or something to lubricate; do you recall that?

5 A Yes.

6 Q You also indicated that there times with that
7 happened with him spitting on his hand; do you recall that?

8 A Yes.

9 Q And you also indicated that there were times where
10 it happened without him using any type of lubrication at all?

11 A Yes.

12 Q Were there times the defendant anally penetrated you
13 where each of those things happened?

14 A There would be multiple times one of those things
15 would happen.

16 Q And that was all when you were 11, 12, 13?

17 A 11, 12, or 13.

18 Q Okay. Are you sure which one of those incidents
19 talked first -- or happened first?

20 A At this point, I can't recall.

21 Q Okay. All right. All right.

22 And I think you had indicated that initially you thought
23 that this was normal behavior; is that correct?

24 A Yes.

25 Q Why did you believe that that was normal behavior?

1 A Because parents are supposed to teach you what was
2 normal and what was right and wrong.

3 Q Did the defendant ever talk to you about anything
4 like this is normal?

5 A I felt it happened so much, it seemed to be normal.

6 Q Okay. Did he ever have any conversations with you
7 about what was normal?

8 A No.

9 Q Did he ever have any conversations with you about
10 whether or not you should tell anyone?

11 A He told me I shouldn't tell anybody.

12 Q Did he tell you why?

13 A That I would be in trouble.

14 Q Now, you were also asked some questions about some
15 friends that you had in high school and some people that were
16 around with the defendant. Do you recall those questions?

17 A Yes.

18 Q All right. And I think you said that your friend,
19 Jen, showed the defendant her boobs; is that right?

20 A Correct.

21 Q How old were you when that incident happened?

22 A I can't really tell you how old was when that
23 happened. It was in high school, though.

24 Q Okay. Do you remember if it was the beginning or
25 end of high school?

1 A The end of high school.

2 Q Okay. Do you remember what the circumstances were
3 that Jen was showing the defendant her boobs?

4 A We were just getting ready for a gig and were
5 cleaning out the trailer for some type of gig. I don't
6 remember what gig it was. And she was in the trailer, and
7 she just flashed him.

8 Q Do you know if anything prompted that?

9 A No.

10 Q Okay. Did the defendant say anything to her at that
11 point?

12 A I can't tell you exactly what was said.

13 Q All right. And then there was -- you also talked
14 about your friends Desiree and Blanca being over at the house
15 and watching a movie with the defendant; is that right?

16 A Correct.

17 Q What type of movie was it?

18 A It was a Hentai movie with Venus Girls and
19 Tentacles.

20 Q Okay. What is Hentai.

21 A Hen tie is a Japanese version of cartoon porn.

22 Q Okay. How old were you when that incident happened?

23 A 14 or 15.

24 Q Did the defendant say anything -- well, was the
25 defendant there while you were watching that movie?

1 A He suggested it.

2 Q All right. Did he say anything to you about why he
3 wanted to watch that particular cartoon porn movie?

4 A No.

5 Q Did he say anything to you afterwards about that
6 movie?

7 A He asked me if my friends enjoyed the show.

8 Q Okay. Did he tell you anything about what he was
9 hoping would happen if your friends watched that movie?

10 A No.

11 Q Do you recall telling the detective that he was
12 hoping he would get some alone time with your friends after
13 watching that movie?

14 A That was after the movie incident.

15 Q Okay. What was that incident?

16 A He -- he normally asked if -- if my friends could
17 come over so he could have some alone time with them, but I
18 didn't want them to come over.

19 Q Okay. Were there times that your friends came over
20 and he did something to get that alone time with your
21 friends?

22 A He would try to bring them to the back to the office
23 to show them some stuff, but he would always sent me away to
24 get some stuff, like a drink or -- or again, something to eat
25 or that I had chores to do.

1 Q Okay. Do you remember an incident with your friend,
2 Amanda, being over at the house?

3 A Yes.

4 Q How old were you for the incident with your friend,
5 Amanda?

6 A It was my 16th birthday party.

7 Q Okay. What did you do for your 16th birthday?

8 A It was a swimming pool party.

9 Q Okay. So you went swimming?

10 A Yeah.

11 Q Did he make any comments to you about Amanda?

12 A Yeah. That he likes her pubic hair that was showing
13 through her -- through her swimming suit.

14 Q Did you do anything after you heard the defendant
15 comment on Amanda's pubic hair?

16 A I made it my mission to make sure that Amanda didn't
17 come over.

18 Q Okay. How would you make sure Amanda didn't come
19 over?

20 A I started getting into fights with my friends where
21 they would get mad at me where they didn't want to come over.

22 Q Okay. So you sort of pushed your friends away?

23 A Yes.

24 Q Was that just Amanda or did that happen with anybody
25 else?

1 A With anybody else that he was looking at.

2 Q So you were asked a lot of questions about the
3 things that you said about the incident with yourself and the
4 defendant and Deborah in the living room; do you recall that?

5 A Yes.

6 Q All right. So that incident with Deborah you
7 testified happened when you were 17 or 18; is that right?

8 A Correct.

9 Q And then when you started talking to the detective
10 about it, that was in September of 2014; is that right?

11 A A long time ago, yes.

12 Q Okay. So you talked to the detective more than four
13 years ago about that incident with Deborah?

14 A Yes.

15 Q And it's an incident that happened more than ten
16 years ago at this point; is that right?

17 A Yes.

18 Q You had indicated that your mind was sort of all
19 over the place as you were talking about that incident; is
20 that right?

21 A It's always all over the place.

22 Q Okay. When you were explaining the incident, did
23 you explain it in a linear fashion, so first this and then
24 this and then that?

25 A It was all over the place.

1 Q Okay. So you talked about one of the examples was
2 that you had to go back and talk about when it was that
3 Deborah was unclothed; is that right?

4 A Correct.

5 Q Okay. And you testified here that she was unclothed
6 when she came into the room; is that right?

7 A I believe so.

8 Q Okay. And that's your memory as you sit here today?

9 A That's my memory, yeah, as I sit here today.

10 Q Okay. Were you trying to provide accurate
11 information to the detective, when you talked to the
12 detective?

13 A Yes.

14 Q Were you trying to provide accurate information when
15 you talked to everyone at Deborah's hearing?

16 A Yes.

17 Q And what about at Christopher's prior hearing?

18 A Yes.

19 Q Okay. And there are a lot of things that about that
20 incident that you've said every time you talked about it; is
21 that right?

22 A I believe so.

23 Q So you've always said it was senior year of high
24 school; is that right?

25 A Yes.

1 Q You've always said it was somewhere right around
2 your 17th or 18th birthday?

3 A Yes.

4 Q You've always said that it happened in the living
5 room?

6 A Yes.

7 Q You've always said that there was nobody else in the
8 house?

9 A Yes.

10 Q You've always said that the defendant was the one
11 that was directing the conduct?

12 A Yes.

13 Q You've always said that there was kissing and
14 touching of the breasts between you --

15 MS. RADOSTA: Objection, Your Honor. Leading at
16 this point.

17 THE COURT: Overruled. Go ahead.

18 BY MS. SUDANO:

19 Q You've always said that there was kissing between
20 you and Deborah; is that right?

21 A Yes.

22 Q And there was touching of the breasts between you
23 and Deborah?

24 A Yes.

25 Q And there was some contact between you and Deborah

1 on the genitals; is that correct?

2 A Correct.

3 Q You were asked whether or not the information that
4 you provided at Deborah's hearing was different than the
5 information that you were providing at Chris's hearing
6 regarding where you were touching Deborah; do you recall
7 that?

8 A Yes.

9 Q Do you recall, before you testified at Deborah's
10 hearing, talking to Detective Samples and saying that you
11 were touching Deborah's clit?

12 A Yes.

13 Q And when you were touching Deborah's clit, that
14 would have been on the inside of the lips of her vagina; is
15 that right?

16 A It -- I thought it was the outside down there.

17 Q Okay. Do you remember telling the detective that
18 based on the angle, you had to touch her private part, but
19 she was just touching you on the outside of your private
20 part?

21 A With the reading of the -- of the papers, yes.

22 Q Okay. So that was what you told the detective in
23 September of 2014?

24 A Yes.

25 Q Okay. And then there were also a number of other

1 things that you said that have always been consistent between
2 that event; is that right?

3 A Correct.

4 Q So you always talked about the defendant vaginally
5 penetrating you while you were on your back; is that right?

6 A Correct.

7 Q You've always talked about Deborah being over the
8 top of you while that happened; is that right?

9 A Right.

10 MS. RADOSTA: Objection, Your Honor. Leading.

11 THE COURT: Sustained.

12 MS. SUDANO: Okay.

13 BY MS. SUDANO:

14 Q Did you talk about where Deborah was when the
15 defendant was vaginally penetrating you with the incident in
16 the -- or in the living room?

17 A I don't believe so in past incidents.

18 Q But you testified yesterday that she was over top --

19 A On top.

20 Q -- of you?

21 Now, you were also asked some questions about the
22 incident that happened in the back office with the defendant
23 and Terrie; do you recall that?

24 A Yes.

25 Q Okay. You testified yesterday that during that

1 incident when you walked into the office, the defendant was
2 viewing porn or looking at pictures on the computer; is that
3 right?

4 A Correct.

5 Q And then you were asked some questions about whether
6 or not you saw Terrie giving the defendant oral sex during
7 that; do you recall that?

8 A Yes.

9 Q Do you actually recall seeing Terrie give the
10 defendant oral sex?

11 A There have been times where I've seen it.

12 Q Okay. Do you recall seeing Terrie give the
13 defendant oral sex that day?

14 A Of that day? Most likely.

15 Q Do you recall when you saw Terrie give the defendant
16 oral sex that day?

17 A I can't give you the exact time.

18 Q All right. Do you recall at Chris's hearing saying
19 that the sex was after you had already walked into the office
20 and the conversation about anal sex had already come up?

21 A Repeat that.

22 Q Do you recall testifying at Chris's hearing that you
23 saw Terrie giving the defendant oral sex after the
24 conversation had already come up about anal sex?

25 A I believe so.

1 Q All right. You were asked some questions earlier
2 about your reaction to Deborah and Terrie being arrested; do
3 you remember that?

4 A Yes.

5 Q All right. You indicated that initially you were
6 very upset when Deborah got arrested, and upset, but less
7 upset, when Terrie got arrested; is that correct?

8 A Correct.

9 Q Okay. So they got arrested in December of 2014; is
10 that correct?

11 A Correct.

12 Q So over four years ago at this point?

13 A Yes.

14 Q All right. And at the time, you didn't believe that
15 Deborah had done anything wrong; is that right?

16 A It was abuse. Of course, I didn't believe she did
17 anything wrong.

18 Q Okay. What's your thought on that now?

19 A What she did was still wrong.

20 Q Okay. What about with Terrie?

21 A What she did was still wrong.

22 Q Okay. Now, you were asked questions about whether
23 or not you were writing letters about Deborah after she was
24 arrested; do you recall that?

25 A Yes.

1 Q Okay. You were asked specifically one e-mail that
2 you sent to the District Attorney; do you recall that?

3 A I believe so.

4 Q Okay. It was an e-mail that you and Brandon sent,
5 right?

6 A Correct.

7 Q Was that an e-mail where you specifically addressed
8 all of your comments to just Deborah or was it Deborah and
9 Terrie?

10 A At first it was just Deborah because I saw the abuse
11 that was happening to Deborah. I didn't see that much abuse
12 with Terrie.

13 Q But by the time you wrote that letter, were you just
14 talking about Deborah or were you talking about Terrie as
15 well?

16 A At that moment -- at that time it was just Deborah.

17 Q Okay. Did you actually write a letter, an e-mail,
18 that was telling the District Attorney that you didn't want
19 either of the moms to be held in custody or punished?

20 A I believe I indicated for both mothers in one of
21 those.

22 Q Okay. Now, we talked a lot about the fact that you
23 started to give yourself or force yourself to have sex with
24 the defendant to protect everyone else in the house.

25 Did you ever want to have sex with the defendant?

1 A No.

2 Q Did you ever want to have sex with Deborah?

3 A No.

4 Q Did you ever want to have sex with Terrie?

5 A No.

6 Q All right.

7 MS. SUDANO: Your Honor, may I approach your clerk?

8 THE COURT: Yes.

9 MS. SUDANO: May I approach the witness with

10 Exhibit 108?

11 THE COURT: Yes.

12 BY MS. SUDANO:

13 Q Anita, do you recognize what you're seeing there in

14 Proposed 108?

15 A Yes. It's my birthday party, ten years old.

16 Q And is that a fair and accurate depiction of a photo

17 from why you birthday party when you were ten?

18 A Yes.

19 MS. SUDANO: Your Honor, I would move for admission

20 of Proposed 108.

21 THE COURT: Any objection?

22 MS. RADOSTA: We'll submit it, Your Honor.

23 THE COURT: Let me see it.

24 MS. RADOSTA: Actually, Your Honor, could we

25 approach?

1 THE COURT: Yes.
2 (Off-record bench conference.)
3 THE COURT: Okay. It will be admitted.
4 (State's Exhibit 108 admitted)
5 THE COURT: What exhibit is that again?
6 MS. SUDANO: 108, Your Honor. May I publish?
7 THE COURT: Yes.
8 MS. SUDANO: Okay.
9 BY MS. SUDANO:
10 Q So Anita, we've got picture -- or Exhibit 108 up
11 here on the screen. Can you describe to us what that picture
12 is, please?
13 A That is a photo of my tenth birthday.
14 Q How do you know it's your tenth birthday?
15 A It was marked.
16 Q Okay. Can you actually see the date down here,
17 5/20/2000? I know it's hard to see, but --
18 A I believe so, yes.
19 Q I can bring it back up to you if you want.
20 A It's a little hard to see on the screen.
21 MS. SUDANO: May I approach, Your Honor?
22 THE COURT: Yes.
23 THE WITNESS: Yes.
24 BY MS. SUDANO:
25 Q Off the screen, you can see it's 5/20/2000?

1 A Yes.

2 Q All right. And that would have been your tenth
3 birthday?

4 A Yes.

5 Q Can you tell us what you're wearing in that photo?

6 A My light blue shirt with different colors in blue
7 with the back off and Tasmanian devil on it.

8 Q Okay. And is that the shirt you described to us
9 yesterday?

10 A Yes.

11 Q The shirt you were wearing during one of the first
12 incidents where the defendant anally penetrated you?

13 A Yes.

14 Q All right. Now, Anita, as you sit here today, while
15 you were asking some questions about whether you were afraid
16 of the defendant at the time you were trying to get the
17 temporary protective order; is that correct?

18 A Yes.

19 Q As you sit here today, are you still afraid of the
20 defendant?

21 A I'm still afraid of him.

22 MS. RADOSTA: Objection, Your Honor. Relevance.

23 THE COURT: Sustained.

24 MS. SUDANO: Thank you, Your Honor.

25 THE COURT: Okay. Any recross?

1 MS. RADOSTA: Court's indulgence.

2 RECROSS-EXAMINATION

3 BY MS. RADOSTA:

4 Q Prior to testifying yesterday and today, did you
5 have an opportunity to sit down with the prosecutors?

6 A Prior to when?

7 Q Like in the last few days, in the last couple of
8 weeks?

9 A A couple of weeks before the 28th.

10 Q A couple of weeks before the 28th. Okay. Which was
11 when the trial was supposed to start, right?

12 A Correct.

13 Q Okay. Did you have an opportunity to review any of
14 your prior statements?

15 A No.

16 Q You didn't have a chance to read through this
17 statement that you gave to Detective Samples?

18 A No.

19 Q Okay. Were you given the opportunity and you chose
20 not to or were you just not given the opportunity?

21 A I didn't have the papers.

22 Q Okay. And they --

23 A At that moment of time.

24 Q Okay. Did the prosecutors at any point in time
25 offer to give them to you if you wanted to review them?

1 A Yes.

2 Q Okay. And you chose not to review them? Am I
3 understanding you correctly?

4 A Yes.

5 Q Okay. The same thing with your prior testimony at
6 Deborah's preliminary hearing?

7 A Yes.

8 Q You just chose not to review it?

9 A Yes.

10 Q Okay. And you mentioned on redirect that there was
11 more than one time that you had seen Terrie giving Chris a
12 blow job?

13 A Correct.

14 Q How many times did you see Terrie giving Chris a
15 blow job?

16 A I can't give you accurate number.

17 Q More than once?

18 A More than once.

19 Q More than twice?

20 A More than once.

21 Q Is just more than once?

22 A I can't give you accurate.

23 Q Okay. Less than ten?

24 A I can't tell you because I'm not accurate -- I can't
25 give you accurate number.

1 Q Okay. When you saw it happen, was it any place
2 other than the office?

3 A Yes.

4 Q I'm sorry?

5 A Yes.

6 Q Okay. Where were the other places that you saw
7 Terrie giving Chris a blow job?

8 A In the living room.

9 Q Okay. Anywhere else?

10 A Yeah, but we no longer lived in that -- or we didn't
11 live in that 2012 [sic] Yellowstone.

12 Q Okay. Okay. So it was before you moved into 6012
13 Yellowstone?

14 A Yes.

15 Q Okay. And you moved into 6012 Yellowstone when you
16 were five, six years old?

17 A Five or six was somewhere else.

18 Q Let me back up for a second.

19 You just testified, if I understand you correctly,
20 that you saw Terrie giving Chris a blow job at a house that
21 you lived at before you lived at the Yellowstone address.

22 A And I also said I saw it in other places at the 6012
23 Yellowstone.

24 Q Okay. But you just -- you just testified that you
25 saw it at another residence, correct?

1 A Correct.

2 Q Okay. So where else in the Yellowstone house did
3 you see Terrie giving Chris a blow job?

4 A In the living room.

5 Q Okay. Anywhere in the 6012 --

6 A The master --

7 Q -- Yellowstone?

8 A -- bedroom.

9 Q And the master bedroom? Okay.

10 Was this after Deb and Chris were married?

11 A Yeah.

12 Q Okay. Anywhere else?

13 A No.

14 Q Okay. Was it more than once in the master bedroom,
15 if you remember?

16 A More than once in the master bedroom.

17 Q Okay. More than once in the living room?

18 A Just once in the living room that I caught.

19 Q Okay. And more than once in the office?

20 A More than once in the office.

21 Q Okay. Do you remember which location was the first
22 time you saw Chris -- or Terrie giving Chris a blow job?

23 A No.

24 Q Prior to living at the 6012 Yellowstone address --
25 well, how old were you, actually, when you moved to 6012

1 Yellowstone?

2 A I was eight or nine.

3 Q Eight or nine. Okay.

4 And prior to that, you -- was it the house you lived

5 at just prior to that that you saw Terrie giving Chris a blow

6 job?

7 A It was around when I was about four or five.

8 Q Okay.

9 A And we lived in some apartment, and I was watching

10 Jurassic Park.

11 Q Okay.

12 A And they were in the bedroom doing that.

13 Q Okay. Did you walk into the bedroom at some point?

14 A By accident.

15 Q Okay. Was that the only time you saw something --

16 you saw it happen at some location other than 6012 --

17 A No.

18 Q -- Yellowstone?

19 A No, there was another one.

20 Q Okay. What was the other one?

21 A The other one was at grandma's house in Texas.

22 Q Okay. And was this Terrie's grandma or -- or

23 Terrie's mom or Chris's mom?

24 A Chris's mom.

25 Q Okay. And do you happen to remember how old you

1 were?

2 A About four or five.

3 Q Okay. And was it the same type of situation, they
4 were in the bedroom and you walked in or were they in the
5 living room?

6 A We were sharing the same bedroom.

7 Q Okay. Okay. Did you walk into the bedroom or were
8 you already in the bedroom?

9 A I was already in the bedroom.

10 Q Okay. Was it nighttime, daytime?

11 A It was nighttime.

12 Q Okay. Did you ever see any other sexual contact
13 between Terrie and Chris?

14 A None that I recall.

15 Q Okay. Did you ever see any sexual contact between
16 Deborah and Chris?

17 A Yes.

18 Q Other than the one incident that you've talked about
19 where you were in the room and it was the three of you?

20 A Yes.

21 Q Okay. What -- was it oral sex, like, was it a blow
22 job?

23 A Yes.

24 Q Okay. Was it -- which room was it in?

25 A The master bedroom.

1 Q Okay. How old were you?

2 A I was in middle school.

3 Q Okay. Did you see it anywhere else in house between

4 Deborah and Chris?

5 A No.

6 Q Okay. Not in the office?

7 A No.

8 Q Did you see any other type of sexual contact between

9 Deborah and Chris?

10 A Only in the master bedroom.

11 Q Only in the master bedroom. Was that more than

12 once?

13 A A few times.

14 Q Okay. Was it a situation where you walked into the

15 master bedroom and that was happening?

16 A No.

17 Q Okay. Were you already in the master bedroom when

18 it started?

19 A No.

20 Q How did you see it?

21 A He left the door open.

22 Q Okay. And your room was right across from the

23 master bedroom?

24 A Yes.

25 Q Regarding that, you never saw Ryan and Terrie go

1 into the master bedroom when Chris was in there.

2 MS. SUDANO: Your Honor, at this point, I'm going
3 to object as to outside the scope.

4 THE COURT: Overruled. Go ahead.

5 BY MS. RADOSTA:

6 Q Did you ever see Ryan and Terrie go into the master
7 bedroom with Chris?

8 A Yes.

9 Q Okay. How many times?

10 A Quite a bit, but I assumed it was just because he
11 was in trouble.

12 Q Okay. Did they shut the door?

13 A Yes.

14 Q Okay. Because your room was right across the
15 hallway from the master bedroom, right?

16 A Yes.

17 Q You could see whether or not the door was open or
18 shut most of the time if you were in your room?

19 A No.

20 Q No? Okay.

21 A If I was in my room, where my bed was at, I couldn't
22 tell if the -- if the door was open or not.

23 Q Okay. Could you hear if the door would shut, the
24 master bedroom door?

25 A No.

1 Q Okay. Did you ever see Brandon and Deborah go into
2 the master bedroom with Chris?

3 A Once.

4 Q Okay. What about Tails and Deborah?

5 A A few times.

6 Q With Chris?

7 A A few times.

8 Q Okay. And after those times that you saw your
9 brothers go into the master bedroom, you never asked them
10 what was going on in there, correct?

11 A He made it sound like they were in trouble.

12 Q Okay. Did Deborah make it sound like they were in
13 trouble when she took Tails or Brandon in the room?

14 A No, Chris would be the one telling them to get into
15 the bedroom.

16 Q Okay. Did Terrie make it sound like they were in
17 trouble -- well, Ryan?

18 A Chris told them to go into the bedroom.

19 Q Okay. You never heard Deborah call them into the
20 bedroom?

21 A No.

22 Q You never heard Terrie bring them into the bedroom?

23 A No.

24 MS. RADOSTA: Court's indulgence. Your Honor, at
25 this point in time, we would move for the admission of the --

1 and I'm sorry, I did not mark it for identification, but the
2 temporary protective order that Anita did identify as her
3 handwriting, and it is a certified copy.

4 THE COURT: Any objection?

5 MS. SUDANO: No, Your Honor.

6 THE COURT: All right. It would be admitted. Have
7 it marked.

8 MS. RADOSTA: Thank you. May I approach the
9 witness?

10 THE COURT: You have it, don't you?

11 MS. RADOSTA: I think I -- I think I have -- the
12 certified is up with Anita.

13 THE COURT: Do you have any further questions?

14 MS. RADOSTA: No, Your Honor, sorry, sorry.

15 THE COURT: Any redirect?

16 MS. SUDANO: Very brief, Your Honor.

17 FURTHER REDIRECT EXAMINATION

18 BY MS. SUDANO:

19 Q Anita, you were asked whether or not you had
20 reviewed the state your names from your prior testimony or
21 the statement that you gave to the detective; do you recall
22 that?

23 A Yes.

24 Q And you indicated you did not review any of those
25 things; is that right?

1 A What was that.

2 Q You indicated you did not look at any of those
3 things; is that right?

4 A Correct.

5 Q Why is that?

6 A Because I assumed that my memory was well enough to
7 know what happened because it did happen.

8 MS. SUDANO: Thank you, Your Honor. Nothing
9 further.

10 THE COURT: Anything?

11 MS. RADOSTA: No.

12 THE COURT: Anything? All right. Anita, thank you
13 so much for your testimony. You are excused.

14 THE WITNESS: Thank you.

15 THE COURT: You can step down. You're excused.
16 Okay.

17 Ladies and gentlemen, we're going to take a
18 15-minute break at this time. Go ahead, Anita.

19 THE WITNESS: Okay.

20 THE COURT: You're admonished not to converse
21 amongst yourself or with anyone else on any subject
22 connected with this trial or read, watch, or listen to any
23 report or commentary on the trial by any person connected
24 with this case or by any medium of information, including
25 without limitation, newspapers, television, Internet, or

1 radio, or form or express any opinion on any subject
2 connected with this trial until the case is finally submitted
3 to you.

4 It's 10 after. Be ready to get started by 3:30.

5 Okay? All right.

6 I'm going to -- I got to take a break. I'll come
7 back. All right.

8 THE COURT RECORDER: You want to go off, Judge?

9 THE COURT: Yeah. I'm going to come back.

10 (Court recessed at 3:11 p.m. until 3:25 p.m.)

11 (Outside the presence of the jury.)

12 (Pause in the proceedings)

13 THE MARSHAL: Come to order. Court is back in
14 session.

15 (Pause in the proceedings)

16 THE COURT: Okay. We're back on the record outside
17 the presence of the jury in Case No. C311453, State of Nevada
18 versus Christopher Sena. I'd like the record to reflect the
19 presence ever the defendant and his counsel as well as the
20 State and their counsel.

21 During cross-examination of Anita Sena -- go ahead
22 and sit down. Everybody sit down.

23 During cross-examination of Anita Sena, Ms. Radosta
24 asked to approach the bench, and discussed with the --
25 discussed with the Court possibly proceeding in a certain

1 line of questioning.

2 State had indicated they were going to object. Ms.
3 Radosta indicated that out of an abundance of caution, that's
4 why she asked to approach the bench, recognizing that there
5 may be an objection.

6 Ms. Radosta, you want to make your record?

7 MS. RADOSTA: Your Honor, we were going to ask
8 follow-up with Anita Sena with the statement that she made in
9 her voluntary statement to Detective Samples that in
10 reference to the alleged incident between Deborah, Chris, and
11 Anita, that what we wanted to question Anita about was a
12 statement that she made to Detective Samples that Mr. Sena
13 had wanted to see Deborah and Terrie -- or I'm sorry, Deborah
14 and Anita kiss, and stuff like that, because, quote, Dad knew
15 that I was bisexual, is what the statement is from Anita.
16 And we wanted to follow up with that, but we were -- we did
17 not want a potential rape shield objection in open court. So
18 in an abundance of caution, that's what we approached the
19 Court.

20 THE COURT: Okay.

21 MS. RADOSTA: We felt, though, that it was relevant
22 to get into the fact that she was identifying herself as
23 bisexual, she did not give any specifics in her statement as
24 to any activity other than in reference to this incident,
25 this alleged incident, with Deborah and herself that she was

1 bisexual.

2 But she volunteered this information that Detective
3 Samples during the course of her recitation of the incident
4 with Deborah. We thought it was relevant just on its face,
5 and as potentially to explain that, one, she might be
6 potentially consenting to the contact with her -- with
7 another woman, albeit her stepmother, but it was another
8 woman.

9 And my recollection is the Court ruled that this is
10 something that you would have sustained a rape shield
11 objection for had the State made one, State assured us that
12 they would have, and then after a long back and forth up at
13 the bench, it was agreed upon that if the State -- if Court
14 was not going to allow us to specifically ask if she was
15 bisexual, that the State could not argue that there was no
16 way that Anita would have been willingly with a woman.

17 THE COURT: Right. Okay.

18 MS. RADOSTA: Since we were not allowed to inquire
19 about her bisexuality or the comment that she made to
20 Detective Samples.

21 THE COURT: That's correct. Before I ask the
22 State, I want to put on the record my position with that.
23 Okay?

24 MS. RADOSTA: And I just want to make clear that we
25 approached in an abundance caution. In no way, shape, or

1 form did we feel that rape shield was an appropriate
2 objection, but we've all been doing this long enough, that we
3 kind of know when the State might make that particular
4 objection.

5 THE COURT: Okay.

6 MS. RADOSTA: It is pretty much my position that
7 rape shield is never an appropriate objection in these types
8 of cases because in -- we are never ever saying that the
9 person -- the person's background basically says that they
10 wanted to engage -- that because they had sex with a lot of
11 people, that they wanted to engage in this particular
12 situation.

13 The fact that she identified herself as bisexual to
14 us was independently relevant because she was volunteering
15 that particular piece of information and stating that her
16 father knew about it, and that's why the threesome was
17 potentially beginning.

18 THE COURT: Okay. First of all, I feel that the --
19 there's -- there's a couple issues with that. The question
20 is relevance. The question is whether or not the rape shield
21 would apply.

22 First of all, I felt that it was at this point in
23 time, during the trial, I thought it was an inappropriate
24 time for the defense to try it admit that, in light of the
25 fact that they had filed no pretrial motions to support that.

1 And so I addressed that at the bench.

2 However, with that being said, the State had
3 indicated that they felt that it wasn't relevant. The
4 relevance here by the defense proposition was that it was
5 relevant to give the jury a potential belief or possibility
6 that there was a consent to having sex with a woman.

7 And the position the Court took with that, and the
8 reason why rape shield applies is that in order for you to
9 reach a conclusion that an individual is bisexual, first of
10 all, would suggest that she had some experience to support
11 that she was bisexual.

12 Now, I read -- there's some other lines in there
13 where she talks about the reason she felt like she was hating
14 men because of what her dad had been doing to her: Is that
15 true bisexual? I don't know, bisexual, I think, has to do
16 with preference in a sexual manner just by the term,
17 bisexual, with the opposite sex or with the same sex.

18 And so it would suggest that she had some
19 experience previously that would support her position as to
20 her preference to be either with a man or with a woman over
21 just being with a man.

22 And then the relevance then goes to -- the argument
23 you made, the defense made, with regards to relevance is that
24 it could give the jury a potential belief that there was
25 consent to this. And I told the defense at the bench that

1 you could ask any questions you'd like with regards to her
2 consent in the sense of whether or not she's consenting.

3 But the fact that what you were talking about was
4 trying to get into her possible past sexual behavior is what
5 the rape shield is specifically designed to protect from.
6 And so I felt that there wasn't any relevance with that --
7 under those positions.

8 So let me hear -- does the State want to address it
9 at all.

10 MS. SUDANO: Your Honor, the only additional thing
11 that we would note is that the only potential reason to put
12 that information in is to paint Anita in a negative light
13 based on her sexual preferences or her sexual behavior, which
14 is exactly what rape shield is meant to prevent.

15 THE COURT: Okay. All right. So that's the
16 record.

17 MS. RADOSTA: Actually, for the record --

18 THE COURT: All right.

19 MS. RADOSTA: Sorry. But there's absolutely no
20 negative indication to the fact that she's identifying
21 herself as bisexual. She put the word out there, not someone
22 else, Your Honor. And there was no effort to paint her in a
23 negative light.

24 She identified herself that way and went on to say
25 -- if anything it paints our client in a negative light

1 because it goes on to say, I was getting to the point that I
2 didn't want to have sex with men, most likely because of what
3 she says had occurred to her with her father.

4 But the idea that simply the fact that she's
5 identifying herself as bisexual is somehow prying to paint
6 her in a negative light is not simply not the situation here,
7 Your Honor.

8 THE COURT: Well, Ms. Radosta, the simple fact that
9 you're using the term bisexual as I indicated that an
10 individual in the normal process of thinking that they're
11 bisexual would have to be based on some type of experience
12 that would give them that opportunity to believe in enjoying
13 it with a woman or enjoying it with a man.

14 And so my position there was that in order for her
15 to make that determination, then you would be suggesting to
16 the jury by her claim of bisexual, that she did have
17 previous action.

18 MS. RADOSTA: She did. She said she had had a
19 previous sexual encounter with her mother, Terrie, years
20 before this. So there had been a previous sexual encounter
21 with a woman.

22 THE COURT: I know, and that's exactly what I'm
23 talking about. You're trying to suggest that she -- you are.

24 MS. RADOSTA: No.

25 THE COURT: When an individual has identified

1 themselves as that, then the only reason for it being admitted
2 is to suggest that they have that type of behavior in the
3 past, even if they have or they don't, and you said that they
4 had. Many times you have cases where they have.

5 Someone would come in here and say, yes, I'm
6 bisexual because I've had numerous experiences with men, I've
7 had numerous experiences with women, but it pays -- there's
8 no relevance to their past behavior as to whether or not they
9 consented in this current. That's what I'm talking about,
10 the relevance with this.

11 And that's what -- and rape shield prevents you
12 from getting into their past.

13 MS. RADOSTA: Okay.

14 THE COURT: So you're suggesting simply because
15 maybe she likes to have it with women, she would have
16 consented with her mom. That's -- or her stepmother. What's
17 what you're suggesting.

18 MS. RADOSTA: But in essence, Judge, we're allowed,
19 in essence, to make the exact reverse argument that because
20 she's maybe -- I mean, in this situation she identified as
21 bisexual, but had she not said that, there's no indication
22 that she's not heterosexual.

23 And we can make the argument that perhaps she
24 consented with her father because there's no evidence to the
25 contrary that she's not heterosexual.

1 THE COURT: Well, you can. You can make the
2 argument that she consented with her mom or her step-mom or
3 with Terrie, and you can make the argument. And you'll even
4 get the instruction that they have to consider whether or not
5 it was consensual with regards to the sexual assault.

6 MS. RADOSTA: Okay.

7 THE COURT: So -- but the question here is based on
8 her past sexual behavior, which was implied by the fact that
9 she finds herself to be bisexual, that is not relevant to
10 whether or not she consented or not. That's what I'm talking
11 about.

12 And so in both regards it verges on the rape
13 shield, and it verges on the relevance, and so I've denied
14 it.

15 MS. RADOSTA: Okay.

16 THE COURT: Okay?

17 MS. RADOSTA: Additionally, Your Honor, on a
18 separate note, I kind of broke like litigators 101, and I
19 would like --

20 THE COURT: Okay.

21 MS. RADOSTA: -- just so the record is clean, for
22 these three statements to be marked just for identification
23 purposes --

24 THE COURT: Okay.

25 MS. RADOSTA: -- since I was --

1 THE COURT: That's fine.

2 MS. RADOSTA: -- referring to them with our last
3 witness.

4 THE COURT: Are you talking about the statement to
5 the detective --

6 MS. RADOSTA: Yes.

7 THE COURT: -- the examination of her at the
8 preliminary hearing for Deborah --

9 MS. RADOSTA: Yes.

10 THE COURT: -- and the examination at the
11 preliminary hearing for this case?

12 MS. RADOSTA: Yes.

13 THE COURT: Okay.

14 MS. RADOSTA: As I said, I kind of broke litigators
15 101 on that one, Judge.

16 THE COURT: Okay.

17 MS. RADOSTA: My apologies to the Court. I'd ask
18 that the statement, which I was referring to as A and as
19 first in time be marked as the first in order, then the
20 prelim transcript with Deborah being second in order and it
21 has a B on it --

22 THE COURT: Okay.

23 MS. RADOSTA: -- and then -- so --

24 THE COURT: Okay.

25 MS. RADOSTA: And the other one has a C. Thank

1 you.

2 THE COURT: All right.

3 MS. RADOSTA: Nothing else.

4 THE COURT: You're moving to admit that --

5 MS. RADOSTA: I'm moving just for --

6 THE COURT: -- for --

7 MS. RADOSTA: Identification purposes --

8 THE COURT: Okay.

9 MS. RADOSTA: -- so --

10 THE COURT: All right.

11 MS. RADOSTA: -- we have a clean record.

12 THE COURT: All right.

13 MS. RADOSTA: Not for admission.

14 THE COURT: Okay. Thank you. All right. So other

15 than that, are we ready to go?

16 MR. SWEETIN: I believe so, Judge.

17 MS. RADOSTA: I think I need to, just for the

18 record, identify these for the record. This is Defense

19 Proposed -- Defense for --

20 THE COURT: Identification purposes.

21 MS. RADOSTA: Yeah. Proposed Exhibit B for

22 identification purposes is the interview with Detective

23 Samples dated September 17, 2014.

24 THE COURT: Okay.

25 MS. RADOSTA: And that's -- I'd also ask that

1 marked for identification Proposed C be the preliminary
2 hearing transcript from Deborah Sena's preliminary hearing on
3 the 17th of February, 2015. And I'd also ask that the
4 preliminary hearing transcript from Christopher Sena's
5 preliminary hearing on September 3, 2015 be marked for
6 identification as Defense D.

7 THE COURT: Let me see them. Is there anything in
8 here, like I know when you guys go through these that you
9 highlight and do things like that.

10 MS. RADOSTA: No, those are all clean copies.

11 THE COURT: These are all clean? Okay.

12 MS. RADOSTA: Yeah, I --

13 THE COURT: All right.

14 MS. RADOSTA: I -- yeah.

15 THE COURT: Okay.

16 MS. RADOSTA: I made sure of that, Your Honor. But
17 for -- just so that the record's clear at this point, Judge,
18 we're literally just marking them for identification, not for
19 admission, not to go back with the jury.

20 THE COURT: Okay. With that being said, any
21 objection?

22 MS. SUDANO: No, Your Honor.

23 THE COURT: All right. Okay. They'll be admitted
24 for that reason.

25 //

1 (Defense Exhibits A, B and C admitted for
2 identification purposes only)

3 MS. SUDANO: Not admitted.

4 THE COURT: For identification only.

5 MS. SUDANO: But --

6 THE COURT: For identification purposes only.

7 MS. RADOSTA: For identification so that on the --
8 you know, if --

9 THE COURT: They're admitted into the record here,
10 and they're proposed exhibits, but -- and they won't go to
11 the jury, but they are part of this -- part of this record
12 now. Okay? All right.

13 Go ahead and get the jury in. I -- Mr. Sweetin, I
14 know that you indicated earlier but how many witnesses do you
15 think you're going to be able to do in an hour?

16 MR. SWEETIN: We think we're going to get to three
17 witnesses. We have --

18 THE COURT: Okay.

19 MR. SWEETIN: -- two officers I think will be
20 fairly quick, and then one lay witness.

21 THE COURT: Okay. All right. Yeah. I don't even
22 mind if you call them like according to -- to who we'll get
23 them on. Okay. All right.

24 Who's crossing them? Mr. --

25 MR. LOPEZ-NEGRETE: I don't know if we have much --

1
2 MS. RADOSTA: Yeah.
3 MR. LOPEZ-NEGRETTE: -- for the search warrant.
4 THE COURT: Okay.
5 MR. LOPEZ-NEGRETTE: And Erin [inaudible].
6 THE COURT: Okay.
7 MS. RADOSTA: Yeah.
8 THE MARSHAL: All rise for the presence of the
9 jury.
10 (Jury enters at 3:38 P.M.)
11 THE COURT: Okay. Everybody go ahead and have a
12 seat. This is the continuation of the jury trial in C311453,
13 State of Nevada versus Christopher Sena. We are in the
14 presence of the jury. Will the parties stipulate to the
15 presence of the jury?
16 MR. SWEETIN: Yes, Your Honor.
17 MS. RADOSTA: Yes, Your Honor.
18 THE COURT: All right. State, call your next
19 witness.
20 MR. SWEETIN: Your Honor, the State calls Michele
21 Iacullo.
22 //
23 //
24 //
25 //

1 SERGEANT MICHELE IACULLO, STATE'S WITNESS, SWORN

2 THE CLERK: Thank you. Please be seated. Please
3 state your full name, spelling your first and last name for
4 the record.

5 THE WITNESS: Michele Iacullo, M-i-c-h-e-l-e,
6 I-a-c-u-l-l-o.

7 THE COURT: Your witness, Mr. Sweetin.

8 MR. SWEETIN: Thank you, Your Honor.

9 DIRECT EXAMINATION

10 BY MR. SWEETIN:

11 Q Sergeant, how are you currently employed?

12 A I'm employed as a sergeant with the LVMPD.

13 Q How long have you been employed with the police
14 department?

15 A 16 years.

16 Q And how are you currently assigned?

17 A I am a sergeant in patrol for Proactive Unit.

18 Q How long have you been assigned there?

19 A Approximately, seven months.

20 Q And how about prior to that?

21 A Prior that, I was a detective for our Critical
22 Incident Review Team. We investigated officers that fired
23 their weapons for uses of force for about three years.

24 Q And how about prior to that?

25 A Prior to that, I was a patrol officer for 12 years.

1 Q And you've kind of made the round now. You're back
2 in patrol as a sergeant; is that correct?

3 A Correct.

4 Q And as a sergeant, would it be fair to say that you
5 supervise patrol officers?

6 A Yes, I do.

7 Q Now, I want to direct your attention back to
8 September 15th of 2014. Were you so employed and on duty on
9 that particular day?

10 A Yes, I was.

11 Q On that day, do you remember what shift you were
12 working?

13 A I was working day shift.

14 Q Okay. And day shift normally runs what hours?

15 A 6:30 in the morning until about 4:30 in the
16 afternoon.

17 Q Okay. Now, you indicated you were in patrol at this
18 time; is that correct?

19 A Correct.

20 Q So as you work in patrol, do you dress in a certain
21 way?

22 A Yes, I'm in a LVMPD uniform in a black and white
23 patrol car.

24 Q Okay. Now, on in particular day, do you recall
25 whether you were riding alone in that patrol car or with

1 anyone else?

2 A I had a partner with me, Officer Loeffler.

3 Q Okay. And he was also in uniform?

4 A Yes, he was.

5 Q And you were riding together in the same car?

6 A Correct.

7 Q Now, let me talk to you a little bit about when you
8 were on patrol. What's your primary duties as a patrol
9 officer with Las Vegas Metropolitan Police Department?

10 A So the roles and responsibility for patrol officer
11 is kind of like of all trades. We handle calls for service,
12 crimes in progress, we go to medical calls, traffic
13 accidents, civil disturbances, pretty much if you call 911 or
14 311 a patrol officer's going to respond or an officer in a
15 uniform in a patrol car, really any -- anything.

16 Q Fair to say that you come in contact with a lot of
17 different situations?

18 A Absolutely.

19 Q I think we all watch Cops. We see a lot of
20 different situations that you come in contact with, some of
21 them more complicated than others; would that be fair to say?

22 A Correct.

23 Q Now, there's some situations that you come in
24 contact with that sort of goes beyond that purview that
25 you've just described.

1 A We do. We are the preliminary investigators, so
2 when we go out to these calls, we are just there to kind of
3 get the basics and to see from there the information that we
4 get from whoever is reporting. If we have to either call
5 detectives, call crime scene analysts, call a supervisor. So
6 we're there to get the basics, either take a report, maybe
7 give a warning, or make an arrest, anything from that
8 spectrum and that realm.

9 Q Okay. Now, you made reference to the fact that you
10 were in the detective bureau for a period of time; is that
11 correct?

12 A I was.

13 Q And is -- are there some crimes in which the
14 detective bureau's sort of the next step in what you're doing
15 out in the field?

16 A Yes.

17 Q So there's some situations where you get to a point
18 where you recognize that you're kind of at the edge of your
19 duties?

20 A Correct.

21 Q Now, in the case of sexual crimes, is that -- are
22 those situations normally where you met -- come to that edge?

23 A Absolutely.

24 Q Could you describe that to the jury?

25 A With our policies and procedures that we have,

1 especially with sex crimes with it being such sensitive in
2 nature, normally any kind of allegation or report that we
3 get, we pretty much a hundred percent of the times call
4 detectives to let them know what we have. We give them a
5 rundown of the story that we get.

6 They usually ask us some question, and then it's up
7 to them whether or not they respond to the scene or if they
8 advise us just take a report, and we'll do some further
9 investigations, and some follow-up after that.

10 Q Are there specific considerations that are given
11 determine whether or not there needs to be follow-up done
12 right away or maybe having the detective bureau follow up
13 later?

14 A Right. We look at safety-wise, if the person
15 reporting is -- if they're safe where they are right now, and
16 then also if any kind of crimes or if the crime scene
17 analysts need to come out and collect any sort of physical
18 evidence at that time.

19 Normally, if it's both no, and they can come out or
20 interview on a later date, they'll have us take the report,
21 and then they'll come out and do their own follow-up.

22 Q Okay. Now, again, I want you to turn your attention
23 to that date of September 15, 2014, about 11:30 in the
24 morning. You indicated that you were on duty at that time;
25 is that correct?

1 A I was.

2 Q At approximately that time do you have occasion to
3 be dispatched to 3838 Raymert Drive, here in Las Vegas, Clark
4 County, Nevada?

5 A Yes.

6 Q And what is that address exactly?

7 A It's a building with individual offices inside that
8 building.

9 Q Now, at the time that you were dispatched to a
10 particular location, are you give information as to the
11 purpose of the dispatch?

12 A Yes. It's on our computer screen. It's what we
13 call CAD. It's computer aided dispatch. When you call in,
14 the call taker getting the details, she putting it into the
15 call, routes to our dispatcher, and then we are able to read
16 on our computer what the call taker told -- or what the
17 person reporting told our call taker.

18 Q Okay. And does that, in fact, control what you do
19 next as you --

20 A Absolutely.

21 Q -- respond to that call?

22 A Yes.

23 Q On this particular date and time at about 11:30 in
24 the morning, do you remember what information you had
25 relating to this call in which you were responding to Raymert

1 Drive?

2 A The details of the call read that inside this
3 particular building there was a law office, and there was an
4 attorney reporting that one of her clients had just told her
5 about 16 years of sexual abuse within her family.

6 So we got this call. The -- we have to report to
7 the attorney's office, that's where the person who was -- I
8 guess, the -- it was Deborah at the time, who was telling her
9 attorney that this was going on, and obviously, the attorney
10 needed to report that. So the attorney had called in, and we
11 had gotten dispatched to that call, to her office.

12 Q Did you receive any more information in more detail
13 in regards to the abuse that was suffered?

14 A From CAD or when I got there?

15 Q Yeah, from the information in CAD as you were
16 dispatched.

17 A It was 16 years of sexual abuse with her husband and
18 her children. Also, a dog was involved, and that was the
19 details of the call.

20 Q Was there any information as to whether or not there
21 was any documentation of the abuse?

22 A Yes. So what had happened, it also had said that
23 there was e-mails, and I believe, photos that were sent to
24 Deborah's work e-mail. She worked for Cox Communications and
25 that was also sent to Cox Communications.

1 Q Okay. And that would have involved the reference to
2 the dog; is that correct?

3 A Correct.

4 Q Based upon that information, did you ultimately
5 arrive at that location?

6 A I did.

7 Q And at that time you arrived, you indicated you were
8 riding with another officer; is that correct?

9 A Yes.

10 Q What did you and that officer do upon arrival?

11 A We went into the office. As we walked into the
12 office, it was a very, very small office. There was just a
13 desk and a couple of chairs set up.

14 The attorney was sitting behind her desk, Deborah
15 was sitting in a chair where you would sit if you would speak
16 to an attorney. As we had arrived, the -- and we walked into
17 that office, the attorney, you could see, was visibly upset.
18 Sort of like in disbelief.

19 Deborah was sitting there. She had just finished
20 writing a statement for the attorney. However, with our
21 policy, we don't take anyone's statement. You have to write
22 it on an LVMPD form, so we had -- we began our preliminary
23 investigation from there.

24 Q Okay. And now you made reference to Deborah. Would
25 that be, in fact, Deborah Sena?

1 A That is correct, yes.

2 Q Okay. And you made contact with her at that
3 location as you arrive; is that correct?

4 A Yes.

5 Q Now, as you begin an investigation, try to figure
6 out what's going on, is there something -- do you normally
7 talk to groups of people or do you try to separate them, or
8 what do you do?

9 A We try and separate, especially with a case that is
10 sensitive in this nature. We ask the attorney -- my partner
11 wanted to speak to the attorney by herself, and I wanted to
12 speak to Deborah by herself.

13 Deborah was very persistent, she wanted the
14 attorney there with her while we got her story and asked her
15 some preliminary questions. Because at that time, you know,
16 we didn't have any problem with that, I let her attorney sit
17 and she -- we began our preliminary investigation with her
18 side of the story.

19 Q Okay. At that point in time, did you, in fact, have
20 a conversation with Deborah Sena?

21 A I did.

22 Q Okay. And in the course of that conversation, you
23 indicated that you had the opportunity to observe Deborah; is
24 that correct?

25 A Yes.

1 Q And you -- basically, you sort of described Deborah
2 as you first met her. Could you describe her demeanor as you
3 began to talk to her about what was going on?

4 A As Deborah began her story, she was she calm. There
5 was no signs of being upset or anything along that nature.

6 She did start to get a little bit of upset and cry
7 when they had to write her statement over again because I
8 told her, you know, which couldn't accept this statement that
9 she wrote. I think it was on printer paper. That she did
10 have to copy it over to an LVMPD form.

11 But for the most of my duration and my contact with
12 her, she was calm.

13 Q Okay. In the course of that conversation, were you
14 able to further understand the situation that was presented
15 there?

16 A Yes.

17 Q You indicated that there were some considerations as
18 you get into an investigation as to when you get to the edge
19 of what a patrol officer can do. Did that impact your
20 investigation in this case?

21 A It did. I found out -- I wanted to know if she was
22 still living at home, especially now that she had told me,
23 and also in CAD that there were children involved at the
24 time.

25 She had advised me that she was out of the house,

1 out of that situation. She took her children with her. I
2 believe it was her son, I think, her daughter was an adult,
3 and was already out of the house, but she was actually had
4 been out of the house for sometime.

5 And because of the time lapse as well, that's
6 really what my main concern was, for her safety and the
7 children as well.

8 Q Okay. So at that point, you didn't have a concern
9 in regards to that immediately; would that be accurate?

10 A Yes.

11 Q Were there other concerns? You indicated previously
12 that one of the concerns might be evidentiary issues and
13 things of that sort?

14 A Because of the time lapse, and the fact that there
15 were so many days where there was no more physical evidence,
16 she had showered since then, there wasn't anything physically
17 from my standpoint to collect from her. So that was another
18 reason why, you know, where we had to call detectives to run
19 it by them as well.

20 Q Okay. Now, you indicated that you called the
21 detectives at some point; is that right?

22 A Yes.

23 Q And do you remember who you talked to?

24 A I don't remember the detective's name.

25 Q Was it Detective Miller?

1 A Yes, it could have been.

2 Q Okay. And based upon that conversation with
3 Detective Miller, what did you do next?

4 A He advised me to take the report. He did have some
5 questions, and both of them being okay, is she out of the
6 house, and any kind of physical evidence to collect, I
7 advised him, yes, she was out of the house, the children were
8 safe, and that no, there wasn't in I physical evidence for us
9 to collect that day.

10 He told me to take the report, put his name in it,
11 so it was rerouted to him, and then they would conduct their
12 investigation further up.

13 Q Did you have a discussion with Deborah in regards to
14 her safety or anything of that sort at that time?

15 A I did. I asked her, you know, just the preliminary
16 questions, you know, does he know where you are, and things
17 like that.

18 She was -- you know, she was concerned. She was,
19 you know --

20 MS. RADOSTA: Objection, Your Honor. Hearsay.

21 THE COURT: Sustained.

22 BY MR. SWEETIN:

23 Q Did you have, in fact, that conversation?

24 A I did.

25 Q As part of that conversation, did you at any point

1 discuss a restraining order?

2 A I -- yes. I -- we have these blue cards that we
3 give out to people if they want to get a restraining order.
4 I gave her a blue card. I circled the phone number that she
5 can call, and I left her with the blue card, a victim's
6 information guide, which is what we give every single victim
7 on every call, and we had cleared the call.

8 Q Based upon your conversation, did you believe at
9 that point she had a restraining order?

10 A She did not have a restraining order.

11 Q Okay. At this point, you indicated that you have
12 gone through a cursory conversation with her; is that
13 correct?

14 A Yes.

15 Q You made reference to a statement that she filled
16 out; is that correct?

17 A Yes.

18 Q And you had contacted the detective bureau?

19 A Yes.

20 Q So what do you do at that point?

21 A We take a report, we leave her with the information
22 that I just described, and then we clear the call. And we
23 let them know, hey, a detective will be contacting you
24 probably within three business days.

25 Q And about how long is this contact that you have?

1 A How long was I on the call for?
2 Q Yes.
3 A Oh, maybe two hours.
4 Q And over that time, was the demeanor that you
5 described in regards to Deborah consistent?
6 A Yes.
7 Q How about that of her attorney?
8 A Yes.
9 MR. SWEETIN: State would pass the witness.
10 THE COURT: Cross.
11 CROSS-EXAMINATION
12 BY MS. RADOSTA:
13 Q Sergeant, could you pronounce your last name for me?
14 A Iacullo.
15 Q Iacullo?
16 A Yes.
17 Q Iacullo. Good afternoon. How are you?
18 A Good, thank you.
19 Q Do you have an independent memory of this
20 interaction with Deborah Sena?
21 A I do.
22 Q Okay. When -- you did fill out like a brief report
23 in regards to this case, correct?
24 A Yes, the report that I took that day.
25 Q Okay. And there was no mention by Deborah of her

1 son, Tails, when she spoke to you that day, correct?

2 A In her voluntary statement, I believe she wrote

3 something about Tails.

4 Q Okay. What about her -- or her stepson, Ryan?

5 A I don't -- I don't believe so. I don't remember

6 about --

7 Q Okay.

8 A -- anything about Ryan.

9 Q Okay. In your report that you took, did you mention

10 anything about Tails or Ryan?

11 A I don't remember. I'd have to look at my report.

12 Q Okay. If I were to show you your report, would that

13 refresh your recollection?

14 A Yes.

15 MS. RADOSTA: Court's indulgence. Can I have this

16 marked for identification?

17 May I approach the witness, Your Honor?

18 THE COURT: Yes.

19 BY MS. RADOSTA:

20 Q Sargent, I'm showing you what has been marked for

21 identification as Defense E.

22 A Okay.

23 Q Does that look familiar to you?

24 A Yes.

25 Q As the last two pages of the report in this

1 particular case?

2 A Yes.

3 Q The report that you prepared?

4 A I'm sorry?

5 Q The report that you prepared?

6 A Yes.

7 Q Okay. Is it an accurate statement that the only

8 children that you mentioned in there were Brandon and Anita?

9 A That's correct.

10 Q Okay. You also indicated in there that you met her

11 -- you met Deborah Sena at her attorney's office?

12 A Yes.

13 Q Were you aware when you were going to the attorney's

14 office what type of attorney Ms. Sena's attorney was?

15 A I don't -- I was not aware of what --

16 Q Okay.

17 A -- kind of --

18 Q When you arrived, did you become aware of what type

19 of attorney it was?

20 A I don't remember what --

21 Q Okay.

22 A -- kind of attorney it was.

23 Q Do you recall if it was a criminal defense attorney

24 or a divorce attorney?

25 A I don't remember.

1 Q Okay.

2 A I'm sorry.

3 Q If it were -- would the type of attorney have an
4 impact on how you handle the situation?

5 A No.

6 Q Okay. If it's a criminal defense attorney, would
7 you be surprised that you were being called --

8 A Yes.

9 Q -- as a Metro officer?

10 A Yes.

11 Q Okay.

12 A Absolutely.

13 Q If it's a divorce attorney that you're being called
14 by, is that something where you might be a I believe to more
15 wary of why you're being called?

16 A Not wary. We get calls to go to that type of office
17 all the time.

18 Q Okay. To record allegations from one person versus
19 another person in a potential divorce?

20 A Correct.

21 Q Or a potential separation?

22 A Correct.

23 Q Okay. And in this -- is it your understanding that
24 the attorney in this particular case felt she had an
25 obligation to call --

1 A Yes.

2 Q -- Metro?

3 A Yes.

4 Q Okay. But is it -- do you know of the mandatory
5 reporter law?

6 A Yes.

7 Q Are attorneys mandatory reporter?

8 A No.

9 Q Okay. And so in this particular situation, she just
10 -- that particular attorney just felt her own obligation, as
11 far as you know, to call?

12 A Correct.

13 Q She was under no legal obligation?

14 A Correct.

15 Q You, though, didn't speak to the attorney, correct?

16 A I did not. My -- my partner did.

17 Q Okay. You had a conversation with Deborah Sena?

18 A Correct.

19 Q You did not read her her Miranda rights, correct?

20 A No.

21 Q Because in that -- in your estimation, she was not
22 about to be arrested?

23 A Correct, she was not a suspect at the time.

24 Q She was not a suspect.

25 A We treated her like a victim.

1 Q Okay. She was not in custody in your mind?

2 A No.

3 Q You indicated that there -- in your estimation,
4 there was no physical evidence of what Deborah was talking
5 about because there had been a time lapse?

6 A Correct.

7 Q In other words, she had been out of the home for a
8 period of time from the last contact that she had with her
9 husband?

10 A Correct.

11 Q Okay. She did indicate to you, though, there was a
12 potential of video evidence, correct?

13 A Yes.

14 Q And you noted in your report that she said it was --
15 the sexual abuse was always recorded?

16 A Correct.

17 Q Correct. You gave her the information about
18 applying for a TPO, temporary protective order, correct?

19 A Yes.

20 Q Did she ever indicate to you that she had already
21 applied for a temporary protective order?

22 A No.

23 Q That she had been through that process before?

24 A No.

25 Q Okay. And Brandon or Anita, they were not present

1 that day?

2 A No. No, they were not.

3 Q Did you transport Ms. Sena, Deborah Sena, anywhere

4 that day?

5 A No.

6 Q Okay. And --

7 MS. RADOSTA: Court's indulgence. Nothing further,

8 Your Honor.

9 THE COURT: State.

10 REDIRECT EXAMINATION

11 BY MR. SWEETIN:

12 Q Officer, I just want to be clear, there's been some

13 questions in regards to the role of the attorney in this

14 contact that you had.

15 Based upon your information that came through CAD

16 and your contact at the location, what was the motivating

17 force of this report? Did it come from the attorney or did

18 it come from Deborah?

19 A It came from the attorney.

20 Q Thank you.

21 A Yes.

22 MR. SWEETIN: Nothing further.

23 THE COURT: Ms. Radosta, anything?

24 MS. RADOSTA: Nothing further.

25 THE COURT: All right. State, you done?

1 MR. SWEETIN: Yes, Your Honor.
2 THE COURT: Okay. Officer, thank you so much.
3 THE WITNESS: Thank you.
4 THE COURT: You can step down. You're excused.
5 THE WITNESS: Thank you.
6 THE COURT: State, call your next witness.
7 MS. SUDANO: Thank you, Your Honor. State calls
8 Bill Kurau.
9 May I approach the clerk?
10 THE COURT: Yes.
11 SERGEANT WILLIAM KURAU, STATE'S WITNESS, SWORN
12 THE CLERK: Thank you. Please be seated. Please
13 state your full name, spelling your first and last name for
14 the record.
15 THE WITNESS: William Kurau, W-i-l-l-i-a-m. Kurau,
16 K-u-r-a-u.
17 THE COURT: K-u-r-u?
18 THE WITNESS: K-u-r-a-u.
19 THE COURT: a-u.
20 Your witness, Ms. Sudano.
21 MS. SUDANO: Thank you, Your Honor.
22 DIRECT EXAMINATION
23 BY MS. SUDANO:
24 Q Sir, how are you employed?
25 A I'm a sergeant with the Las Vegas Metropolitan

1 Police Department.

2 Q How long have you been with the Metropolitan Police
3 Department?

4 A A little over 18 years.

5 Q How long have you been a sergeant?

6 A A little over two years.

7 Q What was your assignment prior to being a sergeant?

8 A I was a detective with the Juvenile Sex Abuse
9 Section.

10 Q How long did you hold that particular job?

11 A About seven years.

12 Q What did you do prior to that?

13 A I was a field training officer, northeast area
14 command for four years, and then six years in patrol in
15 northeast prior to that.

16 Q All right. So as a field training officer, were you
17 responsible for training new officers as they were coming out
18 of the academy?

19 A Yes.

20 Q And can you tell us a little bit about your job
21 duties as a juvenile sexual assault detective?

22 A At the time, we investigated any types of sex abuse
23 claims where there was some sort of family relation or if the
24 victim was nine years old or under, regardless of the
25 relationship.

1 Q Would you respond out to a call immediately as it
2 came into dispatch?

3 A It would depend on the circumstances. If it was a
4 situation where the offender and the child were still living
5 together, then, yes.

6 Q All right. Were there some other factors that
7 affected your response time?

8 A That was the main one, but yes, there were others.

9 Q What were the other factors?

10 A It would depend on how long -- a lot of the reports
11 that we get were say delayed reporting, sometimes years later
12 after the events occurred. So it would depend on proximity
13 to the -- you know, if the -- if the offender had -- other
14 than just living with the child, if they had access to the
15 child, things like that.

16 Q All right. You mentioned that part of the concern
17 would be whether this was something that had just happened or
18 if it was something that had happened months or even years
19 prior.

20 Why would that affect your response time?

21 A If it was something that happened say years ago and
22 in many cases the nature of the city, such as transient town,
23 may have an offender who's out of state now, those things we
24 could sort of take a little slower and schedule interviews
25 and have people come down to our office because that's the

1 preferred method.

2 Q Would you expect to find physical evidence or
3 anything that was sensitive time-wise if it were an event
4 that took place years ago?

5 A No, not if it took place a long time ago.

6 Q Now, did you walk -- work by yourself or did you
7 work with anybody else when you were a detective?

8 A There was seven of us at that time, for most of the
9 time I was there.

10 Q Okay. Did all seven you work on cases together?

11 A We were all assigned individual cases, but depending
12 on the circumstances, we would assist each other.

13 Q All right. So there would be one person that was
14 assigned to the case. Would they be a case agent?

15 A Correct.

16 Q What would the duties of the case agent be?

17 A They're responsible for basically scheduling
18 everything, kind of running the whole show as far as if
19 there's search warrant that need to be drafted, arrest
20 warrants that need to be written, they would coordinate what
21 the other detectives would do as far as going to, you know,
22 different locations or conducting interviews with victims or
23 witnesses, those kind of things.

24 Q Okay. So even if it was not a case that was
25 assigned to you, you might still be doing investigations,

1 assisting with search warrants, interviewing witnesses, that
2 type of thing?

3 A That's correct.

4 Q Okay. So you all worked fairly closely together?

5 A Yes.

6 Q Were you working in that capacity on September 17th
7 of 2014?

8 A Yes, I was.

9 Q On that day, did you become aware of allegations of
10 sexual abuse involving a Christopher Sena?

11 A Yes.

12 Q Okay. Was that a case that was actually assigned to
13 you as the lead investigator?

14 A Initially, it was, but the sergeant after kind of
15 reading everything over, changed it and assigned it to
16 Detective Samples.

17 Q So it became a case that was actually Detective
18 Samples' case to put together; is that fair?

19 A That's correct.

20 Q Did you have some responsibilities that were
21 assigned -- or associated with that case even though it was
22 no longer directly assigned to you?

23 A Yes, I assisted with that case and the first things
24 that I did myself and Detective Madsen was also on the -- our
25 team, interviewed Deborah.

1 Q All right. Now, were you aware of the general
2 information and the general nature of the call prior to that
3 interview?

4 A What was in the report, yes.

5 Q So you had access to a report that would have been
6 -- excuse me, put together by a patrol officer?

7 A Yes.

8 Q You had that information at the time that you
9 started the investigation?

10 A That's correct.

11 Q All right. You indicated that you conducted an
12 interview with Deborah Sena; is that correct?

13 A Yes.

14 Q Where did that interview take place?

15 A Our office at the Southern Nevada Children's
16 Assessment Center, 701 North Pecos.

17 Q Okay. And that's at Pecos and Bonanza?

18 A Yes.

19 Q All right. So is that actually a police building?

20 A No. We're actually -- CPS owns the majority of the
21 building, but we have -- our detectives have an office inside
22 that building because we work so much with CPS.

23 Q All right. So you work very closely with CPS, and
24 you said it was the Children Advocacy Center; is that
25 correct?

1 A Yes.

2 Q So are there a number of -- well, who comes to the
3 southern Children's Advocacy Center?

4 A Victims -- child victims abuse as well as their
5 families, but it's the -- the purpose of it is to sort of be
6 a one-stop so you don't have to have kids keep coming to
7 different locations to get the services that they need, so we
8 can do interviews there, victim services there, medical exams
9 there, all those kinds of things. So it can all be done at
10 once, ideally.

11 Q All right. You indicated that there is a place at
12 -- I'm going to call it the CAC -- for interviews to take
13 place; is that correct?

14 A Yes.

15 Q Is it just child victims that are interviewed at the
16 CAC?

17 A No, everybody related to the case is interviewed
18 there.

19 Q Okay.

20 A Or can be interviewed there.

21 Q All right. So when Deborah came down to the CAC,
22 was it actually on September 17th?

23 A I don't recall the exact date. It should be in the
24 -- on the transcript. I don't --

25 Q Okay. Does that date sound correct, though?

1 A Yes.

2 Q All right. Did she come with anybody else?

3 A I believe she had two children with her, but they
4 were interviewed separately while we were speaking with
5 Deborah.

6 Q All right. And that would have been -- I can't talk
7 -- Anita and Brandon; is that correct?

8 A Yes.

9 Q You indicated that they were interviewed separately.
10 Can you explain how that happened?

11 A Detective Madsen and I were speaking with Deborah
12 while at the same time in the next building over, those
13 interviews were being conducted. I think Detective Samples
14 did one, and then I think the other one was one of our
15 forensic interviewers.

16 Q All right. And who were the forensic interviewers.
17 What do they do?

18 A They -- their entire job is just to interview
19 children. The forensic interview is kind of a very
20 specialized type of interview. There's no leading questions,
21 anything like that. So it's a -- so their job is to just --
22 just -- interview kids.

23 Q So there were three interviews that were taking
24 place. You and Detective Madsen were interviewing Deborah,
25 Detective Samples was interviewing one of the children, and

1 then the forensic interviewer was interviewing the other; is
2 that correct?

3 A Yes.

4 Q Were those interviews taking place at the same time
5 or was it one after the other?

6 A Same time.

7 Q Any particular reason for that?

8 A Just efficiency.

9 Q At any point, did you take a break with the
10 interview with Deborah to talk to Detective Samples or the
11 forensic interviewer?

12 A Yes.

13 Q What was the purpose of that break?

14 A Just to kind of share information, let mostly
15 Detective Samples, since it was his case, just explain to him
16 the information that we learned and vice versa, and just see
17 if there's any follow-up questions that were going to need to
18 be done.

19 Q Was that to help further your interview with Deborah
20 Sena at that point?

21 A Partially, yes.

22 Q Can you describe Deborah Sena's demeanor throughout
23 it the interview that you did with her?

24 A She seemed to be withholding information for most of
25 it, which was concerning because when we got the report, and

1 we brought her there as a victim to do the interview, but
2 then she was just quite clearly withholding information that
3 would have been vital to the investigation.

4 Q All right. Did that change the rest of the
5 interview?

6 A A little bit, yes.

7 Q How is that?

8 A In the standard victim interview, the reasons for
9 not telling what happened is reluctance or embarrassment or
10 things like that, but she was -- my concern was at the time
11 that she may be more a party to this than she's letting us
12 believe, and, you know, I advised her at the time that she
13 was free to leave at any time, and most matter what she told
14 us, she was going to go home, and -- but in order for her to
15 help us help her and her children, we needed all the
16 information.

17 She generally spoke in just generalities, wouldn't
18 provide specific details when asked.

19 Q Based on your observation of your belief that she
20 was withholding information, what, if anything, did you do at
21 that point?

22 A We just kept kind of explaining to her that we
23 needed the information in order to, you know, go forward and
24 assist her. We just tried the best we could to get as much
25 information as we could. But then when we did have our

1 meeting, it was -- my personal opinion was, you know, that
2 she very well could have been involved, but I wasn't a
3 hundred percent sure.

4 There was other things -- more information that was
5 going to be needed to make a final determination.

6 Q Specifically, during that interview with Deborah or
7 prior to that, were you aware of potential video evidence?

8 A I don't believe so, no.

9 Q Okay. At some point, did you learn that there was
10 potential evidence --

11 A Yes.

12 Q -- in the case?

13 A She during the interview said that some of acts were
14 videotaped.

15 Q Okay. What, if anything, did you do with that
16 information?

17 A That was the -- used for -- after it was relayed to
18 Detective Samples, we realized that there was an immediate
19 need to get into that house, so we drafted a search warrant,
20 or Detective Samples drafted a search warrant that night.

21 Q Now, before we get into the search warrant, you
22 indicated that this took place at the Children's Advocacy
23 Center, and that Deborah had two of the children with her; is
24 that correct?

25 A Yes.

1 Q Do you know if the children were still minors or if
2 they were adults?

3 A I think one was an adult, and one was still a
4 minor --

5 Q All right.

6 A -- if I recall.

7 Q Based on the information that you had after the
8 interview with Deborah, did you have any contact with CPS?

9 A They were involved in the case, yes.

10 Q Okay. And they had information about the
11 allegations at that point as well; is that correct?

12 A Yes.

13 Q All right. Were you in a position to make any
14 determination about whether or not the children stayed with
15 Deborah or if they went with Child Protective Services?

16 A No, I didn't make that determination. I don't have
17 any input in it.

18 Q All right. Is that something that's handled by CPS?

19 A Correct.

20 Q So you indicated that based on the information from
21 Deborah that there was potentially video information,
22 Detective Samples drafted a search warrant; is that correct?

23 A That's correct.

24 Q Can you walk us through the process for getting a
25 search warrant?

1 A You basically have to have a probable cause
2 statement that lists the probable cause that the items that
3 you -- that are linked to the case and criminal in nature
4 will be found at the residence that you're serving the search
5 warrant at or the location that you're serving the search
6 warrant on.

7 You list that probable cause statement in there
8 with a description of the premise that you're wanting to
9 search. That's reviewed by District Attorney, who either
10 approves it or denies it. And then if they approve it, then
11 it is reviewed by a judge. And once that's approved, in this
12 case, we sent the warrant to our SWAT team, because they were
13 going to be the ones to actual yo serve the search warrant.

14 Q All right. Now, did that whole process take place
15 that same evening after the interviews?

16 A Yes, it did.

17 Q So that would have been September 17th?

18 A Yes. Well, it carried into the next night, but yes.

19 Q All right. Were you actually involved in the
20 process of getting the warrant?

21 A No. When he was drafting the search warrant, excuse
22 me, Detective Madsen -- it's -- as soon as we realized that
23 there's a need for a search warrant, it's our policy to get
24 somebody to watch the target residence, so -- to make sure
25 there's nobody coming and going.

1 So Detective Madsen and I went up and were watching
2 the residence as the warrant was being written.

3 Q And that search warrant was drafted for 6012
4 Yellowstone; is that correct?

5 A Yes.

6 Q And that's here in Las Vegas, Clark County, Nevada?

7 A Yes.

8 Q Did you at some point learn that evening that
9 Detective Samples had actually gotten the warrant approved?

10 A Yes.

11 Q What happened after the warrant was approved?

12 A As I said, the information was September to our SWAT
13 team, they met at their location to do their operations
14 planning and the tactics that they were going to use. And
15 then eventually they came up and actually served the search
16 warrant.

17 They go in and clear the house, take anyone into
18 custody who's inside, and then when they're done and
19 everything's safe, they turn it over to us for the actual
20 search.

21 Q Are there certain situations where the SWAT team is
22 the one that comes out and does the warrant?

23 A Yes.

24 Q Is there a guideline for a system for when that
25 happens?

1 A Yes, there is. It's -- now, it's basically any
2 structure that's -- it's -- if it's occupied -- it has to be
3 an unoccupied spot or the premise would already have to be
4 frozen by, say, patrol officers just to patrol or a detective
5 squad to do the search warrant.

6 If there's any risk of danger with any criminal
7 history with the target residence, dogs, known guns, those
8 kind of things, then the SWAT team always does the warrant.

9 Q All right. Does the SWAT team actually go in and
10 conduct a search or what's their purpose?

11 A They do go in. They go in and take people into
12 custody and they're just searching for other people, anything
13 that can harm them or us when we go in.

14 So they're not looking for any type of evidence to
15 the crime that the warrant's being served for.

16 Q So were you still present when the SWAT team entered
17 6012 Yellowstone?

18 A Yes.

19 Q Did they take anyone out of the residence?

20 A Yes.

21 Q Who came out of the residence with the SWAT team?

22 A It was the defendant, and if I recall, I think one
23 other person was there as well.

24 Q Male, female?

25 A Male.

1 Q Do you recall if it was one of the defendant's
2 children?

3 A I think so, I forget the -- his full name, but Tails
4 is what he went by.

5 Q Now, when I asked if you pull -- or if SWAT pulled
6 anybody out of the residence, you nodded at someone in the
7 courtroom; is that correct?

8 A Yes.

9 Q Can you please point to that individual and identify
10 an article of clothing that he or she is wearing today?

11 A It's the defendant, and he's wearing
12 (indecipherable) wearing black.

13 MS. SUDANO: May the record reflect identification
14 of the defendant?

15 THE COURT: Yes, it will.

16 MS. SUDANO: Thank you.

17 BY MS. SUDANO:

18 Q So after the SWAT team went into the residence and
19 pulled defendant and Tails out, what, if anything, did you
20 do?

21 A That's when -- when the SWAT clears a residence,
22 they basically hand it over to us, and then that's when we
23 started our search.

24 Q Can you walk us through the process of searching the
25 residence?

1 A In this case, we were looking for -- since we were
2 told about the filming of the incidents, we're looking for
3 any type of recording devices, cameras, phones, anything like
4 that, as well as any kind of devices that would store memory,
5 digital memory, like flash cards, thumb drives, computers,
6 things like that.

7 Q Okay.

8 A And then we just kind of -- people are assigned
9 different areas, and then those detectives search those
10 rooms.

11 Q All right. The residence at 6012 Yellowstone, is it
12 all one building or are there multiple buildings?

13 A If I remember right, there was a detached building
14 in the back that they referred to as like a, I think, a pool
15 house or it was more like an office type setup, it would have
16 had a small kitchen in it as well.

17 Q Okay. Now, do you recall who all was present for
18 the actual search stage of the residence?

19 A It was myself, Detective Madsen, Detective Detweiler
20 that was there, Sergeant Roberson [phonetic].

21 Q So the four of you were searching the residence?

22 A For the most part. Because Detective Samples was
23 doing on interview, I think. When he was done, he probably
24 came in and assisted. But for the most part, that was who
25 was doing it.

1 Q Did you all start in one location in the house or
2 did you spread out?

3 A I think we all started in the back, because we had
4 information that -- Deborah described quite specifically
5 where a thumb drive may be. There was a TV mounted on the
6 wall with a arm that supports the TV up there, and she was
7 telling us that there was a thumb drive inside that -- the
8 actual arm of the TV mount.

9 Q Okay.

10 A So we started in that are area.

11 Q So you all started in that back office area?

12 A Yes.

13 Q All right. Was anything of evidentiary value
14 located inside that office area?

15 A Yes.

16 Q Okay.

17 MS. SUDANO: Your Honor, may I approach the witness
18 in just a moment?

19 THE COURT: Yes.

20 MS. SUDANO: May I approach?

21 BY MS. SUDANO:

22 Q Sergeant, I'm going to show you a handful of photos
23 here. I'm going to show you Proposed 52 through 56, Proposed
24 -- oops, what's been admitted as 57 and 58, Proposed 59
25 through 61, and Proposed 70 and 71.

1 If you could look through that whole stack for me,
2 and let me know if you recognize them.

3 A (Witness complies). Yes.

4 Q All right. Now, regarding 51 -- or excuse me, 52
5 through 61, what was it that we were looking at in those
6 exhibits?

7 A That was that back room that we previously mentioned
8 in the last picture with the thumb drive as well as -- that
9 was specific to that thumb drive, as well as inside the safe
10 was where most of the electronic devices that were taken were
11 found.

12 Q All right. So 52 through 61, was that a fair and
13 accurate depiction of that back office area as you found it
14 on September 17th of 2014?

15 A Yes, it was.

16 Q Okay.

17 MS. SUDANO: Your Honor, at this time, I would move
18 for admission of 52 through 61, with the exception of 57 and
19 58, which have already been admitted.

20 THE COURT: Any objection?

21 MS. RADOSTA: We'll submit it, Your Honor.

22 THE COURT: It will be admitted.

23 (State's Exhibits 52, 53, 54, 55, 56, 59, 60, and
24 61 were admitted).

25 MS. SUDANO: All right.

1 BY MS. SUDANO:

2 Q Now, you had also referenced the last couple of
3 exhibits that I showed you, which were Proposed 70 and 71.
4 Do you recall what 70 and 71 were?

5 A The thumb -- the red thumb drive.

6 Q All right. And did you recognize that red thumb
7 drive?

8 A Yes.

9 Q And what did you recognize it as?

10 A That was one of the items that was taken from the
11 safe.

12 Q Fair and accurate depiction of that item?

13 A Yes.

14 MS. SUDANO: And may I publish the ones that have
15 been admitted, Your Honor?

16 THE COURT: Sure.

17 BY MS. SUDANO:

18 Q All right. Sergeant, I'm showing you Exhibit 57.
19 Is that the back office area?

20 A Yes.

21 Q All right. What are we looking at there?

22 A There was at desk area that's to the right there.

23 Q There we go.

24 A I believe the safe was just -- would be just to the
25 right off -- not in this picture, but that's the entrance to

1 the room.

2 Q Now, as you entered into this back office area, was
3 there any sort of divider wall between where in drum set is
4 and the computer desk?

5 A Not that I recall.

6 Q Okay. So as you entered the -- or the office on
7 September 17th, this is how it looked?

8 A Yes.

9 Q And then if I show you Exhibit 58, what are we
10 looking at there in Exhibit 58?

11 A Okay. That's the desk area, and then to the back is
12 the safe and as well as some filing cabinets.

13 Q Okay. You indicated that there were a number much
14 items that were taken out of the safe; is that correct?

15 A That's correct.

16 Q Specifically, what was taken out of the safe?

17 A The thumb drive that you had shown me earlier as
18 well as there was some other electronic storage devices,
19 other thumb drives, there were some disks in there, some
20 videos, those types of things.

21 Q Showing you Exhibit 52. Is that just a closer up
22 photograph of that safe?

23 A Yes.

24 Q All right. Is there a way -- is that safe locked?

25 A When we entered, yes, it was.

1 Q Showing you Exhibit 53. Is that actually the
2 contents of that safe?

3 A Yes, it is.

4 Q All right. So fair to say at some point you gained
5 access to that safe?

6 A Yes.

7 Q How did you gain access to that safe?

8 A Detective Samples was able to get the combination
9 while he was talking to the defendant, and he relayed that
10 information to us, and when we put the combination in that he
11 gave us, it opened the safe.

12 Q And that's just the overall view of what was in the
13 safe?

14 A Yes.

15 Q You indicated that had there were a number of CDs or
16 DVDs, I believe. Can you see those this that photograph?

17 A Yes. About halfway on the right there is a stack of
18 them.

19 Q Anything else of evidentiary value that was located
20 in that particular safe that you can see here in the photo?

21 A I can see some -- there were some thumb drives that
22 were taken. At that's all about I can see in this one.

23 Q Okay. Where are the thumb drives located?

24 A In the same shelving unit as the CDs and DVDs, about
25 middle on the right.

1 Q So middle on the right, right about here?

2 A Yes.

3 Q I'm showing you -- well, were there also any

4 firearms recovered inside the safe?

5 A There were firearms in the safe, yes.

6 Q I'm showing you Exhibit 56. Do you see the firearms

7 there?

8 A Yes.

9 Q Okay. Were there other items of evidentiary value

10 located elsewhere in the office?

11 A I believe so, but I can't say which items for

12 certain without --

13 Q All right. So fair to say the computer would have

14 been of evidentiary value?

15 A Yes.

16 Q And that obviously was not located in the safe?

17 A Correct.

18 Q All right. You talked about in this particular

19 search warrant, you were looking for any sort of electronic

20 media that could store photos or videos; is that correct?

21 A Yes.

22 Q Are you also looking for what we call items of

23 possessory interest?

24 A Yes.

25 Q What are those?

1 A Those are items that ties the person that's being
2 accused to that actual residence, so it would be mail with
3 their name and address on it, things like that.

4 Q Did you also locate some of those things during the
5 service of the search warrant in this particular case?

6 A Yes.

7 Q Showing you Exhibit 59. What are we looking at
8 there in Exhibit 59?

9 A It's -- I can't tell exactly what type of mail, but
10 it is mail with the address and name on it.

11 Q All right. And there are also some CDs or DVDs and
12 some VHS's present in that --

13 A Yes.

14 Q -- photo there? All right.

15 And then Exhibit 60, is that a closer up view of the
16 mail?

17 A Yes.

18 Q All right. Appears to be documentation from a
19 credit union and then a Southwest Gas bill?

20 A That's correct.

21 Q Both bearing the name either Chris Sena or
22 Christopher Sena or name Deborah Sena?

23 A Yes.

24 Q Both bearing that address of 6012 Yellowstone?

25 A Correct.

1 Q All right. And then I'm also going to show you
2 Exhibit 61. What are we looking at there in Exhibit 61?

3 A It's a notebook with some phone numbers in it that's
4 got Deborah, Brandon, and Anita, who were all involved one
5 way or the other in the case.

6 Q All right. And is that -- they were both located
7 back in the office area as well?

8 A Yes.

9 Q Now, once you located those items of evidentiary
10 value back in the office, what, if anything, did you do with
11 them?

12 A They -- we packaged them in our evidence bags, and
13 then they are with us. And in this particular case, since
14 there was so much evidence, we took it all back to our
15 office, and then the evidence vault personnel actually came
16 to us to collect everything.

17 Q So you said you packaged up the evidence, what do
18 you mean by that?

19 A Just be department approved envelopes or bags that
20 we use, and then it's sealed with evidence tape, and then
21 whoever is actually doing the impounding of the evidence
22 signs over the evidence tape to show it's not tampered with.

23 Q And what did you do with those items once they left
24 the residence?

25 A They were put into our -- our cars and driven back

1 to our office where it was all inventoried, some more
2 paperwork was done, and then when all that was completed,
3 then the evidence vault came and collected it.

4 Q All right. Once they left the residence, did you
5 ever lose sight of any of the evidence that you had taken out
6 of the residence?

7 A No.

8 Q Okay. Now, we talked primarily about the things
9 that were located in the evidence. Did you also conduct a
10 search of the main trailer or the main residence?

11 A Yes.

12 Q Anything of particular evidentiary value that was
13 located inside the main residence?

14 A There was quite a few items taken. I don't know at
15 the end of things if they came into play. But since during
16 our interview with Deborah, she had mentioned some of -- in
17 some of the instances sex toys were used, so there was quite
18 a few sex toys that were impounded. And there may have been
19 some more movies, VH -- or DVDs, those types of things taken
20 from inside also.

21 Q But all of the flash drives and hard drives were all
22 taken from the main office?

23 A Yes.

24 MS. SUDANO: Court's indulgence.

25 //

1 BY MS. SUDANO:

2 Q I apologize, Sergeant, you had said earlier that

3 Deborah provided information that there was potentially a

4 thumb drive in the arm of the TV stand in the office; is that

5 correct?

6 A That's correct.

7 Q Did you search that area?

8 A We did. We disassembled it, and did not locate one

9 there.

10 Q Okay. All right.

11 MS. SUDANO: And Your Honor, I would also move for

12 the admission of Proposed 70 and 71, which the Sergeant did--

13 MS. RADOSTA: Submit it, Your Honor.

14 THE COURT: Any objection? Before you do so,

15 Officer, you had an -- or Sergeant, you had an opportunity to

16 review 70 and 71; is that correct?

17 THE WITNESS: Yes, sir.

18 THE COURT: And is it your testimony here today

19 that those accurately depict, as you recall, what the photos

20 are of?

21 THE WITNESS: Yes.

22 THE COURT: Okay. They'll be admitted.

23 (State's Exhibits 70 and 71 are admitted).

24 MS. SUDANO: Thank you, Your Honor. Nothing

25 further.

1 THE COURT: All right. Any cross?

2 MS. RADOSTA: Just briefly.

3 CROSS-EXAMINATION

4 BY MS. RADOSTA:

5 Q Detective, is it Kurau?

6 A Kurau.

7 Q Kurau. You were the person that actually
8 interviewed Deborah Sena at the CAC; is that right?

9 A Yes, ma'am. It was myself and Detective Madsen
10 together.

11 Q Okay. Do you recall if you were just asking
12 questions or if it was Detective Madsen or you were both
13 asking questions?

14 A Throughout the interview process, both of us at
15 different times.

16 Q Okay. And that interview -- you have the ability at
17 the CAC to audio and video record statements, correct?

18 A Yes, ma'am.

19 Q Whether they be from alleged victims or suspects,
20 correct?

21 A Correct.

22 Q And as a follow-up to that, you actually have the
23 ability to interview potential suspects at that facility as
24 well?

25 A Correct.

1 Q Have you ever interviewed a potential suspect at
2 that facility?

3 A Yes.

4 Q When you sat down with Deborah Sena that day, you
5 did not read her her Miranda rights, correct?

6 A That's correct.

7 Q When you -- do you recall how long the interview
8 with Deborah lasted?

9 A If I had to guess, I'd say about an hour. I can't
10 say a hundred percent, but I think it was about an hour.

11 Q Okay. And after the interview was complete -- well,
12 actually, at some point, you said you said you stopped the
13 interview or maybe it was when you were completed with the
14 interview, and then you sat down with Detective Samples, who
15 was conducting one of the other interviews and the -- or the
16 forensic interviewer, correct?

17 A Yes, ma'am.

18 Q You guys all kind of huddled together and exchanged
19 information that you thought was necessary for the other
20 parties to know about?

21 A Correct.

22 Q Standard operating procedure when you're doing
23 multiple interviews at the same time?

24 A Yes.

25 Q Do you recall if that was during the interviews or

1 at the conclusion of the interviews that you guys all kind of
2 huddled together?

3 A For or interview, we were -- we thought we were
4 done, and then it was one of the things when we all get
5 together to see if anybody has any kind of follow-up
6 questions or anything, and to the best of my recollection, we
7 didn't have any further. So we told Deborah we'll be right
8 back, we're just going to go talk, and came back, and then
9 when we came back and we said we were done.

10 Q Okay. While you leave to go huddle with the other
11 detectives, you leave Deborah in the -- or in this particular
12 case, you left Deborah in the room where you had interviewed
13 her, correct?

14 A Yes.

15 Q And you leave the audio and the video recording
16 equipment running at that point?

17 A Yes.

18 Q Okay. And when you were -- when you went back to
19 Deborah at that point in time, did they all -- did Deborah,
20 Brandon and Anita all leave together or did they speak to
21 anybody else, if you know?

22 A I believe they left together.

23 Q Okay.

24 A When everything was done.

25 Q And I believe you said earlier that the decision --

1 you didn't make the determination that Deborah left with the
2 kids that day, that was Child Protective Services'
3 determination?

4 A Correct. Yeah, we don't have -- generally, we don't
5 have the ability to, you know, a case like that, remove
6 children from their apartments. That's CPS's job.

7 Q Okay. And you mean in a case like that where
8 potentially the children might be in -- not be -- strike
9 that. Let me start that sentence over again.

10 Potentially, a case where the children might be in
11 danger, that's a situation for Child Protective Services,
12 right?

13 A Yes.

14 Q Because in this particular situation, at that point
15 in time, you did not consider Deborah to be a suspect,
16 correct?

17 A I did not, no. When she came in, she came in as a
18 victim.

19 Q Had you considered Deborah to be a suspect, you
20 could have arrested her at that point in time, and that would
21 have taken care of the situation as to whether or not the
22 children were with her, correct?

23 A It still would have been CPS's determination.

24 Q Okay. So even if you had arrested Deborah, she
25 might have left the --

1 A Well, if there's no other adults -- CPS would make
2 the decision, if they want to find an adult family member or
3 something like that, then they would those cases.

4 Because even in a patrol officer, for example, out
5 on a street, if he were to arrest both parents, would either
6 call CPS and have -- to have them respond.

7 Q Okay. At a later point in time, did you eventually
8 learn that Deborah did -- was arrested in connection with
9 this particular case?

10 A Yes.

11 Q And so that at some point in time, she was
12 considered to be a suspect?

13 A Yes.

14 Q Do you recall approximately how long it was after
15 you interviewed her that that determination was made?

16 A I don't.

17 Q Do you -- did you have any participation in that
18 decision of arresting Deborah?

19 A I just gave my input to Detective Samples, and we
20 kind of roundtabled it, so he was the one that -- it's his
21 case, so he, in conjunction with the District Attorney,
22 decided who in case was going to be arrested.

23 Q Okay. And that was approximately -- do you recall
24 when Deborah was arrested?

25 A I don't. It would be a guess if I -- I don't.

1 Q Okay.

2 MS. RADOSTA: Court's indulgence. Your Honor, at
3 this point in time, we'll pass the witness with the subject
4 to recall, potentially.

5 THE COURT: All right. Okay. Do you have any
6 further --

7 MS. SUDANO: I do, very briefly.

8 REDIRECT EXAMINATION

9 BY MS. SUDANO:

10 Q All right. Sergeant, can you just pull somebody off
11 the street and arrest them?

12 A We'd have to have a reason.

13 Q You'd have to have a reason, such as probable cause?

14 A Yes.

15 Q All right. At the time you finished your interview
16 with Deborah and the other interviews with Anita and Brandon
17 were done, did you have probable cause to arrest Deborah?

18 A My -- my opinion on the matter after that interview
19 was the -- since there was video recordings, that those were
20 going to be needed to really see kind of what's going on, was
21 she a participant or was she a victim, like she was saying.

22 Q All right.

23 A That was my personal opinion on the matter at the
24 end of those interviews.

25 Q So in your opinion, any sort of determination about

1 probable cause was dependent on the video?

2 A I think we would have been sort of rushing things
3 without watching the video.

4 Q All right. Thank you.

5 MS. SUDANO: Nothing further, Your Honor.

6 THE COURT: Any redirect -- I mean, recross?

7 MS. RADOSTA: No, Your Honor. As we said, though,
8 we'd like him subject to potential recall.

9 THE COURT: All right. So Sergeant Kurau --

10 THE WITNESS: Kurau, yes, sir.

11 THE COURT: Kurau. Could you please leave some
12 information with the parties here before you leave that we
13 may be able to reach you in the instance that they need to
14 recall you?

15 THE WITNESS: Yes.

16 THE COURT: Okay. So you will not be excused from
17 your subpoena at this time. You may be subject to recall.

18 THE WITNESS: Yes, sir.

19 THE COURT: All right?

20 THE WITNESS: All right.

21 THE COURT: Thank you very much.

22 THE WITNESS: Thank you.

23 THE COURT: You can step down. You're excused at
24 this time.

25 State, call your next witness.

1 MS. SUDANO: State calls Erin Clark.
2 May I approach the clerk?
3 THE COURT: Sure. Ms. Clark, come on up here to
4 the witness stand. Okay?
5 ERIN CLARK, STATE'S WITNESS, SWORN
6 THE CLERK: Thank you. Please be seated. For the
7 record, please state your full name, spelling your first and
8 last name.
9 THE WITNESS: Erin Clark, E-r-i-n, C-l-a-r-k.
10 THE COURT: Ms. Clark, you can see there's a
11 microphone right there in front of you.
12 THE WITNESS: Yes.
13 THE COURT: Can you scoot up a little bit so --
14 THE WITNESS: Yeah, sorry.
15 THE COURT: -- we can make sure we can hear you
16 okay? All right. Thank you.
17 THE WITNESS: Sorry.
18 THE COURT: Your witness, Ms. Sudano.
19 MS. SUDANO: Thank you, Your Honor.
20 THE COURT: Ms. Sudano, your witness.
21 MS. SUDANO: Court's indulgence, Your Honor. Okay.
22 DIRECT EXAMINATION
23 BY MS. SUDANO:
24 Q All right. Hi. Is it okay if I call you Erin?
25 A Yes.

1 Q How old are you, Erin?
2 A 18.
3 Q What's your date of birth?
4 A December 21, 2000.
5 Q All right. So you're -- you just turned 18?
6 A Yes.
7 Q Are you still in school?
8 A Yes.
9 Q What year are you in?
10 A 12th.
11 Q Okay. So you're a senior?
12 A Yes.
13 Q Do you live here in town?
14 A Yes.
15 Q Who do you live with?
16 A My grandma and my mom, my sisters, my cousin.
17 Q All right. Whole bunch of people there, right?
18 A Yes.
19 Q What's your grandma's name?
20 A Penny.
21 Q What's Penny's last name?
22 A Clark.
23 Q Okay. And you said you live with your mom?
24 A Yes.
25 Q What's your mom's name?

1 A Melissa Clark.

2 Q And you said your sisters?

3 A Yes.

4 Q Who are your sisters?

5 A Abigail Martinez (phonetic) and Rachel Martinez.

6 Q How old are Abigail and Rachel?

7 A 12 and 11.

8 Q Okay. And then you also -- does anybody else live

9 there?

10 A My cousin.

11 Q Who's your cousin?

12 A Tamara.

13 Q How old is Tamara?

14 A 22.

15 Q Okay. And what's Tamara's last name?

16 A Grisham.

17 Q Have all of those people pretty much lived there for

18 your entire life?

19 A Yes.

20 Q All right. Have you lived in the same place with

21 all of those people for most of your life?

22 A Yes.

23 Q Okay. And I don't need an exact address, but where

24 do you live? What part of town?

25 A North Las Vegas.

1 Q Okay. Were there other periods of time that there
2 were other people staying in that house on or off?
3 A Yes.
4 Q Okay. Who else would stay there?
5 A My cousin, Ryan, and Terrie.
6 Q Okay. Who is Terrie?
7 A My aunt.
8 Q So she's your mom's -- how is she --
9 A Sister.
10 Q Mom's sister?
11 A Yes.
12 Q What's Terrie's last name?
13 A Sena.
14 Q Sena?
15 A Yeah, I think.
16 Q And you said Ryan. Who is Ryan?
17 A My cousin.
18 Q Okay. Who is Ryan related to?
19 A Terrie.
20 Q So Ryan is Terrie's --
21 A Son.
22 Q -- son?
23 A Yes.
24 Q And you said Terrie lived there on and off with
25 Ryan; is that right?

1 A Yes.

2 Q How long did Terrie live there on and off?

3 A I'm not sure.

4 Q Okay. Did she live there more than once?

5 A Yes.

6 Q Did you ever go visit Terrie anywhere else?

7 A Yes.

8 Q Okay. Where else was Terrie living when you'd go

9 visit her?

10 A Her house with Chris.

11 Q Okay. And who's Chris?

12 A The defendant.

13 Q Okay. Who's Chris to Terrie?

14 A Her ex-husband.

15 Q Do you see Chris here in the courtroom today?

16 A Yes.

17 Q Can you point to him and tell me something that he's

18 wearing today?

19 A Black suit.

20 MS. SUDANO: May the record reflect identification

21 of the defendant?

22 THE COURT: It shall.

23 MS. SUDANO: All right.

24 BY MS. SUDANO:

25 Q So did Chris and Terrie live together?

1 A Yes.

2 Q All right. Where did they live?

3 A 2112 Yellowstone Avenue.

4 Q Okay. So they lived together on Yellowstone?

5 A Yes.

6 Q Who else lived at Yellowstone with Terrie and the
7 defendant?

8 A My two cousins, Anita Sena, and Tails Sena, and Ryan
9 Sena.

10 Q Okay. Is there anybody else that was living in the
11 house that wasn't related to you?

12 A Yes. The defendant's wife and their kid.

13 Q Okay. Who was the defendant's wife?

14 A Deborah Sena.

15 Q And you said their kid. Who was their kid?

16 A Brandon Sena.

17 Q So Brandon was the defendant and Deborah's son; is
18 that right?

19 A Yes.

20 Q Okay. Now, would you ever go over to that
21 Yellowstone house to visit?

22 A Yes.

23 Q Who would you go visit?

24 A My aunt and my cousin Ryan and Tails and Anita.

25 Q How often would you go visit?

1 A Weekends, mostly. Most weekends, yeah.

2 Q Most weekends from when? Did that start when you
3 were born?

4 A No. From fifth grade, I think I first started going
5 over there.

6 Q All right. How old were you in the fifth grade?

7 A 11.

8 Q And when you would go over in the fifth grade when
9 you were 11, how long would you spend over there?

10 A Friday to Sunday.

11 Q Would you spend the night?

12 A Yes.

13 Q Where would you sleep when you spent the night over
14 there?

15 A The main house on -- in the living room.

16 Q Would anybody else sleep out in the living room with
17 you?

18 A No.

19 Q Okay. You said that you live with Tamara now, and
20 she's a few years older than you; is that right?

21 A Yes.

22 Q Did Tamara live with you when you were in fifth
23 grade?

24 A Yes.

25 Q Were there ever times that Tamara would go over and

1 spend the night at Yellowstone with you?

2 A Yes.

3 Q Was she with you every time you went over there?

4 A No.

5 Q Were there times where you would spend the night by

6 yourself?

7 A Yes.

8 Q Were there times where Tamara would go over and you

9 didn't?

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

11 Q Okay. Between you and Tamara who went more?

12 A Me.

13 Q Okay. What types of things would you do when you

14 went over to the house on Yellowstone?

15 A We would watch movies, swim, play video games.

16 Q Okay. And who would you do those things with?

17 A My cousins.

18 Q Okay. So Anita, Tails, and Ryan?

19 A Yes.

20 Q Okay. Now, how would you get over to the house?

21 A My aunt, Terrie, would pick me up.

22 Q How would you get back home to your house?

23 A She would drop me off.

24 Q Okay. Now, were there ever times that something

25 happened at the Yellowstone house that made you

1 uncomfortable?

2 A Yes.

3 Q When's the first time that you can remember
4 something happening at the Yellowstone house that made you
5 uncomfortable?

6 A I'm pretty sure the fifth grade, I believe.

7 Q Okay. So how old would you have been?

8 A 11, 12.

9 Q What is it that happened when you were 11 or 12 that
10 first incident that you remember?

11 A Chris would touch me inappropriately.

12 Q Okay. And when you say Chris, you -- you mean
13 Terrie's husband or ex-husband?

14 A Yes.

15 Q On the first incident that we're talking about,
16 where did that take place? Where were you in the house?

17 A It was in the office. It was a separate place.

18 Q Okay. And that was the building sort of out in the
19 back?

20 A Yes.

21 Q All right. Can you describe the layout of the
22 office for us?

23 A So when you first walk in, it's -- it was like a
24 couch and then a bathroom and then a little desk area, and
25 then there would be a wall and then another desk area and

1 then a kitchen.

2 Q Okay. So there was one desk area that was in front
3 of the wall and then --

4 A Yes.

5 Q -- another desk area that was behind the wall; is
6 that right?

7 A Yes.

8 Q The area that was behind the wall, did you associate
9 that area with anybody?

10 A Yes.

11 Q With who?

12 A The defendant.

13 Q Was that an area that you could see when you walked
14 in the main door to the office?

15 A No.

16 Q Why couldn't you see that area?

17 A The wall was blocking.

18 Q Okay. Now, you said the first time that something
19 happened that made you uncomfortable, it was in the office;
20 is that right?

21 A Yes.

22 Q Where in the office?

23 A The desk behind the wall.

24 Q Who was back there?

25 A Usually it would just be the defendant. Well, it

1 would be the defendant.

2 Q Was there ever anybody else in the office when you
3 were back there with the defendant?

4 A No.

5 Q Okay. Where was the defendant when you were back in
6 the office on the first time that made you uncomfortable?

7 A The desk.

8 Q Was he sitting, standing?

9 A Sitting.

10 Q What about you, were you sitting, standing, laying
11 down?

12 A I'm not sure.

13 Q What was the defendant doing while he was sitting at
14 the desk?

15 A He would touch me in my boobs and my vagina.

16 Q Okay. The first time, do you remember him saying
17 anything to you before that happened?

18 A No.

19 Q Okay. You said he would touch you on your boobs and
20 your vagina.

21 A Yes.

22 Q Were you wearing clothes when that happened?

23 A Yes, but he would pull them down.

24 Q Okay. What would he pull down?

25 A My pants and then pull up my shirt.

1 Q Okay. Did you have a bra and underwear on at that
2 point?
3 A Yes.
4 Q Okay. What happened, if anything, with your bra and
5 underwear?
6 A I'm not sure.
7 Q Okay.
8 A I don't remember.
9 Q When the defendant touched your boobs on that first
10 incident, did he touch your boobs over your bra, under your
11 bra, or something different?
12 A I don't really remember.
13 Q Okay. What about -- well, how did he touch your
14 boobs?
15 A With his hands.
16 Q What did he do with his hands?
17 A He would fondle them.
18 Q What do you mean by fondle?
19 A Fondle like play with my boobs.
20 Q Okay. Do you remember him saying anything while
21 that was going on?
22 A No, not really.
23 Q And then you said that he would do something with
24 your vagina as well; is that right?
25 A Yes.

1 Q Okay. What would -- and you said something happened
2 with your pants, right?

3 A Yes.

4 Q What happened with your pants?

5 A He would pull them down.

6 Q Okay. And what about your underwear?

7 A I don't remember.

8 Q Okay. Would he -- what would he use to touch your
9 vagina?

10 A His hands.

11 Q How would he touch your vagina?

12 A Like -- like go over it and like touch it.

13 Q Okay. Would he touch you over your underwear or
14 under your underwear or something different?

15 A Under.

16 Q Okay. So his -- the hand on his skin would be
17 touching your skin; is that right?

18 A Yes.

19 Q And specifically, where on your vagina would he
20 touch?

21 A I don't remember.

22 Q Okay. Did he touch the outside part or did he
23 actually touch the inside part of your vagina in between your
24 lips?

25 A The inside of the lips.

1 Q Okay. How long would -- or how long did that last
2 on the first time that you remember?

3 A I don't know. Maybe a few minutes.

4 Q Was there anybody else back in the office at all
5 during that few minutes?

6 A No.

7 Q If you remember, how did that incident end?

8 A I'm not sure.

9 Q At some point, though, fair to say that incident
10 stopped?

11 A Yes.

12 Q Okay. Did you have a conversation with the
13 defendant after it stopped?

14 A I'm not sure.

15 Q Okay. Do you ever remember having a conversation
16 with the defendant after an incident like that?

17 A I don't remember.

18 Q Okay. Now, is that something that happened one
19 time, more than one time, or something different?

20 A More than once.

21 Q How often did it happen?

22 A I'm not sure.

23 Q Okay. Was it more than five times? Was it more
24 than ten times?

25 A Yes, more than ten.

1 Q Did it happen every time that you went over to the
2 house?
3 A I'm not sure.
4 Q Were there ever times that you went over to the
5 house where you don't remember that happening?
6 A I'm not sure.
7 Q You said that there were times when you would go
8 over to the house with Tamara; do you remember that?
9 A Yes.
10 Q Did anything ever happen when Tamara was there with
11 you?
12 A I don't know. I don't remember.
13 Q Did anything ever happen while Tamara was in the
14 office?
15 A No.
16 Q Did anything ever happen when somebody else was in
17 the office?
18 A No.
19 Q All right. Did anything happen anywhere else in the
20 house?
21 A No.
22 Q Okay. Now, you said that you remember this
23 happening more than one time; is that right?
24 A Yes.
25 Q Would it happen the same way every time or would it

1 be something different?

2 A Yes, the same way every time.

3 Q Okay. Were there ever times where the defendant

4 just touched you on your boobs and didn't touch your vagina?

5 A No, I don't think so.

6 Q Were there ever times where he touched you on your

7 vagina but didn't touch your boobs?

8 A I don't think so.

9 Q Did you keep going over to the house after you were

10 out of the fifth grade?

11 A Yes.

12 Q How long did you keep going over to the house?

13 A I think for a couple more years.

14 Q Okay. So did you keep going over to the house when

15 you were in sixth grade?

16 A I believe so.

17 Q Did you keep going to the house when you were in

18 seventh grade?

19 A I believe so.

20 Q Okay. Did something happen that made you stop going

21 over to the house at some point?

22 A Yes. I remember my grandma and my aunt not talking,

23 so I would not go over there. And sometimes my mom would

24 just not let me go.

25 Q Okay. So there was a period where your grandma got

1 in a fight with which aunt?

2 A Terrie.

3 Q So your grandma was in a fight with your Aunt Terrie

4 so you didn't go over to the house for a little while during

5 that; is that right?

6 A Yes.

7 Q Do you know how long that lasted?

8 A No.

9 Q Do you remember what grade you were in when that

10 happened?

11 A No.

12 Q Did you start going back over to the house after

13 that fight ended?

14 A Yes.

15 Q Okay. And then you said there were times where your

16 mom just wouldn't let you go over; is that right?

17 A Yes.

18 Q All right. And at some point, did you stop going

19 over there altogether?

20 A Yes.

21 Q When was that?

22 A I believe in eighth grade, I believe.

23 Q Okay. What happened in eighth grade that made you

24 stop going over there?

25 A Well, I just stopped going.

1 Q Okay. Did you learn at some point that your cousins
2 had moved out of the house?

3 A Yeah.

4 Q Okay. Was that when you were in eighth grade?

5 A I believe so, yeah.

6 Q Okay. Did you have any reason to go over there once
7 your cousins had moved out?

8 A No.

9 Q Now, we talked a little bit about the computer desk.
10 Do you remember anything else about that computer desk where
11 the defendant would sit in the office?

12 A No.

13 Q Okay. Do you remember what was around the computer
14 desk?

15 A No.

16 Q Were there ever times that the defendant had you
17 view something on the computer?

18 A Yes.

19 Q What types of things would he have you view on the
20 computer?

21 A His projects with his company, yeah.

22 Q Would he ever have you look at anything else on the
23 computer?

24 A I don't remember.

25 Q Do you remember there being any sort of animae

1 characters or action figures or anything back in the office?

2 A Yeah.

3 Q What do you remember about those?

4 A A lot of them didn't have clothes on.

5 Q Okay. Can you tell me a little bit more about the

6 ones without the clothes on?

7 A No, I don't remember.

8 Q Okay. Was there ever any time that you saw anything

9 else in the office that depicted somebody without clothes on?

10 A No, I don't believe so.

11 Q Now, you said initially that you would be standing,

12 and I think you said the defendant would be sitting at the

13 computer desk; is that correct?

14 A Yes.

15 Q Were there ever times that anything happened in the

16 office where you were in different positions?

17 A I don't believe so.

18 Q Okay. So every time you remember, you were

19 standing, and he was sitting at the desk?

20 A Yes.

21 Q Did the defendant ever have a conversation with you

22 about whether or not you should talk to anybody what was

23 happening in the office?

24 A I don't believe so.

25 Q Did he ever tell you whether or not you should say

1 anything?

2 A I don't believe so.

3 Q Did he ever have a conversation with you about what

4 it was that was happening in the office between the two of

5 you?

6 A No.

7 MR. LOPEZ-NEGRETTE: Objection. Vague.

8 THE COURT: What was your objection?

9 MR. LOPEZ-NEGRETTE: Vague.

10 THE COURT: Ask your question again.

11 MS. SUDANO: I asked if they ever had a

12 conversation about what it was that was happening in the

13 office between the two of them.

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

15 MS. SUDANO: Okay.

16 BY MS. SUDANO:

17 Q Did the defendant ever tell you that what was

18 happening in the office was normal between the two of you?

19 A I don't remember.

20 Q Okay. Were there ever times that you took showers

21 over at the house?

22 A Yes.

23 Q Would you take showers -- well, where in the house

24 would you take showers?

25 A Mostly in the house.

1 Q Okay. Were there ever times that you took showers
2 back in the office?

3 A Yes, a couple times.

4 Q Okay. Do you remember a time where you had lice?

5 A Yes.

6 Q Do you remember how old you were when you got lice?

7 A No, I don't remember.

8 Q Okay. Do you remember ever going over to the
9 defendant and Terrie's house during that time when you had
10 lice?

11 A Yes.

12 Q Okay. What, if anything, did you do at their house
13 when you had lice?

14 A Can you ask that again?

15 Q Did you ever take a shower at their house during the
16 time when you had lice?

17 A I believe so.

18 Q Was there ever anybody in the office that you know
19 of, the times where you took the showers in the office?

20 A I don't know.

21 Q Now, did you talk to anybody about what was
22 happening with the defendant touching you in the office while
23 it was going on?

24 A No.

25 Q Why didn't you talk to anybody?

1 A Because I didn't know how to bring it up. I was
2 embarrassed. I didn't know what to say.

3 Q Okay. When's the first time that you told anybody
4 what had happened between you and the defendant?

5 A When the case started.

6 Q All right. Do you know if the defendant was already
7 in jail by the time you talked to anybody?

8 A Yes.

9 Q Did you have to go and be interviewed by somebody
10 about this case?

11 A Yes.

12 Q All right. Do you remember how old you were when
13 that interview happened?

14 A I believe I was 13.

15 Q Okay. So you were 13 when you had that interview?

16 A I believe so.

17 Q And that was after you had already stopped going
18 over to the defendant and your Aunt Terrie's house; is that
19 right?

20 A Yes.

21 MS. SUDANO: And may I approach the clerk, Your
22 Honor?

23 THE COURT: Yes.

24 MS. SUDANO: May I approach, Your Honor?

25 THE COURT: Yes want.

1 BY MS. SUDANO:

2 Q So Erin, I'm going to show you a couple of pictures,
3 okay, and I want you to let me know if you recognize them?
4 The first is Proposed 81. Do you recognize what we're
5 looking at there?

6 A Yes.

7 Q What are we looking at?

8 A That's me when -- I don't know what age, but, yeah,
9 that's me when I was younger.

10 Q Okay. And is that about the time that you were
11 going over to the defendant and your Aunt Terrie's house?

12 A I believe so. I'm not sure.

13 Q Is that a fair and accurate picture of how you
14 looked at the time you were going over to your Aunt Terrie
15 and the defendant's house?

16 A Yes.

17 Q Okay.

18 MS. SUDANO: Your Honor, I would move for the
19 admission of Proposed 69.

20 MR. LOPEZ-NEGRETTE: We'll submit it.

21 THE COURT: Any objection?

22 MR. LOPEZ-NEGRETTE: We'll submit it.

23 THE COURT: All right. It will be admitted.

24 (State's Exhibit 69 was admitted)

25 //

1 BY MS. SUDANO:

2 Q And then I talked to you a little bit before about
3 whether or not you had taken some showers in the office; is
4 that correct?

5 A Yes.

6 Q All right. While you're takes those showers, did
7 you know if -- did you know there were photos or videos taken
8 of you in the office?

9 A No.

10 Q Did you give anybody permission to do that?

11 A No.

12 Q I'm going to show you Proposed 81. Do you recognize
13 what's depicted there in Proposed 81?

14 A Yes, that is me in the shower.

15 Q And the shower where?

16 A In the office.

17 Q At the Yellowstone house?

18 A Yes.

19 Q And is that a fair and accurate picture of you?

20 A Yes.

21 MS. SUDANO: All right. Your Honor, may I publish
22 69?

23 THE COURT: Yes.

24 BY MS. SUDANO:

25 Q So Erin, that's the school picture that we were just

1 talking about; is that correct?

2 A Yes.

3 Q Okay. And that's a picture of you when you were
4 going over to the defendant's house; is that right?

5 A Yes.

6 Q Okay. Now --

7 THE COURT: Hold on. Erin, do you know what grade
8 you were in when this picture was taken?

9 THE WITNESS: No, I do not.

10 THE COURT: Okay. Well, the reason I ask is you
11 said fifth grade, sixth grade, seventh grade, eighth grade.

12 MS. SUDANO: Yes.

13 THE COURT: So is that a fifth grade, sixth grade,
14 seventh grade, or eighth grade photo?

15 THE WITNESS: I don't remember.

16 THE COURT: Okay.

17 BY MS. SUDANO:

18 Q All right. So you said that when you were going
19 over to the house, the first incident that you remember with
20 the defendant lifting up your shirt and pulling down your
21 pants was in the fifth grade; is that correct?

22 A Yes.

23 Q All right. And during that incident, you indicated
24 that he had placed his hands on your boobs, I think you said,
25 and then around your vagina; is that right?

1 A Yes.

2 Q Okay. Is that something that happened one time or
3 more than time in the fifth grade?

4 A I'm not sure.

5 Q Okay. You know it happened at least once in the
6 fifth grade?

7 A Yes.

8 Q And it happened -- did it happen every time that you
9 went over there or almost every time that you went over
10 there?

11 MR. LOPEZ-NEGRETTE: Objection. Asked and answered.

12 THE COURT: Sustained.

13 MS. SUDANO: All right.

14 BY MS. SUDANO:

15 Q Is that something that continued to happen when you
16 were in the sixth grade?

17 A Yes.

18 Q Okay. Did it happen at least one time while you
19 were in the sixth grade?

20 A Yes.

21 Q Did it -- is it something that continued to happen
22 while you were in the seventh grade?

23 A Yes.

24 Q Did it happen at least one time in the seventh
25 grade?

1 A Yes.

2 Q Did it continue to happen as you approached eighth
3 grade?

4 A I don't remember.

5 Q Okay. And each of those types in fifth, sixth, and
6 seventh grade that it happened, did it happen exactly the
7 same way?

8 A Yes.

9 Q All right. Where the defendant would touch your
10 boobs and on your vagina?

11 A Yes.

12 Q All right. Did it happen more than once in the
13 sixth grade?

14 A Yes.

15 Q Did it happen more than once in the seventh grade?

16 A Yes.

17 MS. SUDANO: Thank you, Your Honor. Nothing
18 further.

19 THE COURT: Cross?

20 MR. LOPEZ-NEGRETTE: Yes, Your Honor.

21 CROSS-EXAMINATION

22 BY LOPEZ-NEGRETTE:

23 Q Good afternoon, Erin. Can I call you that?

24 A Yeah.

25 Q Or do you want me to call you something else?

1 A No, that's fine.

2 Q Okay. I'm David. I'm going to ask you some
3 questions.

4 A Okay.

5 Q And I just want you to be honest, like you have
6 before, right?

7 A Yes.

8 Q Now, this isn't the first time you've testified in
9 court, right?

10 A No.

11 Q You've testified before for this case?

12 A Yes.

13 Q And that time you swore to tell the truth, right?

14 A Yes.

15 Q Just like today, right?

16 A Yes.

17 Q Telling the truth is really important, right?

18 A Yes.

19 Q Especially when you're in court?

20 A Yeah.

21 Q Okay. Now, I want to ask you a little bit about all
22 the people that you mentioned before who you were living
23 with.

24 Now, you're living with your mom, Melissa, right?

25 A Yes.

1 Q And you're really close with her, right?

2 A Yes.

3 Q You've always been close?

4 A Yes.

5 Q And you have no problem telling her about things

6 that happened to you, right?

7 A Well, it depends.

8 Q It depends?

9 A Yes.

10 Q Do you remember in the preliminary hearing where you

11 testified that you had no problem telling your mom about

12 things that happened to you?

13 A Yeah.

14 Q You testified about that before, right?

15 A Yeah.

16 Q Okay. You're saying it's different today?

17 A Well, I guess.

18 Q You think it's different today?

19 A Yeah.

20 Q Okay. Now, if something upsets you, you have a

21 close enough relationship with your mom that you can talk to

22 her about it, right?

23 A Yeah.

24 Q All right. Now, Terrie, you also had a close

25 relationship with her, right?

1 A Yes.

2 Q You can also talk to her about things going on in
3 your life?

4 A Yeah.

5 Q And you didn't have a problem telling her if
6 something was upsetting you, right?

7 A Right.

8 Q And when we're talking about Anita, you also have a
9 close relationship with her?

10 A Right.

11 Q And you have no problem telling her stuff going on
12 in your life as well?

13 A Right.

14 Q And if you had any problems, you would comfortable
15 talking to her?

16 A Like I said, it depends.

17 Q It depends. Well, you testified at preliminary
18 hearing that if you had any problems, you were comfortable
19 talking to her, right?

20 A Yes.

21 Q But you're saying something different today?

22 A Yeah.

23 Q Okay. Now, with Tails, did you also have a close
24 relationship with him?

25 A Not really.

1 Q Not really? So would you have any problem telling
2 him about stuff that's going on in your life?

3 A I don't know.

4 Q You don't know?

5 A Depends.

6 Q It depends. Depends on what?

7 A What it is.

8 Q Okay. If it's something upsetting?

9 A I'm not sure.

10 Q You're not sure if you would talk to him about it?

11 A I'm not sure.

12 Q Okay. How about with Ryan, did you have a close
13 relationship with him?

14 A Yes.

15 Q I mean, you would go visit him at his house, right?

16 A Yes.

17 Q And Tails as well?

18 A Yes.

19 Q And Anita?

20 A Yes.

21 Q For years?

22 A Yes.

23 Q To play and hang out, right?

24 A Right.

25 Q Okay. And you would go almost every weekend, right?

1 A Right.

2 Q Okay. You had a close relationship with Ryan as
3 well?

4 A Right.

5 Q And you had a relationship where you could talk to
6 each other?

7 A Yes.

8 Q Okay. And if you had any problems, you would be
9 comfortable talking to him, right?

10 A I guess.

11 Q You guess? Well, you testified at preliminary
12 hearing you did. Is that right?

13 A Yeah, I guess.

14 Q You don't remember?

15 A I don't know.

16 Q You don't know? How about with Tamara? Did you
17 have a close relationship with her?

18 A No, not really.

19 Q Not really. Okay. And you testified at preliminary
20 hearing that you had a close relationship with her. Is that
21 right?

22 A Yeah.

23 Q Okay. And you feel you can talk to her?

24 A Yeah, I guess.

25 Q You can tell her when things are upsetting?

1 A I guess.

2 Q Now, she's older than you, right?

3 A Yes.

4 Q And so is Anita?

5 A Yes.

6 Q Tails?

7 A Yes.

8 Q Ryan?

9 A Yes.

10 Q So you kind of look up to them a little bit?

11 A I don't know.

12 Q You're not sure? Okay.

13 So you said that you would go over and visit my client,

14 Chris, and Terrie at their house, right?

15 A Right.

16 Q Almost every weekend?

17 A Um-h'm.

18 Q Is that a yes --

19 A Yes.

20 Q -- or no?

21 A Yes.

22 Q Okay. Terrie would pick you up?

23 A Yes.

24 Q From your grandparents' house, right?

25 A Yes.

1 Q That's where you lived?

2 A Yeah.

3 Q Sometimes Tamara would go with you?

4 A Yeah.

5 Q You would sleep over on the weekend?

6 A Yes.

7 Q And then Terrie would take you back home, right?

8 A Yes.

9 Q And you would talk with your mom afterwards about

10 what you guys did over the weekend?

11 A I guess so.

12 Q Well, you testified at preliminary hearing, when you

13 were under oath, that you did. Is that right?

14 A I don't know.

15 Q Would it help you remember if I showed you a copy of

16 the transcript?

17 A Yeah, I guess.

18 Q All right.

19 MR. LOPEZ-NEGRETE: May I approach the witness,

20 Your Honor?

21 THE COURT: Yes.

22 BY LOPEZ-NEGRETE:

23 Q Okay. Erin, I'm showing you the preliminary hearing

24 transcript. Just go ahead and read that to yourself, this

25 page, 70, and tell me when you're done.

1 A Okay. Okay.

2 Q Are you done reading that?

3 A Yeah.

4 Q Did that help you remember how you testified before?

5 A Yeah.

6 Q And you testified that when you saw your mom again,
7 after coming home from Chris and Terrie's, that you would
8 talk about what happened and what you guys were doing over
9 the weekend.

10 A Yes.

11 Q You testified like that before, right?

12 A Yes.

13 Q So it's true?

14 A Yes.

15 Q Okay. Now, it made you uncomfortable when Chris
16 touched you that first time, right?

17 A Yes.

18 Q That wasn't normal?

19 A Can you explain again? What?

20 Q It made you uncomfortable, right?

21 A Yes.

22 Q So it wasn't normal for that to happen?

23 THE COURT: Is that a question?

24 MR. LOPEZ-NEGRETE: Yes.

25 //

1 BY LOPEZ-NEGRETE:

2 Q Was it normal for you to have him touch you like
3 that?

4 A Well, I was young, I didn't know.

5 Q Had anyone else touched you like that?

6 MS. SUDANO: Objection, Your Honor.

7 THE COURT: Sustained.

8 MS. SUDANO: Relevance.

9 BY LOPEZ-NEGRETE:

10 Q All right. So you felt uncomfortable, right?

11 A Yes.

12 Q Didn't want him to do it again?

13 A Right.

14 Q Okay. And there were actually a few years that your
15 families didn't talk, right?

16 A I don't know. I don't -- I don't know the time.

17 Q Was there a time when they didn't talk?

18 A Yes.

19 Q Okay. And you stopped going over to Chris and
20 Terrie's, right?

21 A Yes.

22 Q Okay. And there were also times when you actually
23 wanted to go over to Chris and Terrie's, but your mom or
24 Terrie wouldn't let you.

25 A Yes.

1 Q And that's even though when you we want over there,
2 you expected Chris would touch you?

3 A I don't know.

4 Q Well, you testified at preliminary hearing that when
5 you went over there, you expected Chris would touch you,
6 right?

7 A Yeah.

8 Q Are you not sure? You're kind of -- are you sure?

9 A Yeah, I guess so.

10 Q You guess so? Do you remember?

11 A No.

12 Q You don't remember? Would it help you remember if I
13 showed you a copy of the transcript from your prior
14 testimony?

15 A Yes.

16 MR. LOPEZ-NEGRETTE: May I approach the witness?

17 THE COURT: Yes.

18 MR. LOPEZ-NEGRETTE: Page 62.

19 BY LOPEZ-NEGRETTE:

20 Q Okay. I'm showing you the preliminary hearing
21 transcript. Go ahead and read that to yourself and tell me
22 if that helps you remember.

23 A (Witness reading). Okay.

24 Q Did that help you remember your testimony from
25 before?

1 A Yes.

2 Q Is okay. And so then you testified to the question,
3 Did there ever come a time where you just kind of used to it
4 happening? You said, yes.

5 A Yes.

6 Q Okay. And so you actually did expect it to happen?

7 A Yes.

8 Q To get touched like that?

9 A Yeah.

10 Q Okay. And you said that today, testified that the
11 first time you told anyone about this was when the case was
12 happening; is that right?

13 A Yes.

14 Q Okay. And so Chris was already in jail at that
15 point?

16 A Yes.

17 Q Okay. Now, you also spoke with -- before you
18 testified, you spoke with police, right?

19 A Yes.

20 Q Okay. And even though you weren't in court,
21 obviously, you wanted to tell the police officer the truth,
22 right?

23 A Yes.

24 Q Because something bad happened to you?

25 A Yes.

1 Q And you want them to know about that?

2 A Yeah.

3 Q Okay. And you told the officer that the first

4 person you told about this was your mom?

5 A Yes.

6 Q Is that right?

7 A Yeah.

8 Q That was the truth?

9 A Yes.

10 Q Okay. Because you actually testified to something

11 differently -- different when you testified at the

12 preliminary hearing, the last time you were in court. Do you

13 remember that?

14 A No.

15 Q You told the Court that the first person you told

16 about this touching wasn't your mom, it was the detective,

17 right?

18 A Yes.

19 Q Do you remember that? Are you unsure?

20 A Yeah.

21 Q You do remember testifying in court that the first

22 person you told was the detective?

23 A Yeah, but I told them the same day, so --

24 Q You told both people the same day?

25 A Yes.

1 Q Okay. But you can only tell one person first,
2 right?
3 A Right.
4 Q Okay. And you testified that it was the detective,
5 right?
6 A Right.
7 Q But then when you talked to the detective, you told
8 -- or the police officer that it was your mom first, right?
9 A Okay.
10 Q So who was the first person you told?
11 A I don't remember.
12 Q You don't remember? Okay.
13 And I also wanted to ask you about when he was touching
14 you, you said that he was touching around your vagina, right?
15 A Yes.
16 Q And that he was -- what was he doing exactly with
17 his hand on your vagina?
18 A Rubbing my vagina.
19 Q Okay. And today you told us that his finger went
20 inside the lips?
21 A Yes.
22 Q That's when the DA was asking you questions just a
23 few minutes ago, right?
24 A Yes.
25 Q Okay. When you testified before, you said that no,

1 his hands or fingers never went between the lips. Is that
2 right?

3 A Yeah.

4 Q So you were under oath before, and you said
5 something completely different?

6 A Well, that's what I -- I believed. I don't know, I
7 don't really remember.

8 Q You don't remember?

9 A I don't know.

10 Q You're not sure?

11 A No.

12 Q Okay. Now, you know how to answer a question in
13 saying you don't remember, right?

14 A Yes.

15 MS. SUDANO: I'm going to object as to
16 argumentative at this point.

17 THE COURT: Overruled.

18 BY LOPEZ-NEGRETTE:

19 Q And at the preliminary hearing there were lot was
20 things you didn't remember?

21 A Yes.

22 Q And you told the Court when you didn't remember
23 something.

24 A Yes.

25 Q And today when the DA was asking you questions, you

1 would answer if you didn't remember. You would say, I don't
2 remember.

3 A Yes.

4 Q Okay. When the DA was asking you back at the
5 preliminary hearing before, your answer wasn't I don't
6 remember, was it?

7 A No.

8 Q Your answer was, no, his hands or fingers did not go
9 between the lips, right?

10 A Yeah.

11 Q And the DA asked a follow-up question if his hands
12 or fingers stayed on the outside, right?

13 A Yes.

14 Q And your answer was, yes, right?

15 A Yes.

16 Q Your answer wasn't, I don't remember.

17 A Okay.

18 Q Was it?

19 A No.

20 Q Your answer wasn't, I don't know.

21 A No.

22 Q And your answer wasn't, they did go inside the lips.

23 A Can you repeat the question?

24 Q You didn't say that the fingers went inside the lips
25 when you testified before.

1 A No.

2 Q But that's what you're saying today?

3 A Yes.

4 Q That's totally different.

5 A Yes.

6 Q Okay.

7 MR. LOPEZ-NEGRETTE: Court's indulgence. We'll pass

8 the witness.

9 THE COURT: Any redirect?

10 MS. SUDANO: Yes. Thank you, Your Honor.

11 THE COURT: Do you have any questions?

12 MS. SUDANO: Yes. I apologize, Your Honor.

13 THE COURT: Okay.

14 REDIRECT EXAMINATION

15 BY MS. SUDANO:

16 Q So Erin, you were asked questions about the time

17 that you talked to the detectives; is that right?

18 A Yes.

19 Q Okay. And you said you were 13 when that happened,

20 right?

21 A Yes.

22 Q If I told you it was December of 2014, right before

23 your birthday, would you have any reason to dispute that?

24 A No.

25 Q Do you remember when it was that you testified at

1 the defendant's hearing in this case before?

2 A No.

3 Q If I told you it was August of 2015, would you have
4 any reason to dispute that?

5 A No.

6 Q Okay. So that first incident -- or the first
7 interview, December of 2014, that was more than four years
8 ago at this point?

9 A Right.

10 Q Okay. And then August of 2015, that other hearing,
11 at this point, it's -- that was, what, three and a half years
12 ago?

13 A Yes.

14 Q Okay. And at both of those times, you were talking
15 about things that had happened when you were even younger; is
16 that right?

17 A Right.

18 Q Things that were in fifth grade, sixth grade, and
19 seventh grade, right?

20 A Right.

21 Q All right. Are those things that are easy for you
22 to remember?

23 A Not really.

24 Q Okay. Are there things that you want to remember?

25 A Not really.

1 Q Why don't you want to remember them?

2 A Because they're depressing.

3 Q Okay. Do you think that your memory was better back

4 in 2015 than it is now or do you think your memory's better

5 now?

6 A I think it was better back then.

7 Q Okay. And is that just because it was, you know, it

8 was closer in time to when these things happened?

9 A Yes.

10 Q Okay. And you were asked some questions about what

11 you had said at the preliminary hearing the last time that

12 you testified in this case; do you remember?

13 A Right.

14 Q You were asked a question about where the

15 defendant's hands went when they touched your vagina; do you

16 recall that?

17 A Right.

18 Q Okay. And you said at that time that his hands or

19 fingers would stay on the outside of your vagina; do you

20 remember that?

21 A Right.

22 Q Do you think your memory was better then or do you

23 think your memory's better now?

24 A I'm not sure.

25 Q Okay. When you talked about these things in 2015,

1 that was obviously, closer to when it happened; is that
2 right?

3 A Right.

4 Q All right. When you were testifying in 2015, were
5 you trying to say things that were wrong?

6 A No.

7 Q Are you trying to say things that are wrong now?

8 A No.

9 Q Are you trying -- did you try to say things that
10 were wrong when you talked to the detective?

11 A No.

12 Q Were you trying to provide the best information that
13 you could all the times?

14 A Yes.

15 Q As best as you remember?

16 A Yes.

17 MS. SUDANO: Court's indulgence.

18 BY MS. SUDANO:

19 Q So I want to talk a little bit about the first time
20 that you went and talked to the detective in this case. We
21 said it was December of 2014.

22 Do you remember the circumstances of how it was that
23 you went and talked to the detective?

24 A Can you repeat the question?

25 Q Did you tell your mom and your mom said, hey, we

1 need to go talk to the detective?

2 A I don't believe so.

3 Q Okay. What happened that caused you to go talk to
4 the detective?

5 A I don't remember.

6 Q Okay. Did the detective reach out to you or reach
7 out to your mom?

8 A I believe so.

9 Q Okay.

10 A But I don't know for sure.

11 Q When you we want to talk to the detective, were you
12 even really sure what you were talking to the detective
13 about?

14 A Yes.

15 Q Do you remember -- or I'm saying the detective, but
16 the person that was associated with the detective, the person
17 that interviewed you, do you remember telling her that you
18 didn't really know why you were there?

19 A I don't remember.

20 Q Okay. Do you remember telling her that you had
21 heard that they found something?

22 A I don't think so.

23 Q Okay. Would looking at that statement refresh your
24 memory as to whether or not you told her that?

25 A Yes.

1 Q Okay.

2 MS. SUDANO: May I approach, Your Honor?

3 THE COURT: Yes.

4 MS. SUDANO: Page 26.

5 BY MS. SUDANO:

6 Q So I'm showing you the first page of this. Does
7 that appear to be your statement?

8 A Yes.

9 Q Okay. And what's the date on that?

10 A December 1, 2014.

11 Q So I'm going to flip it to page 26. If you can just
12 read that to yourself.

13 A Okay.

14 Q Did that help your memory?

15 A Yes.

16 Q So did you tell the interviewer that you didn't
17 really know why you were there?

18 A Yes.

19 Q Okay. And that you just heard that you guys found
20 something?

21 A Yes.

22 Q What were you referring to?

23 A A picture.

24 Q Okay. Was that -- all right.

25 Now, do you remember whether you talked to your mom

1 about that before you went to talk to the interviewer?

2 A I'm not sure.

3 Q Okay. So obviously, it was -- well, was your mom

4 the one that took you over there?

5 A Yes.

6 Q So obviously, your mom knew something was going on

7 because she had to take you to the interview, right?

8 A Right.

9 Q Do you remember if you specifically told her what

10 happened before or if you waited until after?

11 A I'm not sure.

12 Q Okay. But it's your memory today that you talked to

13 your mom the same day that you had that interview; is that

14 right?

15 A Yes.

16 Q You just don't remember which happened first and

17 which happened later in that day?

18 A Yes.

19 Q Okay. So if you told the interviewer that your mom

20 was the first person you told, then you had to tell your mom

21 before that interview, right?

22 A Right.

23 Q Because you can't tell the interviewer about

24 something that hasn't happened yet, right?

25 A Right.

1 Q Okay. But it would have been that same exact day
2 that you told everybody?

3 A That I told my mom, yes.

4 Q Okay.

5 MS. SUDANO: Thank you, Your Honor. Nothing
6 further.

7 THE COURT: Any rerecross?

8 MR. LOPEZ-NEGRETTE: Court's indulgence. No, thank
9 you. No questions.

10 THE COURT: Okay. All right. So are we done with
11 Erin? Erin, thank you so much for your testimony. You can
12 step down. You're excused.

13 THE WITNESS: Okay.

14 THE COURT: Okay. Ladies and gentlemen, we're
15 going to take our evening recess at this time. Thank you for
16 holding in with me there.

17 So you're admonished not to converse amongst
18 yourself or with anyone else on any subject connected with
19 this trial, or read, watch, or listen to any report or
20 commentary on the trial by any person connected with this
21 case, or by any medium of information including, without
22 limitation, newspapers, television, Internet, or radio or,
23 form or express any opinion on any subject connected with
24 this case until the case is finally submitted to you.

25 We'll get started tomorrow at 11:00 o'clock. I'm

1 going to ask that you eat lunch again before you come
2 tomorrow. Okay?

3 We'll see you tomorrow. You have a good evening.
4 We'll be at ease while the jury exits the courtroom.

5 (Jury recessed at 5:30 P.M.)

6 THE COURT: Okay. We're outside the presence of
7 the jury. Before we take our evening recess, do you need to
8 put anything on the record?

9 MR. LOPEZ-NEGRETTE: No, Your Honor.

10 MR. SWEETIN: Not from the State.

11 THE COURT: All right. Before we get started
12 tomorrow by 11:00, I'm going to ask that the transport
13 officers please have him fed before you bring him back --

14 THE CORRECTIONS OFFICER: Yes, sir.

15 THE COURT: -- tomorrow before 11:00. Okay?

16 THE CORRECTIONS OFFICER: Yes, sir.

17 THE COURT: All right. Now, I was told yesterday
18 that somehow something was brought to him here, and he had to
19 eat it right here during one of our breaks.

20 If you can, I'd like to see if you can have him fed
21 before he's brought up at 11:00 o'clock, if that's a
22 possibility.

23 THE CORRECTIONS OFFICER: Yes.

24 THE COURT: Okay?

25 THE CORRECTIONS OFFICER: Yes.

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CHRISTOPHER SENA,) No. 79036
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 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 20 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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BY /s/ Carrie Connolly
Employee, Clark County Public Defender's Office