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Respondent.

Electronically Filed
May 20 2020 01:32 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Docket 79036 Document 2020-19245

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CHRISTOPHER SENA
Case No. 79036

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1 THE COURT: All right.

2 THE CORRECTIONS OFFICER: I will make sure it

3 happens.

4 THE COURT: Okay. How -- be ready to go. We'll go

5 until 5:00 again tomorrow. Okay? And we're going to just

6 take breaks in the middle. I'm not going to give lunch.

7 MR. SWEETIN: Okay.

8 THE COURT: Okay. All right.

9 MS. RADOSTA: Thank you, Your Honor.

10 THE COURT: Well, have a good evening, everybody.

11 Okay.

12 THE COURT RECORDER: Going off.

13 THE COURT: We're off the record.

14 * * * * *

15 (Court recessed at 5:31 P.M., until Wednesday,

16 February 6, 2019, at 11:06 A.M.)

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WITNESSES

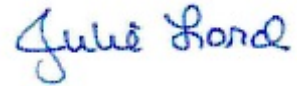
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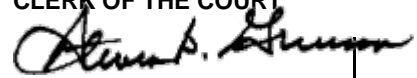
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ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual proceedings in the above-entitled case to the best of my ability.



JULIE LORD, TRANSCRIBER
VERBATIM DIGITAL REPORTING, LLC



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	CASE NO. C-15-311453-1
)	
Plaintiff,)	DEPT. NO. XIX
)	
v.)	
)	
CHRISTOPHER SENA,)	
)	
Defendant.)	
_____)	

BEFORE THE HONORABLE WILLIAM D. KEPHART, DISTRICT COURT JUDGE

WEDNESDAY, FEBRUARY 6, 2019

**RECORDER'S TRANSCRIPT OF HEARING
JURY TRIAL - DAY 8**

APPEARANCES:

FOR THE STATE:	JAMES R. SWEETIN, ESQ. Chief Deputy District Attorney
	MICHELLE L. SUDANO, ESQ. Deputy District Attorney
FOR THE DEFENDANT:	VIOLET R. RADOSTA, ESQ. DAVID E. LOPEZ-NEGRETE, ESQ. Deputy Public Defenders

RECORDED BY: CHRISTINE ERICKSON, COURT RECORDER
TRANSCRIBED BY: VERBATIM DIGITAL REPORTING, LLC

1 LAS VEGAS, NEVADA, WEDNESDAY, FEBRUARY 6, 2019

2 [Case called at 11:06 A.M.]

3 (Outside the presence of the jury.)

4 (Pause in the proceedings)

5 THE COURT: We're on the record in Case No. C-
6 311453, State of Nevada versus Christopher Sena. I'd like
7 the record to reflect the presence of the defendant, his
8 counsel, as well as the State, and their counsel.

9 We're outside the presence of the jury. Is there
10 anything that needs to be put on the record before we get
11 started?

12 MR. SWEETIN: Not from the State.

13 MS. RADOSTA: Yeah, we have --

14 MR. LOPEZ-NEGRETTE: Yes, Your Honor.

15 MS. RADOSTA: -- we have some things, Your Honor.

16 THE COURT: Okay.

17 MS. RADOSTA: We are expecting today the State to
18 call Melissa Clark and Tamara Grisham, and we have a couple
19 issues that we wanted to address before they testified.

20 I'm going to address one of them, and Mr. Negrete's
21 going to address the other one.

22 Regarding Melissa Clark --

23 THE COURT: Okay.

24 MS. RADOSTA: The Court had previously -- the State
25 had previously requested that there be some bad acts admitted

1 regarding Melissa Clark. In our opposition to the State's
2 motion, we had asked at the very least that there be a actual
3 Petrocelli hearing regarding the allegations of Melissa's bad
4 acts, that there actually be a live witness, Melissa, come
5 into court, testify about the alleged bad acts.

6 In State's filing, they did provide the Court with
7 her Preliminary Hearing transcript and her statement to
8 police. We argued the basis of the motion. I renewed my
9 objection, and asked for an actual hearing, and it's my
10 understanding and my recollection that the Court said you
11 reviewed what was given to you, and you ruled on the
12 admissibility of the bad acts.

13 So at this point in time, for the record, Your
14 Honor, we're renewing our objection to any bad acts regarding
15 Melissa coming in because we did not have any actual -- we
16 didn't actually have a Petrocelli hearing. We were not
17 allowed to cross-examine her about these particular issues.

18 Although, she was subject to cross-examination at
19 the preliminary hearing, the bad acts at that point in time
20 were not part of the case. The State filed their bad acts
21 motion in District Court, not in Justice Court. So we did
22 not cross-examine her about bad acts at the preliminary
23 hearing.

24 So at this point in time, we are just -- we are
25 renewing our objection to bad acts because there was not a

1 Petrocelli hearing held.

2 THE COURT: Mr. Sweetin, Ms. Sudano. Okay.

3 MR. SWEETIN: And, Judge, in this case, I believe
4 the evidence is coming in pursuant to 48.045, paragraph 3 in
5 which a Petrocelli hearing is not required.

6 Beyond that, the State would submit that a
7 Petrocelli hearing is not always required, even under 48.045,
8 paragraph 2, in cases where there's a factual basis that has
9 been laid.

10 The State submits that in this particular case, an
11 evidentiary hearing is not necessary. The Court has ruled on
12 the evidence coming in, and we would submit it on that.

13 THE COURT: Okay.

14 MS. RADOSTA: I -- just for the record, I don't
15 think that there was anything in 48.045, Subsection 3 that
16 says that the Petrocelli is no longer necessary.

17 THE COURT: Well, the Franks case does. The Franks
18 decision, a recent Supreme Court decision is that if you --
19 if it's found to be admissible under subsection (3), there's
20 no requirement for a --

21 MS. RADOSTA: There is no requirement, but in some
22 cases it is still allowable and necessary. And in this
23 particular situation, Your Honor --

24 THE COURT: Well, there's a difference between
25 allowable and necessary. The statute, even under the

1 statute, the Court has to make a determination that the
2 evidence can be proven by clear and convincing evidence --

3 MS. RADOSTA: Um-h'm.

4 THE COURT: -- before it's admissible.

5 Based on what was presented to the Court, I made
6 that determination that it was clear and convincing to the
7 Court, that it didn't need any additional hearing to
8 establish whether or not the State could present that by
9 clear and convincing evidence, and that was why decision.

10 MS. RADOSTA: And so then, for the record, Your
11 Honor, in light of the fact that the only offering by the --
12 by the State as to what the alleged bad acts are from Melissa
13 Clark is in their moving documents. And so we would ask that
14 State be limited to what they offered in their motion, which
15 is that there was an alleged incident when she was 10 or 11
16 years old when -- according to Melissa, Mr. Sena exposed his
17 penis to her, that he had said that there was a special bond
18 with her that should only be between them.

19 But there was -- just to be clear, there was one
20 alleged incident when she was 10 or 11 years old of some type
21 of touching between herself and Mr. Sena, and then there was
22 a second incident when she was 15 or 16 years old when there
23 was an incident of anal intercourse, and a third alleged
24 incident where -- when, again, she was allegedly 15 or 16
25 years old, and it was an incident of -- I'm sorry, another

1 incident of anal intercourse where there was -- he had pushed
2 her up against the wall instead of being in a horizontal
3 position.

4 That's what was offered in the State's moving
5 papers, Your Honor, and that's what we would ask that they be
6 limited to with the testimony of Melissa Clark today.

7 THE COURT: Okay.

8 MR. SWEETIN: And, Judge, the moving papers make
9 reference to a course of conduct under which Melissa was
10 initially basically brought to the defendant and developed a
11 relationship with the defendant, which gravitated into photos
12 being taken of her by the defendant in the nude. Also,
13 photos being taken of her and her sister in the nude. Also,
14 photos being taken of all of three of them in the nude
15 participating in sexual conduct.

16 Along the way, the defendant had a system of, the
17 State would submit, grooming, in which he engaged in various
18 sexual acts. That's what the State would be looking
19 eliciting in this case.

20 And I believe the moving papers make clear that
21 this is essentially is the course that we're talking about.

22 THE COURT: Okay.

23 MS. RADOSTA: In the State's -- I'm literally
24 reading right from the State's motion. It's regarding
25 Melissa. It's four paragraphs long. The first paragraph is

1 that there was -- that when she disclosed, which was December
2 1st. The second paragraph is the issue -- incident when she
3 was allegedly 10 or 11. The third paragraph is the incident
4 when she was allegedly 15 or 16, the first incident of
5 alleged anal intercourse, and the fourth paragraph is the
6 third incident.

7 THE COURT: Okay.

8 MS. RADOSTA: I don't dispute the fact --

9 THE COURT: You're talking about the incident the
10 three incidents that they talk about?

11 MS. RADOSTA: Yes.

12 THE COURT: Okay.

13 MS. RADOSTA: I don't dispute the fact that the
14 State also has counts. I think one count, I believe. It's a
15 count 120 actually deals with Melissa Clark, and it does deal
16 with photographs.

17 But what they asked the Court to admit as a bad act
18 were those three alleged incidents. And that's what the
19 Court ruled on. That's what the Court said was admissible.

20 THE COURT: Okay. You're not looking to put
21 something additional in, are you?

22 MR. SWEETIN: Judge, no. We were just --

23 THE COURT: Okay.

24 MR. SWEETIN: -- looking at the whole course of
25 conduct, which would include the defendant taking photographs

1 of Melissa, as well as taking photographs of the Melissa and
2 Deborah and all three of them together. And along the way,
3 the defendant commits very specific acts of sexual
4 penetration. That's what the State's looking to get into.

5 I don't know how you get to the fact that the child
6 is engaging in pictures or engaging in these sexual acts
7 without showing the whole story of how that relationship was,
8 in fact, developed.

9 And in this case, the beginning by taking pictures
10 and the course of conduct, which allowed him to gain access
11 or sexually penetrate her, the State submits, is essential to
12 understanding how that actually happened.

13 THE COURT: Oh, I know, but they're talking about
14 the three different acts that you talked about in your moving
15 papers. I think that that's all you're talking about, right,
16 other than what's depicted in the photographs? The
17 photographs will stand for themselves, so --

18 MR. SWEETIN: No, that's correct. These are the
19 only acts of --

20 THE COURT: Okay.

21 MR. SWEETIN: -- sexual penetration.

22 THE COURT: All right.

23 MR. SWEETIN: We will elicit testimony of the
24 course and conduct of him beginning by taking pictures, which
25 many of which are charged --

1 THE COURT: Okay.

2 MR. SWEETIN: -- in the course of this, which leads
3 up to, in fact, the acts of penetration.

4 THE COURT: Okay.

5 MS. RADOSTA: And I just want to make sure that
6 we're clear. The term course of conduct, Your Honor, is of a
7 concern to the defense because that -- I mean, if you're just
8 going to say was this photograph taken, was this photograph
9 taken, is this a photograph of you, that's one thing.

10 If it is, and then how did he do this and what did
11 he say to you and all of these other things that were not
12 offered in their bad acts motion --

13 THE COURT: Well, a lot of things may --

14 MS. RADOSTA: -- it paints --

15 THE COURT: -- not be bad acts. Other things that
16 he said.

17 MS. RADOSTA: Taking photographs --

18 THE COURT: Well, yeah, I'd like you to do this,
19 this, this, and this and take pictures of you, and they show
20 those pictures, the statements that he's making about how you
21 set up to do that would not necessarily be a bad act if he's
22 got a photograph of it.

23 MS. RADOSTA: If she is -- if -- if he is actually
24 -- depending on her age, which in this particular situation
25 we have an allegation here she's as young as 10 or 11 years

1 old --

2 THE COURT: Um-h'm.

3 MS. RADOSTA: -- and he is -- and I believe the
4 word that came out of Mr. Sweetin's mouth was grooming
5 conduct --

6 THE COURT: Uh-huh.

7 MS. RADOSTA: -- Your Honor, that is not what was
8 offered. That is --

9 THE COURT: Okay.

10 MS. RADOSTA: -- not what they asked to be admitted
11 as a bad act. That's a whole different -- that's a whole
12 different bad act if there's a -- however many days, months,
13 years of him, quote/unquote, "grooming" her, that is a bad
14 act, Your Honor, of his behavior that they are trying to use
15 against him during the course of this trial.

16 MR. SWEETIN: And the State submits that clearly
17 the motion that we have here encompasses presenting evidence
18 of the sexual penetration. The defendant is charged with
19 taking photos. In the course of the proof that the defendant
20 -- that the State is going to be presenting, we are merely
21 going to connect the two together, and through that process,
22 we are going to talk about the fact that he began taking
23 pictures, and that transitioned into taking pictures of not
24 only our victim but other individuals, and then ultimately it
25 transitioned into the sexual acts that we've made mention of.

1 THE COURT: I know, but when they're talking
2 grooming, what -- are you getting into something to the
3 extent that how he was leading into this other than what you
4 just said there, how it leads up to -- I mean, that's what --

5 MR. SWEETIN: No. No, the State's position is that
6 this -- you need this whole -- all of this to come together
7 in order to understand, you know, ultimately how he gets to
8 the point of doing the things that we've talked about here
9 because it leads up to it.

10 Many of which we have charged. We've got some of
11 the pictures that are taken that we've already got charged.
12 And that is what the State expects to elicit.

13 THE COURT: Okay.

14 MR. SWEETIN: That's --

15 THE COURT: So you're saying that the whole
16 statement with regards to how he got to the point where he
17 was anally penetrating her?

18 MR. SWEETIN: Yeah, it --

19 THE COURT: Is that what you're saying?

20 MR. SWEETIN: It starts off with the photos that
21 were --

22 THE COURT: Okay.

23 MR. SWEETIN: -- taken, many of which we have
24 charged. And then it gets to the anal penetration.

25 THE COURT: So, Ms. Radosta, I mean, is the

1 position you're taking is that other than what -- I mean, you
2 don't agree with this, I know you don't agree with any of it
3 coming in, you don't want the jury to hear anything about
4 what he did with Melissa, but I've already made my decision.

5 MS. RADOSTA: Right.

6 THE COURT: Is your position that you say, well,
7 they're allowed to know about one time, but not anything that
8 gets her -- or what she can remember that led him -- led her
9 to the point where he got to the anal penetration? Is that
10 what you're saying?

11 MS. RADOSTA: In light of the fact -- Your Honor --

12 THE COURT: Is -- but is that a culmination of it?

13 MS. RADOSTA: It may be a way for State to tell
14 what they want to tell. But we are in a position, Your
15 Honor, where we were not able to cross-examine Melissa about
16 any of this because it was not brought up at preliminary
17 hearing.

18 We are kind of flying in the dark here, Your Honor,
19 about what State's really about to offer regarding anything
20 other than what's in their moving papers. I actually don't
21 know what he's referring to grooming conduct of Melissa, I
22 don't exactly know what's going to come out of Melissa's
23 mouth.

24 That's why we are -- that's part of the reason why
25 we are --

1 THE COURT: All right.

2 MS. RADOSTA: -- objecting to this because --

3 THE COURT: I --

4 MS. RADOSTA: -- it was not in their moving papers.

5 THE COURT: -- granted it -- I granted it to the

6 extent of the previous motion. If you are of the opinion

7 that they're getting into a portion that's not part of the

8 previous motion, object.

9 MS. RADOSTA: Okay.

10 THE COURT: And we'll discuss it.

11 MS. RADOSTA: All right.

12 THE COURT: But at this point in time, I think the

13 State knows where their limits are.

14 MS. RADOSTA: Okay.

15 THE COURT: And it's not just full blown. I mean,

16 it's not just full -- you don't just have carte blanche. You

17 are subject and you are limited to the information that you

18 provided and the Court had granted for purposes of bad acts.

19 So, all right. Okay. Get -- now, how about

20 Tamara?

21 MR. LOPEZ-NEGRETTE: For Tamara, Your Honor, in her

22 statement to police, obviously she'll testify about getting

23 showered, et cetera. But -- and that's a part of the actual

24 Amended Information.

25 But in her statements to police, she talks about a

1 couple different things that concern me. One was she told
2 the detective that sometimes Chris would do sexual things to
3 Terrie or have Deborah in front of them, meaning, her or any
4 of the other children.

5 And so there is statements about that. And there's
6 also, along that -- close to that discussion with the
7 detective, there's also an incident that Tamara discusses
8 where she witnessed our client allegedly kicking or pushing
9 Anita down on the ground because she wasn't doing something
10 the way he wanted her to do.

11 THE COURT: Okay.

12 MR. LOPEZ-NEGRETTE: So this is all, from my
13 position, act of child abuse, and obviously, with the sexual
14 touching could be an open or gross lewdness. These are all
15 uncharged bad acts that are not part of --

16 THE COURT: Yeah, but haven't we heard the
17 testimony from Anita herself in regards to the extent of
18 violence that was alleged on her? And we've heard from Anita
19 -- I haven't heard from everyone else, but we heard from
20 Anita that -- I mean, not Anita. We heard from -- I believe
21 we're going to hear from some other witnesses that talk about
22 what Tamara witnessed would have occurred. So how -- I
23 mean --

24 MR. LOPEZ-NEGRETTE: She -- Anita did not describe
25 this particular incident that Tamara is describing at all.

1 That's definitely not part of her testimony up until this
2 point.

3 THE COURT: No, but she did say -- she said that he
4 did all kinds of things to me. He beat me down, he --

5 MR. LOPEZ-NEGRETE: That's --

6 THE COURT: -- pushed me down, he -- he slapped me,
7 he backhanded me, he'd done all kinds of things to me.

8 So did you specifically ask were you present where
9 Tamara would have seen you get pushed down or whatever? I
10 mean, there's a part where she gets pushed down the steps of
11 the trailer or whatever, and he supposedly made some
12 statement to her, calling her stupid for not knowing what she
13 was doing or not paying attention to what she's doing.

14 MR. LOPEZ-NEGRETE: Sure.

15 THE COURT: I don't know if that's what they're
16 talking about.

17 MR. LOPEZ-NEGRETE: I don't know.

18 THE COURT: I don't know.

19 MR. LOPEZ-NEGRETE: Because I don't remember Anita
20 describing the incident that Tamara talks about, right? And
21 it's not like we're going to get up there and try to elicit
22 something to then try to discredit her --

23 THE COURT: Okay.

24 MR. LOPEZ-NEGRETE: -- on her own.

25 THE COURT: Yeah, but isn't this all part of the

1 whole story here?

2 MR. LOPEZ-NEGRETE: I don't --

3 THE COURT: It's the whole story.

4 MR. LOPEZ-NEGRETE: It's not part of what the
5 State --

6 THE COURT: The claim is from age 11 until they
7 left the house at 23 years old or 22 years old or whatever
8 age, that he was --

9 MR. LOPEZ-NEGRETE: That's her story. That's
10 Anita's story, right?

11 THE COURT: I know.

12 MR. LOPEZ-NEGRETE: But we're talking about Tamara,
13 another witness coming in and testifying.

14 THE COURT: That witnessed him do something to
15 Anita.

16 MR. LOPEZ-NEGRETE: Right, right. And that was an
17 uncharged bad act, and it's not part of the --

18 THE COURT: I --

19 MR. LOPEZ-NEGRETE: It's not. It's not anywhere in
20 the Information. This idea that he kicked her over when she
21 was on the grass or something like that, that's not anywhere
22 in the information.

23 THE COURT: I know, but there's a tremendous amount
24 of testimony from her talking about the domestic violence
25 that was acted upon her by your client.

1 MR. LOPEZ-NEGRETTE: Right.

2 THE COURT: You can sit down, by the way. Go
3 ahead, sit down.

4 MR. LOPEZ-NEGRETTE: Right.

5 THE COURT: And so how is it not just continuation
6 of somebody witnessing that type of behavior towards her?

7 MR. LOPEZ-NEGRETTE: Because there's -- Your Honor,
8 I don't think there's a specific rule that says if you call
9 it a continuation, then anybody can come in and talk about
10 it.

11 It's something that the State specifically has to
12 elicit to be able to get into, move to admit, right, as part
13 of the motion.

14 And in their motion, which is very long and it
15 covers a lot of different things, they specifically address
16 Tamara, and they talk about her testimony, but there's no
17 mention about trying to admit any incidents of child abuse or
18 domestic violence that our client committed upon anybody
19 else. It's just -- it's not within the four corners of their
20 motion.

21 THE COURT: But doesn't it go -- wouldn't it go to
22 the question -- because you're challenging Anita's
23 credibility.

24 MR. LOPEZ-NEGRETTE: Sure.

25 THE COURT: And when you have another witness that

1 has seen similar acts that she's alleged, how is it -- how
2 are you now claiming this you have to have a motion to admit
3 other -- I mean, if you had ten witnesses that witnesses that
4 crime, but maybe they witness things differently or witnessed
5 something differently, you're saying that anything they
6 witnessed differently, because it's all talking about the
7 same incident, would have to be another bad act? You'd have
8 to do a motion for that? Is that what the position you're
9 saying?

10 MR. LOPEZ-NEGRETTE: I think if Anita had testified
11 about this particular incident on her own, and had said this
12 is what happened to me, then, I guess, they could try to
13 bring in another witness to corroborate that.

14 Now, Anita talking about the incident, that would
15 either be substantiated by a charge as part of the trial that
16 State would have to prove beyond a reasonable doubt, or if
17 it's part of Anita's testimony that it's not part of the
18 charges --

19 THE COURT: Okay.

20 MR. LOPEZ-NEGRETTE: -- it's something that the
21 State would have put in their motion --

22 THE COURT: So the one --

23 MR. LOPEZ-NEGRETTE: -- to amend.

24 THE COURT: -- particular thing you're talking
25 about is about Tamara saying that she saw your client push

1 Anita down?

2 MR. LOPEZ-NEGRETTE: Right. So it's on page 48 of
3 Tamara's statement. She says --

4 THE COURT: Okay.

5 MR. LOPEZ-NEGRETTE: -- "I would see him hit people
6 sometimes."

7 Question, "What do you mean?"

8 Answer, "Anita."

9 And then she goes on to describe, "He got really
10 mad really easily, so, like, this one time Anita was like
11 watering the grass or something, and she was like, winding up
12 the hose, and he was like, no, you need to do that faster and
13 like better. Because, I guess, she was doing it weird or
14 something. Yeah, and she was trying to like wind it, and she
15 would stretch on the floor, like squatting" --

16 THE COURT: Okay.

17 MR. LOPEZ-NEGRETTE: -- "he like kicked her, and he
18 pushed her into the grass."

19 THE COURT: Okay. I think what is admissible,
20 however, is that her description that she's seen him hit
21 people and hit Anita, he would get angry. But the specific
22 incident that you're talking about about pushing in the
23 grass, I'm going to --

24 MR. LOPEZ-NEGRETTE: Well, just for the record --

25 THE COURT: -- grant your motion with that.

1 MR. LOPEZ-NEGRETE: Well, for the record --

2 THE COURT: Because the -- no, I understand, I

3 understand what you're saying. If they have to clarify, if

4 they have to get into what do you mean, what are you talking

5 about, what type of things are you doing, because I think

6 that she could testify that she had witnessed him do things,

7 if they're limiting that -- because you want me to keep that

8 whole thing out that she witnessed your client do things

9 that's totally consistent with what Anita had said.

10 MR. LOPEZ-NEGRETE: I'm just asking that if the

11 State had wanted to get into incidents of child abuse,

12 domestic violence, whatever --

13 THE COURT: They have.

14 MR. LOPEZ-NEGRETE: -- they should have put that --

15 THE COURT: She have.

16 MR. LOPEZ-NEGRETE: -- specifically --

17 MR. SWEETIN: Yes.

18 THE COURT: They've already done it. It's in.

19 MR. LOPEZ-NEGRETE: It's not --

20 THE COURT: It's in.

21 MR. LOPEZ-NEGRETE: Your Honor --

22 THE COURT: It's in, Mr. Negrete.

23 MR. SWEETIN: It's in our motion, Judge.

24 MR. LOPEZ-NEGRETE: Tamara doesn't say that.

25 MR. SWEETIN: In our motion we discuss essentially

1 that we're getting into domestic violence. And when the
2 Court ruled on the motion, you know, the Court's ruling was
3 the domestic violence is clearly relevant here. It's
4 obviously relevant.

5 In this particular case the reason that the
6 defendant maintained access to all of these children was that
7 he was using force, violence against them. And any evidence
8 related to that, the State would submit, comes in.

9 Tamara's going to testify to a whole litany of
10 thing that is she saw around that residence that indicates
11 the defendant's violence to the children, the children's
12 submission to that violence.

13 MR. LOPEZ-NEGRETTE: And so, Your Honor, just for
14 the record, if you look back at the State's motion, page 27,
15 the statement of facts related to the uncharged conduct
16 sought to be admitted.

17 THE COURT: Um-h'm.

18 MR. LOPEZ-NEGRETTE: Subparagraph A, uncharged
19 sexual contact committed upon Brandon and Ryan. B, uncharged
20 sex you mean conduct committed upon Melissa, and photos taken
21 of Melissa by defendant. C, uncharged acts of violence
22 committed upon Deborah and/or Anita and/or Brandon and/or
23 Tails and/or Ryan.

24 And in there Tamara does not come up whatsoever.
25 There's no mention of Tamara witnessing anything on this.

1 THE COURT: But does it say that? It says
2 uncharged conduct of domestic violence committed on Anita,
3 and, I mean, so --

4 MR. LOPEZ-NEGRETE: Right.

5 THE COURT: -- I mean, I don't know how you can
6 limit that because that's the whole -- that's this whole
7 case.

8 MR. LOPEZ-NEGRETE: Your Honor, they should have
9 said and Tamara talked about this --

10 THE COURT: It doesn't --

11 MR. LOPEZ-NEGRETE: -- incident, et cetera, et
12 cetera, et cetera. That's our position that to simply have
13 her come in now and start testifying about these incidents
14 without having specifically put it in their motion,
15 definitely violates our due process rights to be able to
16 cross-examine her on that kind of thing.

17 THE COURT: But you --

18 MR. LOPEZ-NEGRETE: And we think it's prejudicial.

19 THE COURT: -- knew -- you knew about it during the
20 motion. You knew because you had the information, you had
21 all the statements of the witnesses, you knew what could be
22 coming. Any type of domestic violence that was witnessed as
23 a result from your client.

24 MR. LOPEZ-NEGRETE: Your Honor, the word Tamara
25 does not show up anywhere in that paragraph.

1 THE COURT: But it doesn't need to be. The
2 question says domestic violence or acts of violence acted on
3 Anita, acted on Terrie, acted -- I mean, the names --

4 MR. LOPEZ-NEGRETE: Right.

5 THE COURT: -- the names are there.

6 MR. LOPEZ-NEGRETE: And this is the reason --

7 THE COURT: So --

8 MR. LOPEZ-NEGRETE: -- why if we had had a
9 Petrocelli hearing, they could have called Tamara in to
10 testify, and then that would have given us notice, okay,
11 Tamara's one of the witnesses who's going to testify about
12 this. We don't have any of that.

13 MR. SWEETIN: It's part and parcel of the case,
14 Judge. And that was clear in the course of the motion, the
15 State submits. The State's memory is that the Court
16 specifically indicated domestic violence was clearly in the
17 house, so it was clearly relevant in this case and could be
18 admitted.

19 I don't see how you separate it in this case. I
20 think it's part of the whole story, to tell you the truth.
21 But beyond that, the State submits clearly the Court has
22 already ruled on this. Now as the witness is preparing to
23 come in -- not -- not in the months prior to this case did
24 the -- did the defense file a motion to reconsider, did they
25 file any other motions knowing about all this evidence now

1 right before the witness comes in and testifies.

2 Now, they say, oh, well, wait a second. The State
3 submits that the Court's already made its ruling, and the
4 State should be able to present that evidence.

5 MR. LOPEZ-NEGRETE: And Your Honor, just one more
6 thing. When we go back to the hearing on the State's motion,
7 back on September 25, 2017, the Court specifically listed
8 exactly what it reviewed in making its decision. And it does
9 not say that it reviewed Tamara's testimony or even Tamara's
10 statement.

11 So Tamara was never an issue when this motion came
12 up. That's the whole point that we're trying to make. We're
13 saying we don't want to get into it because we never actually
14 went through this in detail, we never litigated this.

15 MR. SWEETIN: And we're not talking about any
16 domestic violence on Tamara, only on the other children that
17 she witnessed.

18 THE COURT: When is she testifying?

19 MR. SWEETIN: We were planning on calling her next.

20 THE COURT: All right. Okay. I'm going to stand
21 by my original ruling.

22 With regards to the specific incident and conduct
23 what you're talking about, I'm going to grant your motion --

24 MR. LOPEZ-NEGRETE: Okay.

25 THE COURT: -- because here's why. Because Anita's

1 had the opportunity to testify. She did, she's testified
2 about numerous acts and things that he's done to her.
3 Specific incidents, if you would have went into, if State
4 would have went into that and specifically asked her to
5 recall whether or not she remembered that, then it would have
6 been -- I would have understood it clearer. I would have
7 denied your motion.

8 But because you hadn't, that specific -- I'm going
9 to grant your motion with that.

10 MR. LOPEZ-NEGRETTE: Thank you, Your Honor.

11 THE COURT: Okay? But she'll be able to testify
12 that she did witness your client in multiple acts of
13 violence. And if you want to clarify it, and you try to
14 clarify it, and she offers that, well, one of the times is
15 when, you know, she was pushed down and that type of thing.
16 So understand that.

17 MR. LOPEZ-NEGRETTE: I understand.

18 THE COURT: Okay.

19 MR. SWEETIN: And so, Judge, if I can elicit from
20 Tamara that, in fact, that she saw the defendant hit the
21 children, that she saw the defendant yell at the children --

22 THE COURT: Um-h'm.

23 MR. SWEETIN: -- that she saw the defendant make
24 threats about hitting the children with various items and
25 essentially, that she -- the reaction of the children as a

1 result of this violence, I can ask all those questions?

2 THE COURT: Yes.

3 MR. SWEETIN: Okay.

4 THE COURT: Yes. Okay?

5 MR. LOPEZ-NEGRETE: Your Honor, the other issue
6 regarding Tamara's testimony was in her statement -- I don't
7 know if the State was going to get into or not -- right
8 before this discussion about the incident with Anita on the
9 grass, she talks to the detective about how he would
10 sometimes do sexual things to Terrie or Deborah in front of
11 the kids.

12 MR. SWEETIN: Yes.

13 MR. LOPEZ-NEGRETE: So that also, my position is,
14 was not in the motion.

15 THE COURT: Okay.

16 MR. LOPEZ-NEGRETE: Same argument. So --

17 THE COURT: Okay.

18 MR. LOPEZ-NEGRETE: -- I am objecting to that as
19 well.

20 THE COURT: That's clearly the case on this matter.
21 So I understand your objection, I'm overruling your
22 objection. I believe I did address that. It was clear in
23 the initial motion, so -- all right. You ready? Okay.

24 MS. SUDANO: Can I have just one second to clarify
25 something with Mr. Sweetin?

1 THE COURT: Okay.
2 (Ms. Sudano/Mr. Sweetin conferring)
3 THE COURT: Are you ready?
4 MS. SUDANO: Yes.
5 THE COURT: Go ahead and get the jury in.
6 (Pause in the proceedings)
7 THE MARSHAL: All rise for the jury.
8 (Jury enters at 11:33 A.M.)
9 THE COURT: All right. Everybody go ahead and have
10 a seat.
11 We're back on the record in Case No. C-311453,
12 State of Nevada versus Christopher Sena. Record will reflect
13 the presence of the defendant, his counsel, as well as the
14 State, and their counsel.
15 (COURT CALLS ROLL OF THE JURY)
16 THE COURT: All members of the jury have answered
17 to the call. Will the parties stipulate to the presence of
18 the jury?
19 MR. SWEETIN: Yes, Your Honor.
20 MS. RADOSTA: Yes, Your Honor.
21 THE COURT: Good morning, ladies and gentlemen.
22 THE JURY: Good morning.
23 THE COURT: At this point in time, State was still
24 in their case-in-chief.
25 Did you have any further witnesses?

1 MR. SWEETIN: We do, Judge. We would call Tamara
2 Grisham.

3 THE COURT: Okay.

4 TAMARA GRISHAM, STATE'S WITNESS, SWORN

5 THE CLERK: Thank you. Please be seated.

6 Please state your full name, spelling your first
7 and last name for the record.

8 THE WITNESS: My name is Tamara Grisham. It's
9 T-a-m-a-r-a, G-r-i-s-h-a-m.

10 THE COURT: Ms. Grisham, there's a microphone right
11 there in front of you. You see that?

12 THE WITNESS: Oh, sorry.

13 THE COURT: Okay. Could you scoot up a little bit
14 so make sure we can hear you okay?

15 THE WITNESS: Okay.

16 THE COURT: All right. Your witness.

17 MR. SWEETIN: Thank you, Your Honor.

18 DIRECT EXAMINATION

19 BY MR. SWEETIN:

20 Q Ms. Grisham, how old are you now?

21 A I'm 22.

22 Q What's your date of birth?

23 A January 9, 1997.

24 Q Are you currently employed?

25 A No.

1 Q What do you do?

2 A I'm a stay-at-home mom.

3 Q Oh, yeah?

4 A Yes.

5 Q How old is your child?

6 A Ten months.

7 Q Outside the courtroom now?

8 A Yes. She's in the next room.

9 Q Okay. I want to turn your attention to when you

10 were between the ages of about eight and 15 years of age,

11 maybe seven and 15 years of age, about 2004 to 2013.

12 Do you remember where were you living at that time?

13 A I lived with my grandparents.

14 Q And you say grandparents, who would they be?

15 A Penny and Noble Clark.

16 Q Did you live here in Las Vegas with them?

17 A Yes.

18 Q At the time you were living with your grandparents

19 over that period of time, who else was living with you, if

20 anyone?

21 A I also lived with my Aunt Melissa and her kids. So

22 Erin, Abby, and Rachel.

23 Q Now, you mentioned Erin; is that right?

24 A Yes.

25 Q You said that's one of your Aunt Melissa's children?

1 A Yes.

2 Q And would your Aunt Melissa be Melissa Clark?

3 A Yes, Melissa Clark.

4 Q And would Erin be Erin Clark?

5 A Yes.

6 Q And about how old is Erin in relation to you? Is

7 she younger or older than you?

8 A She's younger than me by maybe four or five years.

9 Q Okay. Now, as you were growing up between the ages

10 of about seven and 15, 2004 to about 2013, were you familiar

11 with the residence located over at 6020 Yellowstone Avenue,

12 here in Las Vegas, Clark County, Nevada?

13 A Yeah, that's where my Aunt Terrie lived.

14 Q Now, you mentioned your Aunt Terrie. Would that be

15 Terrie Sena?

16 A Yes.

17 Q And Terrie would be related to you how?

18 A It's my mother, her sister.

19 Q Okay. So your mother, and what's your mother's

20 name?

21 A Kim Grisham.

22 Q Was she also living with you at that time at your

23 grandparent's house?

24 A Yes.

25 Q Okay. So Kim Grisham's sister is Melissa Clark; is

1 that right?

2 A Yes.

3 Q Okay. In regards to that particular residence, did

4 you ever have occasion to go over to that residence while you

5 were living with your grandparents over this period of time?

6 A I would go often, probably every weekend.

7 Q Okay. And when you went over there, do you know if

8 anyone else in your family that you were living with then

9 sometimes went over there as well?

10 A Erin would also go with me.

11 Q Would Erin always go with you when you went over

12 there?

13 A Sometimes I would go alone. Sometimes she would go

14 alone.

15 Q Okay. And sometimes you would go together?

16 A Right.

17 Q Okay. Now, when you did go over there, either by

18 yourself or with Erin, how did you get over there?

19 A My Aunt Terrie would pick us up and take us.

20 Q Okay. Now, I'm going to show you what's marked as

21 State's Proposed Exhibit 68.

22 I'm going to ask you if you recognize --

23 MR. SWEETIN: May I approach, Judge?

24 THE COURT: Yes.

25 BY MR. SWEETIN:

1 Q I'm going to ask you if you recognize this?

2 A Oh, yeah. That's me in sixth grade because I have

3 the little hairs that I cut from getting gum stuck.

4 Q Had a little gum problem?

5 A Yes.

6 Q So you said you were about how old there? You said

7 sixth grade?

8 A Sixth grade, so probably 11 and 12.

9 Q Okay. Is this a true and accurate depiction of how

10 you appeared then?

11 A Yes.

12 Q Okay.

13 MR. SWEETIN: State would move for the admission of

14 what's been marked as State's Proposed Exhibit 68.

15 THE COURT: Any objection.

16 MR. LOPEZ-NEGRETTE: We'll submit it.

17 THE COURT: It will be admitted.

18 (State's Exhibit 68 admitted)

19 MR. SWEETIN: Request permission to publish.

20 THE COURT: Yes.

21 BY MR. SWEETIN:

22 Q So that's fair to say that's you at about the age of

23 11 years old --

24 A Yeah.

25 Q -- sixth grade; is that right?

1 A Yes, that's me.

2 Q Okay. Now, you mentioned that you would go over to
3 the residence there on Yellowstone, you said, fairly often
4 over the period of time we talked about; is that right?

5 A Right.

6 Q When you went over there, was it like during the
7 weekdays or was it weekends, what was it?

8 A Mostly weekends.

9 Q And when you went over on weekends, was it just
10 during the day or did you spend the night or what?

11 A It would be the whole weekend. So I would go
12 usually after school, like on Friday, and then stay until
13 Sunday.

14 Q Okay. Now, at the time you were going over there
15 and visiting, did you like going over there?

16 A Yeah, it was cool.

17 Q Why is that?

18 A It was really fun. They had a lot of stuff over
19 there. They had a pool, a trampoline and I also like to play
20 with my cousins.

21 Q Okay. When you started going over there, who was
22 living there?

23 A Christopher was there. Also, Terrie, Deborah, my
24 cousins Anita, Tails, Ryan, and Brandon.

25 Q Okay. Now, you mentioned Christopher was there; is

1 that right?

2 A Right.

3 Q Do you see Christopher in the courtroom today?

4 A Yes.

5 Q What I need you to do, if you could, is point to him
6 and identify something he's wearing today, if you could.

7 A Okay. He's wearing a black shirt.

8 Q Sitting at the table behind me?

9 A Yes.

10 MR. SWEETIN: May the record reflect the witness
11 identified the defendant?

12 THE COURT: It will.

13 BY MR. SWEETIN:

14 Q You also indicated that living at that residence
15 with the defendant, you mentioned your Aunt Terrie; is that
16 right?

17 A Right.

18 Q Terrie Sena?

19 A Yes.

20 Q You also referenced Deborah Sena?

21 A Um-h'm.

22 Q Is that a yes?

23 A Yes.

24 Q And Deborah Sena was an adult at that time as well
25 or at that time, as Terrie was an adult, Deborah Sena was an

1 adult; is that right?

2 A Yes.

3 Q And you indicated the four children. I wanted to go
4 through them real quick.

5 Anita, was she older or younger than you at that
6 time?

7 A Anita's older.

8 Q Okay. Do you remember about how much older?

9 A I'm not sure, but --

10 Q Okay.

11 A -- probably six or seven years, maybe.

12 Q Now you mentioned also Tails; is that right?

13 A Right.

14 Q Is Tails older or younger than me?

15 A He's older than me.

16 Q Okay. How much older is he than you?

17 A A couple of years.

18 Q Okay. So Anita's a little bit older than him?

19 A Right.

20 Q Okay. And you also mentioned Brandon and Ryan; is
21 that right?

22 A Yes.

23 Q And are they older or younger than you?

24 A They're younger by about a year.

25 Q Okay. They're both about the same age?

1 A Right.

2 Q All right. Now, as you start to go over there, you
3 said sometime around when you were seven or eight, you
4 indicated that the defendant was living there; is that
5 correct?

6 A Yes.

7 Q What did you think about the defendant at that time
8 you start to go over there?

9 A He was fun. He always wanted to play with us and be
10 around us.

11 Q Okay. Would you say that he wanted to play with you
12 more than maybe the other adults at the residence?

13 A Yeah, I would say when me and Erin went over there,
14 he would always be around us more.

15 Q Okay. Now, as you were visiting that residence over
16 that period of time that we talked about, did you observe
17 anything which you might consider to be violent behavior?

18 A I have seen him --

19 Q And let me -- let me ask you this; in regards to
20 that violent behavior, did you observe him hit people in the
21 house?

22 A Yes, I have seen him hit people.

23 Q Did you observe him hit the children in the house?

24 A Yes.

25 Q Did you observe him yell at people in the house?

1 A He yelled at everyone else pretty often --

2 Q Okay.

3 A -- I would say.

4 Q And when you say, yelled, what would be the reasons
5 for him yelling?

6 A Usually it would be because he wanted them to do
7 something, and he didn't think they were doing it the right
8 way or fast enough.

9 Q Okay. Did you see him make threats to any -- any of
10 the individuals there at the residence?

11 A Yeah. There was specifically --

12 Q Well, let me ask you this, were there threats,
13 verbal threats, that he made to individuals there at the
14 residence?

15 A Yeah, he would tell them that if they weren't doing
16 what they were supposed to do, that he would hit them or
17 something.

18 Q Okay. Now, we've talked sort of generally. Each of
19 these things that we've talked about, the hitting, the
20 yelling, the making threats, was that all directed to the
21 children at times that we've talked about, that being Anita,
22 Tails, Brandon, and Ryan?

23 A Yes.

24 Q Now, I want to ask you in regards to their response
25 to both the hitting, the yelling, and the threats, how did

1 they respond to that?

2 A They wouldn't do anything. They would just kind of
3 stay quiet and get back to doing what they were supposed to
4 do.

5 Q And when you say, doing what they were supposed to
6 do, was the response that they had that they did exactly what
7 he said to do?

8 A Yeah.

9 Q The conduct that you observed, did it sort of
10 surprise you in the way that it happened around that house?

11 A It did happen a lot, but it wasn't surprising
12 because it happened so much.

13 Q Okay.

14 A So it was just normal.

15 Q Were you scared of the defendant as all of this was
16 happening, and you were visiting over this long period of
17 time?

18 A No.

19 Q And why is that?

20 A He was never that way with me. It was just his own
21 kids, so --

22 Q Okay. So the violence that we discussed was
23 directed at them?

24 A Right.

25 Q Now, let me ask you this, while you were visiting

1 his residence, did you ever observe anything of a sexual
2 nature around that house?

3 A Yes, I had seen a lot of things.

4 Q You said what?

5 A A lot of things.

6 Q What sort of things did you observe?

7 A Like, for instance, he would like talk a lot about
8 sexual things, and in his office, he has like a lot of
9 things, like pictures and little statues of naked women.

10 Q Let's take that one at a time.

11 A Okay.

12 Q First you indicated that he would sometimes talk
13 about sexual things; is that right?

14 A Yes.

15 Q He being the defendant?

16 A Yes.

17 Q Now, just to make sure we have the time period, you
18 were going to this house over a long period of time starting
19 when you were seven or eight, all the way until you were 15;
20 is that right?

21 A Right.

22 Q Is that a yes?

23 A Yes.

24 Q Was the sexual talk that you're talking about, was
25 that pretty consistent over that period of time?

1 A Yes.

2 Q Now, let's talk about the sexual talk. What sort of
3 things would he say that you believed was sexual in nature?

4 A Well, when he would be talking to my Aunt Terrie, he
5 would be asking her like things about like what she was
6 wearing like under her clothes or telling her like what they
7 were going to do later that night --

8 Q When you --

9 A -- like sexual things.

10 Q -- say telling her what they were going to do later
11 that night, what do you mean by that?

12 A Like, he would say that they were going to have sex
13 or things.

14 Q Is that the way he said it?

15 A A little more raunchy, I guess you could say.

16 Q Can you tell us what he would say?

17 A Things like, we're going to screw, I guess. I can't
18 say the actual words.

19 Q I understand.

20 A Right.

21 Q So look we're going to screw tonight --

22 A Things like that, right.

23 Q -- or something like that?

24 Now, when he said these things, you indicated that
25 you heard them; is that right?

1 A Right.

2 Q Were they said in some private place that he might
3 know someone was listening or were they said more in sort of
4 a public forum?

5 A Where everyone would be.

6 Q Okay.

7 A We would all be sitting, and he would say things
8 like that.

9 Q Was there anything else of a sexual nature that you
10 hear him talking about as you visited over there?

11 A Once I brought over a friend for a pool party, and
12 we were in the living room changing, and she was putting on a
13 bikini top, and as soon as she finished putting it on, he had
14 walked inside, and we were like, oh, my God, like he almost
15 came in right when she was changing, like, he almost saw her,
16 and he was just saying that oh, like, it's okay, you don't
17 have to be ashamed of it, like, if I saw it, it was fine,
18 it's natural. Like, you don't have to worry.

19 Q Okay. And you indicated that's about when you were
20 in sixth grade; is that right?

21 A Right.

22 Q And your friend, was she about the same age as you
23 at that time?

24 A Yes.

25 Q Were there any other things of a sexual nature that

1 you heard about that time? Was there any discussion about
2 swimming at night?

3 A Oh, right. So when I would want to go swimming,
4 they sometimes went at night, and I asked if I could go with,
5 and they would say that -- well, Chris would say, if you want
6 to go swimming, you have to go naked because the rest of them
7 were going to do that.

8 Q Okay. And about what age were you over -- I know
9 you went to this residence for a long period of time. About
10 what age were you when you remembered him saying things of
11 that nature to you?

12 A I would probably say from like 11, 12.

13 Q Okay. Do you remember you mentioned earlier that
14 you saw things of a sexual nature around the house as well;
15 is that right?

16 A Right.

17 Q And you made mention of the office; is that right?

18 A Yes.

19 Q Okay. Now, I want to show you what's marked as
20 State's Exhibit No. 1. And you can see it on the TV screen
21 right there in front of you. Do you see that?

22 A Yes.

23 Q Do you recognize what that is?

24 A Yeah, so the part on the right is the house, and
25 then the part on the left is the office.

1 Q Okay. So as we're looking at the screen, the part
2 on the left there, sort of above the pool, that would be the
3 office --

4 A Yes.

5 Q Is that right? Okay.

6 Now, you indicated that you saw some things in the
7 office, which you thought was of a sexual nature; is that
8 right?

9 A Right.

10 Q Can you describe to me what those things would have
11 been?

12 A Well, there was a time that I was dying my hair in
13 the restroom, so in the bathroom right there, and I had come
14 out, and Christopher and Terrie were sitting on the couch,
15 and he pulled down her shirt and started kissing her breasts.
16 And that point, I just turned and went back to the restroom.

17 Q At the time that you came out of the restroom, this
18 is fairly a small office; is that right?

19 A Right.

20 Q Would there be any way that a person that was
21 sitting situated such as the defendant wouldn't know that you
22 were coming out of the bathroom at the time?

23 A They would know.

24 Q You also made reference to there being pictures of
25 some sort back there in the office; is that right?

1 A Right.

2 Q Can you describe that to me?

3 A So in his little cubicle that he has where his desk
4 is, on the wall there's pictures of naked women, and there's
5 little figurines also of naked women, some like cartoons or
6 like animae and then some like real.

7 Q Okay. Now, you made reference to a little area
8 where his desk is. Again, referring you to what's marked as
9 State's Exhibit 1. Can you show us on there exactly -- we're
10 talking about the office; is that correct?

11 A Yes.

12 Q The portion of the office that you're talking about.

13 A So the part that says computer desk.

14 Q And if you can --

15 MR. SWEETIN: I'm not sure, can she touch the
16 screen and make a mark, Judge?

17 THE COURT: Yes. I think that --

18 THE COURT RECORDER: You can turn the mouse on on
19 the bottom.

20 THE COURT: Yeah. My Marshal will help you. Okay.

21 (Pause in the proceedings)

22 MR. SWEETIN: Okay. Thank you, Judge.

23 BY MR. SWEETIN:

24 Q So now, just to be clear, you made reference to, it
25 looks like you -- you sort of walk in the front door to the

1 -- to this office; is that correct?

2 A Yeah. So when you walk in, there's -- first is the
3 couch and then there's a wall dividing the two sides, and --

4 Q Okay.

5 A -- but you can't see over it.

6 Q Okay. And just for the benefit of the jury, if we
7 could, just make an X where the front door is.

8 A (Witness complies.)

9 Q Okay. Now, you mentioned the area that you have
10 circled here back by his computer desk, you made mention of
11 some sort of a wall; is that right?

12 A Right.

13 Q Okay. How tall is that wall?

14 A It's tall enough that you can't see over it.

15 Q Okay.

16 A But it has a little space.

17 Q So just to be clear, as you're entering that front
18 door there to the office, would you be able to look back and
19 see anything that's going on back there by the computer desk?

20 A No.

21 Q Okay. Now, you indicated that that's where you saw
22 naked pictures of women; is that right?

23 A Yes, um-h'm.

24 Q And those were, what, sort of hanging on the wall?

25 A Some of them, yeah.

1 Q So some of them were hanging on the walls. Where
2 were others?

3 A And then some were also the little figurines.

4 Q Okay.

5 A Yeah.

6 Q And you made reference to figurines. And the
7 figurines, were they actual depiction of women or what were
8 they exactly?

9 A I think animae people.

10 Q Okay.

11 A Like cartoon type things.

12 Q But the pictures that you made reference to as
13 hanging on the walls, those were actual women; would that be
14 accurate?

15 A Yes.

16 Q All right. And they were in a nude condition; would
17 that be accurate?

18 A Yes.

19 Q Okay. Was there anything strange that you noted in
20 the household about when the defendant got up in the morning
21 and a routine that happened in the house?

22 A Yeah, so when he would wake up in the mornings, he
23 would wake up kind of late, compared to everyone else. And
24 when he would get up, we all would one by one kind of go to
25 the room and kind of like cuddle in bed with him.

1 But he would be under the blankets because he slept
2 naked.

3 Q Okay.

4 A So --

5 Q So when this happened, you thought this was a bit
6 strange?

7 A Right. Well, it's -- it didn't seem like it at
8 first because it was just, I don't know, just innocent,
9 but --

10 Q It was your uncle just cuddling with you?

11 A Right.

12 Q But then you -- the fact that he was, in fact, under
13 the covers naked, maybe brought that sort of factor -- or
14 strange factor into it?

15 A Right.

16 Q And the fact that each of you were going in one at a
17 time might have been a little strange as well?

18 A Yes.

19 MR. LOPEZ-NEGRETTE: Objection, Your Honor. Could
20 we approach?

21 THE COURT: Yes.

22 (Off-record bench conference.)

23 THE COURT: Go ahead, Mr. Sweetin.

24 MR. SWEETIN: Thank you, Judge.

25 BY MR. SWEETIN:

1 Q Now, you were talking about things of a sexual
2 nature that was -- were said by the defendant within the
3 residence.

4 Do you recall there ever being a discussion that was
5 sort of directed at you or your activity in regards of a
6 sexual nature?

7 A Well, when Chris found out about any losing my
8 virginity, he had asked me a lot of personal questions about
9 it, like, if I was using protection or not, and like, what
10 kind of positions we had tried.

11 Q And about how old were you at that time?

12 A At that time, 15.

13 Q At the time that he was asking you these things,
14 were you alone with him or was anybody else around?

15 A No, we were all at the table eating.

16 Q When you say, we, who are you referring to?

17 A All of my cousins.

18 Q So that would be Anita, Tails?

19 A Anita, Tails, Ryan, and Brandon.

20 Q Okay. Now, you made reference to the fact that you
21 would sometimes go back to this office; is that right?

22 A Right.

23 Q When you went back to that office, were there ever
24 times when you were alone with the defendant back at that
25 office?

1 A Usually, I would be alone.

2 Q How would you come to be back at that office alone
3 with the defendant? How would that normally happen?

4 A He would usually call like Ryan or Brandon and tell
5 them to come get me and then bring me back.

6 Q And when Ryan or Brandon brought you back to the
7 office, what would happen with Ryan and Brandon?

8 A He would tell them to leave.

9 Q Now, when you were inside that office alone with him
10 on various times, as you've described, were there ever
11 occasions where someone else would come up to the office or
12 even come in while you were in there alone with the
13 defendant?

14 THE COURT: Hold on, hold on.

15 (Pause in the proceedings)

16 THE COURT: Repeat your question.

17 MR. SWEETIN: Sure.

18 THE COURT: No, thanks. Repeat your question.

19 BY MR. SWEETIN:

20 Q Were there ever occasions when you were alone back
21 in that office with the defendant that someone else might
22 come up to the door or even come into -- into that office?

23 A Yes, but when they would, he would just tell them to
24 leave.

25 Q And when he told them to leave, you would be alone

1 with him again in that office; is that correct?

2 A Right.

3 Q Now, we've talked about a wide span of time here
4 dating back to when you were seven or eight, all the way
5 until you're 15.

6 Over that whole period of time, were you alone with
7 him back in that office periodically?

8 A Yes.

9 Q While you were back this in that office, was there
10 ever anything that happened back in that office that you
11 thought was a bit strange?

12 A Like how I mentioned earlier with the dying my hair
13 thing, that.

14 Q Was there ever a time when the defendant directed
15 your attention to his computer in the back?

16 A Yes. Sometimes -- well, one particular time he
17 showed me some photos.

18 Q About how old were you on that one particular time?

19 A At that time, I can't remember exactly, but I would
20 say between 11 or 13, in there.

21 Q Okay. And you said that the defendant on that
22 occasion showed you some photos; is that right?

23 A Right.

24 Q On that particular occasion, do you remember whether
25 you were alone in the office with him or whether there was

1 anybody else in the office?

2 A We were alone that time.

3 Q Okay. And where were you situated in the office,
4 the same place?

5 A Yeah, so at his desk. He was sitting at the
6 computer in the chair, and I was sitting behind him on this
7 drum stool kind of chair.

8 Q Okay.

9 A Yeah.

10 Q And what happens then?

11 A So he had showed me photos, a couple of different
12 ones. One was a picture of him, himself, but it didn't show
13 his face. It was his penis. And it showed another woman
14 performing oral sex.

15 Q And when you say you saw his penis, was his penis
16 clothed or unclothed at that time?

17 A What do you mean?

18 Q When you saw the photo on the computer, and you said
19 that you saw his penis, was penis clothed or unclothed as you
20 saw it?

21 A Oh, he wasn't wearing any clothes.

22 Q Okay. On the computer screen?

23 A Correct.

24 Q Okay. Did he show you anything else on the computer
25 screen at that time when you were about 15 years old?

1 A He had also shown me a video of people having sex,
2 but it didn't show their faces. It was just like vaginal
3 intercourse.

4 Q Did he show you anything else?

5 A Just other photos like that. I -- like sexual ones.

6 Q Did you recognize anyone besides the defendant in
7 any of the photos?

8 A My Aunt Melissa was also in one of them.

9 Q And when you say your Aunt Melissa, that's the same
10 Melissa Clark we've talked about before?

11 A Yes.

12 Q And what did you see her in particularly or what --
13 could you describe what you saw in that photo?

14 A Yeah. So it was also Chris, and he was getting oral
15 sex from Melissa.

16 Q Okay. Was that a photo or a video, or do you
17 remember?

18 A It was a photo.

19 Q About how long did this particular incident that you
20 talked about where he was showing you things that you've
21 described on the computer last?

22 A I don't know, a couple minutes, I guess. Maybe like
23 10, 15.

24 Q Do you recall what he was saying to you, if
25 anything, in the course of showing you these things?

1 A He just said a lot of like, oh, this a normal, this
2 is natural. Like, don't be embarrassed because I was kind of
3 like weird looking at them, and he said that it was okay.

4 Q And how did you respond to that?

5 A I didn't really say anything. I just kind of felt
6 weird about it, but --

7 Q Do you remember on that occasion whether or not the
8 door to that office, it had a lock on it; is that correct?

9 A Yes.

10 Q Do you recall whether or not he locked the door or
11 he didn't lock the door in that occasion?

12 A I'm not sure.

13 Q Okay. Where there times when you went to that back
14 office when he did lock the door?

15 A Yeah.

16 Q Is that a yes?

17 A Yes.

18 Q You specifically made reference to this one time
19 where you viewed things on the computer. Were there any
20 other times that you viewed things on the computer back there
21 that you recall?

22 A I'm not sure.

23 Q Now, you talked earlier about the fact that there is
24 a shower back in that bathroom; is that right?

25 A Yes.

1 Q Okay.

2 MR. SWEETIN: And if we could just clear that

3 screen.

4 THE COURT: I think down -- down on the bottom --

5 you go to the home.

6 THE WITNESS: This one?

7 THE COURT: Push that. Oh.

8 THE WITNESS: No.

9 THE COURT: Well, bring it back Christine, can you?

10 THE COURT RECORDER: You hit the -- the blue thing,

11 Jim.

12 MR. SWEETIN: You got it.

13 THE COURT: Right. In the back. In the back.

14 Right there. Okay.

15 MR. SWEETIN: My computer expertise are becoming

16 evident.

17 THE WITNESS: Yes.

18 THE COURT: I don't know, I need my grandson here.

19 He's five.

20 BY MR. SWEETIN:

21 Q Okay. I'm going to show you what's marked first as

22 State's Exhibit 44. Do you recognize what's depicted on

23 that?

24 A Yes. So this is the office.

25 Q Okay. Now, you made reference to an area where the

1 desk was, right? And we see that area on this particular
2 photo?

3 A Yes, but this photo is a little different than how I
4 remember it.

5 Q Okay. Tell us how it's different.

6 A Because I don't -- I don't see the wall dividing it.

7 Q Okay.

8 A Where the couch is and everything.

9 Q Okay. So would it be fair to say, as we look at
10 this picture, kind of in the back left corner, that's where
11 the desk area; is that right?

12 A Right.

13 Q Okay. But you said normally there would be a wall
14 that would sort of block your ability to see any portion of
15 it there --

16 A Yeah.

17 Q -- is that right?

18 A So when you walked in, you couldn't see past that
19 wall.

20 Q Okay. Now, I'm also showing you what's marked as
21 State's Exhibit 45. Do you recognize that?

22 A Yes. So this part is the kitchen, and then the one
23 next to it, the door on the right is the bathroom.

24 Q Okay. So the -- what we were just look being at,
25 the desk is on the wall that would be behind us as we're

1 looking at this wall; is that right?

2 A Right.

3 Q Okay. So this is on the other side of the room?

4 A Um-h'm.

5 Q Okay. And you indicated to the far right there's

6 sort of a doorway there; is that right?

7 A Yeah, that's the restroom.

8 Q Okay. Now, let me -- while we're talking about that

9 doorway over there, over to the far right, I can't really see

10 it that well in this picture, but can you describe was there,

11 in fact, a -- some sort of a door on that bathroom back there

12 in the office?

13 A Yes, but it's in an accordion door.

14 Q What do you mean by that?

15 A So you pull it open and close, but at the time that

16 I would be in there, the magnet that you used to close the

17 door was broken, so you had to use this like rubber band type

18 of thing to tie it.

19 Q Okay. Now, on that accordion door, was it really a

20 tight fit all the way around the seams or how did that work

21 exactly?

22 A No, you could see a little crack above it.

23 Q Okay. So up top there's sort of a crack up there

24 that if someone was standing up there, they could probably

25 look in?

1 A Right.

2 Q Now, showing you what's marked as State's Exhibit
3 No. 27. Okay. I guess, that's about the best we're going to
4 be able to do on that.

5 Do you recognize that?

6 A This is the restroom, but this is the one that's
7 inside.

8 Q Oh, I'm sorry.

9 A Yeah, the other one is different.

10 Q So you made mention that back in that office that
11 you sometimes -- or you normally took showers back there; is
12 that right?

13 A Yes.

14 Q Okay. Now, when you took showers back there, you
15 indicated that it wasn't unusual or maybe it was normal to
16 have the defendant and Terrie inside that office back there?

17 A Yeah, they were always pretty much in there. I
18 can't think of a time that I was showering that he weren't
19 both there.

20 Q Okay. So on those occasions, you would basically
21 just, you know, go in the shower, close that accordion door
22 and take a shower; is that right?

23 A Yes.

24 Q All right. And I'm going to show you what's marked
25 as State's Exhibit 47. Is that better?

1 A Yes. This is the restroom in the office.

2 Q Okay. So this is what we're talking about. And

3 that doorway, although you can't see it that well, that would

4 be where the accordion door would stretch across that doorway

5 that we're looking into; is that right?

6 A Right.

7 Q And then the shower itself is situated directly in

8 front of us on that diagram; is that right?

9 A Yes.

10 Q Now, at any point in time, did you ever become aware

11 that you were in any way recorded while you were in that

12 bathroom taking a shower?

13 A Not until I was told by the police.

14 Q Okay.

15 A Before that, no.

16 Q And that was sometime later; is that right?

17 A Yeah. That was when I was around 18.

18 Q Okay. And I'm going to show you just for

19 identification what's been marked as State's Proposed Exhibit

20 79. And I ask you if you recognize that?

21 A Yeah, so that's me in the shower.

22 Q Okay. Is that the shower that we're talking about

23 here?

24 A Yes.

25 Q Okay. And as you're in the shower, you're nude; is

1 that correct?

2 A Yes.

3 Q And you didn't know that this -- any sort of photo
4 or video was taken of you at the time that this was -- that
5 would document something like this; is that correct?

6 A Yeah, I didn't know.

7 Q Okay. Is this a clear and accurate depiction of you
8 over the period of time that you were visiting this
9 residence?

10 A Yes.

11 Q Do you have any idea about how old were you in that
12 particular photo?

13 A In this photo, I would say either 13 or 14.

14 Q Okay. Now, you've talked to us about all these
15 things that were going on inside the residence, and you said
16 that some of them seemed a little strange to you; fair to
17 say?

18 A Yes.

19 Q Did you ever share the things that you've shared
20 with us today with others while you were going over and
21 visiting?

22 A No. The only thing that I can really say that I
23 told someone else about when I saw the photo of Melissa. I
24 had talked to her about it. But besides that, that's it.

25 Q Now, and what you're making reference is when you

1 were back in the back office and you saw the nude photo of
2 Melissa engaged in sexual conduct with the defendant; is that
3 right?

4 A Right.

5 Q Now, you said that you were back there and observed
6 that when you were about how old?

7 A Between 11 and 13, around there.

8 Q Okay. So right in that neighborhood?

9 A Yeah.

10 Q How long after you observed it was it that you
11 talked to Melissa?

12 A Not long after.

13 Q Now, you had mentioned that over this period of
14 time, Melissa was actually living at your grandparents'
15 residence; is that right?

16 A Yes.

17 Q And that's where you lived?

18 A Yes.

19 Q Okay. And she actually gave you a ride to the
20 residence; is that correct?

21 A Well, Terrie would.

22 Q I'm sorry, Terrie did.

23 A Yeah.

24 Q Now, in regards to your conversation with Melissa,
25 after that conversation, did you -- well, let me ask you

1 about the conversation, first of all.

2 In the conversation that you had with her, do you
3 describe to her what you had seen on the computer?

4 A Yeah. So I told her that he had showed me the video
5 -- photo, excuse me, and I told her what it was. But she
6 didn't really say anything about it. She just kind of was
7 like oh -- like she wanted to avoid it.

8 Q Okay.

9 A Yeah.

10 Q So after you had said that to her, did you tell
11 anybody else?

12 A No, I didn't.

13 Q Why is that?

14 A Because I knew she felt weird about it, so I didn't
15 want to say anything.

16 Q Okay.

17 A Or bring it up.

18 Q Now, did there come a point in time when you stopped
19 going over there to the residence?

20 A Yeah, when I was 15, after he had been asking me all
21 those personal questions.

22 Q When you say personal questions, what were you
23 referring to exactly?

24 A When he was asking me, like, about when I did during
25 sex, those type of things.

1 Q About the position and things of that sort?

2 A Right. After that --

3 Q And that was about when you were 15?

4 A Yeah.

5 Q And --

6 A So after that, I didn't go anymore.

7 Q Are you aware after you stopped going over to the

8 residence whether Erin continued to go over to the residence

9 or stopped?

10 A I believe she kept going.

11 Q Okay. Now, after you stopped going over to the

12 residence, did there come a point in time when you, in fact,

13 did tell somebody what had happened, as you've described to

14 us in court today?

15 A Not until later when they had called me and also

16 Melissa and Erin to go to this place. I'm not sure what it

17 was called, but I guess, to the police.

18 Q Yes. Would that be the Children's Advocacy Center?

19 A Yes, there you go.

20 Q Okay. Now, you said, they called. Who do you mean

21 by they?

22 A The police, I suppose.

23 Q Okay. Now, at the time that they called, were you

24 still living at your grandparents' residence with Melissa and

25 her kids?

1 A Yes.

2 Q Okay. Do you remember about when this was?

3 A I think it was around when I was 18. I think it was
4 like in December.

5 Q Okay. Would it be fair to say about December of
6 2014?

7 A Yeah.

8 Q Now, at the time that you received a call from the
9 police, did you have any idea what the call was about?

10 A No, I wasn't sure.

11 Q Now, you said you went down to the CAC. Fair to say
12 that's just a building, like a business building?

13 A Yeah, it looks normal.

14 Q There's sort of kids' stuff as you come in; is that
15 right?

16 A Yeah. There's a little table with like coloring
17 stuff.

18 Q Okay. And as you come into -- as you go to that --
19 the Children's Advocacy Center in December of 2014, do you go
20 by yourself or with anybody else or do you remember?

21 A I went with Erin and Melissa.

22 Q Okay. And as you're going to the Children's
23 Advocacy Center, any discussion at that point about what this
24 might be about or anything of that sort?

25 A No. I don't think any of us knew what --

1 Q Once you arrived there at the Children Advocacy
2 Center, what happens next?

3 A They had called me into a room separately with a
4 woman, and she talked to me for a while. She asked me things
5 like, my relationship to Terrie and Christopher and Anita and
6 everybody.

7 And she also asked me, like, what kind of stuff
8 went on over there, like, how it was. And then she also
9 showed me the photo --

10 Q Okay.

11 A -- of me in the shower.

12 Q Okay. Now, in the course of that conversation, did
13 you tell that person many of the things that you told all of
14 us today?

15 A Yes.

16 Q Did you tell them everything that you have told us
17 today?

18 A Yeah.

19 Q Would it be fair to say that the questions that we
20 asked you here were more detailed or more extensive than the
21 questions they asked you at that time?

22 A Yes.

23 Q Okay. So maybe we touched on some things that they
24 didn't touch on; would that be fair to say or not?

25 A Yeah.

1 Q Now, after you had that meeting, about how long is
2 that conversation that you had? Any idea?

3 A Maybe like 20 minutes.

4 Q So after that conversation, what happens next?

5 A After that, I just kind of went into the other room
6 and waited for everyone else to be finished talking.

7 Q Okay. And when you said everybody else, that would
8 be Melissa and Erin --

9 A Yeah.

10 Q -- is that right?

11 Were you ever present when individuals were talking
12 to Melissa and Erin?

13 A No.

14 Q Were they present when individuals was talking to
15 you?

16 A No.

17 Q So you were completely separate?

18 A Yes.

19 Q After that particular day, you indicated that you
20 stopped going over to the Yellowstone residence, I think,
21 when you were 15; is that right?

22 A Right.

23 Q So we're a couple years later. After going down and
24 talking to the police, do you have occasion to have
25 subsequent contact with your cousins that you used to visit

1 there, Anita, Tails, Brandon, and Ryan?

2 A I did see them, but mostly on holidays and things
3 like that.

4 Q Okay. And when you had contact with them, you said
5 holidays; is that right?

6 A Yes.

7 Q Was the topic of what happened or what you testified
8 here, was that the topic that you discussed in those
9 gatherings or was it other things?

10 A A lot of things like about anything, really, but --
11 so --

12 Q But was the focus this case? You --

13 A No.

14 Q -- didn't talk about this case or did you?

15 A I'd prefer not to talk about it at all, so --

16 Q Okay. And that's not something you did on the
17 holidays?

18 A Exactly.

19 Q How about contact with Terrie and Deborah? Have you
20 had any contact with them since you went and talked to the
21 police?

22 A I haven't talked to either one of them since I
23 talked to the police.

24 Q Okay. And how about the defendant? Have you had
25 any contact with him?

1 A No.

2 MR. SWEETIN: State would pass the witness, Judge.

3 THE COURT: Any cross?

4 MR. LOPEZ-NEGRETTE: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. LOPEZ-NEGRETTE:

7 Q Good afternoon, Tamara.

8 A Hello.

9 Q How are you doing?

10 A Good. How are you?

11 Q I'm okay. Let me ask you some questions.

12 A Okay.

13 Q So you would actually spend a lot of time over at

14 Chris and Terrie's when you were younger, right?

15 A Yes.

16 Q So you said you went almost every weekend?

17 A Almost.

18 Q Okay. And now, you did mention that he talked to

19 you about your sex life somewhat?

20 A A little bit, yes.

21 Q And that made you uncomfortable?

22 A Right.

23 Q But one of his questions was asking if you had --

24 you were having protected sex; is that right?

25 A Right. Yes.

1 Q Sorry, I didn't hear you.
2 A Yes.
3 Q Okay. Thank you.
4 And you said that that conversation happened in front of
5 other people, right?
6 A Right.
7 Q So that was your cousins?
8 A Yes.
9 Q Okay. Now, when you went over to Chris's house, it
10 was for several years, right?
11 A Yes.
12 Q And you actually weren't scared of going over to
13 Chris's house?
14 A No.
15 Q And he had actually never done anything to you
16 personally, right?
17 A No.
18 Q Even though you were at times alone with him, right?
19 A Yes.
20 Q So he never touched you inappropriately, right?
21 A No.
22 Q And he never made you touch him, correct?
23 A No.
24 Q And he never made you touch yourself?
25 A No.

1 Q And he never made you touch someone else?

2 A No.

3 Q Okay. Now, you did hear that Chris had touched

4 other people inappropriately, right?

5 A Do you mean like when I would go over there or do

6 you mean after when I --

7 Q After the fact.

8 A -- found out? Yeah, after when I found out, then

9 yeah.

10 Q You heard that people were saying that Chris was

11 touching them?

12 A Mostly from the news, but --

13 Q From the news?

14 A Yeah.

15 Q Okay. Now, you talked about one picture that you

16 saw of Melissa giving him oral sex, right?

17 A Right.

18 Q Okay. And after seeing that picture, you kind of

19 really didn't do anything, right?

20 A Right.

21 Q And you just kind of moved on to looking at pictures

22 of other normal things, right?

23 A Yes.

24 Q And you didn't talk to anyone right away after

25 seeing that picture, right?

1 A No.

2 Q Okay. And Chris did have a business, correct?

3 A Yes.

4 Q A Knight Imaging; does that sound familiar?

5 A Yes.

6 Q Okay. And was it your understanding that some of

7 these cartoons or pictures of naked people had to do with his

8 business?

9 A I -- I wouldn't think so.

10 Q Why do you say that?

11 A Because they were all naked. I wouldn't assume that

12 would be something for business.

13 Q Was he -- do you know if he made the figurines or

14 drew the cartoons himself?

15 A No, he never asked.

16 Q You never asked?

17 A I wasn't sure.

18 Q Okay. Now, along with not being scared of going

19 over there, you said that Chris was actually one of your

20 favorite uncles, right?

21 A Yes.

22 Q And that you guys were actually pretty cool?

23 A Yeah.

24 Q Okay. And you didn't have any problem standing up

25 to Chris, right?

1 A Yeah, I didn't really need to, but --

2 Q Okay. Because you know that at some point you felt

3 uncomfortable going, right?

4 A Right.

5 Q And you felt like you could leave whenever you

6 wanted, right?

7 A Yes.

8 Q Okay. Now, Erin, your relationship with Erin, you

9 guys had -- well, let me put it this way. You kind of found

10 her annoying before, right?

11 A Sometimes, yes.

12 Q Okay. And that's because she would get you in

13 trouble for things that she did, right?

14 A Sometimes.

15 Q So like, she would lie about getting hit in the wall

16 and accuse of you of doing it?

17 A That's right, yes.

18 Q Okay. And when we're talking about the time that

19 you spoke with police, do you remember that?

20 A Yes.

21 Q Okay. And so you told us that you had told them

22 everything that we talked about today, right?

23 A Um-h'm.

24 Q Okay. But you didn't actually talk to the

25 interviewer about having to swim naked at the house, at

1 Chris's house.

2 A Oh, okay.

3 Q You didn't actually talk about that with them, right

4 did you?

5 A I guess not.

6 Q Okay.

7 A I don't remember exactly.

8 Q Okay. You also didn't talk about Chris walking in

9 almost on your friend changing into the bikini, right?

10 A Right.

11 Q Okay. And you also didn't mention Chris having his

12 morning routine where people would come into his room and

13 cuddle with him while he's naked?

14 A Right.

15 Q You didn't mention that before either?

16 A Yeah.

17 Q Is that right?

18 A Yes.

19 Q Okay. But you were trying to tell her the truth

20 when you met with her; is that right?

21 A Yes.

22 Q Okay.

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

24 No further questions. Thank you.

25 THE COURT: Any redirect?

1 MR. SWEETIN: Very briefly.

2 REDIRECT EXAMINATION

3 BY MR. SWEETIN:

4 Q Tamara, a question was asked of you, of whether or
5 not you felt threatened by the defendant in the residence.
6 You indicated you didn't; is that right?

7 A Yes.

8 Q Now, just in regards to your observations in regards
9 to the other children within the residence, did it appear to
10 you that they felt threatened by --

11 MR. LOPEZ-NEGRETTE: Objection. Speculation.

12 MR. SWEETIN: I can ask it another way.

13 THE COURT: Yeah, sustained.

14 BY MR. SWEETIN:

15 Q In regards to the other children in the residence,
16 just to be clear, you indicated that there were various acts
17 of violence, yelling, of threats that were committed on them;
18 is that right?

19 A Right.

20 Q You indicated they weren't committed on you; is that
21 right?

22 A Exactly, yeah.

23 Q Okay. Would it be fair to say that based upon that
24 that they responded to the defendant yelling at them or
25 asking them to do something completely different than you

1 responded?

2 A Yes.

3 Q And would it be fair to say that, in fact, they did
4 what he said?

5 A Yes.

6 Q Now, you also -- there was also reference made in
7 regards to some things that you testified here today about
8 that you didn't talk about in that initial interview that was
9 done at the -- at the Children's Assessment Center, right?

10 A Right.

11 Q Did you answer all the question that were put to you
12 at the Children's Assessment Center?

13 A Yes.

14 Q Okay. If those questions were asked there, did you
15 answer them as you did here today?

16 A Yes.

17 Q All right.

18 MR. SWEETIN: Nothing further.

19 THE COURT: Any recross?

20 RECROSS-EXAMINATION

21 BY MR. LOPEZ-NEGRETE:

22 Q Tamara, when you were at the CAC, did you foal
23 rushed in any way?

24 A No.

25 Q And was the interviewer giving you enough time to

1 remember things that you didn't remember things?

2 A Yeah, would I say so.

3 Q Was it kind of like a friendly encounter that you
4 had with the interviewer?

5 A Yeah, mostly it was -- for a long period of time of
6 talking it was just about like my personal life --

7 Q Right.

8 A -- and what I had done that day, things like that.

9 Q Okay. And actually, you were there for almost about
10 an hour speaking with her --

11 A Really?

12 Q -- is that right?

13 A Okay. It felt shorter, but, yeah.

14 Q If felt shorter? Would it help you remember if I
15 showed you a copy of the interview?

16 A Okay.

17 MR. LOPEZ-NEGRETE: May I approach the witness?

18 THE COURT: Yes.

19 BY MR. LOPEZ-NEGRETE:

20 Q And so I'm showing you -- this is your statement,
21 and it has some information about the date and time.

22 A Where is it? Oh, okay.

23 Q And then when the interview concluded.

24 A Okay.

25 Q Does that help you remember about how long you were

1 there?

2 A Yeah.

3 Q So it sounds like you were there for about almost an
4 hour speaking with her?

5 A Yes.

6 Q And obviously, you had the ability to contact the
7 police or her if you had other things that you wanted to talk
8 about?

9 A I suppose so. I didn't really think about it,
10 but --

11 Q You never felt the need to reach out and say, hey, I
12 forgot to tell you something?

13 A No, but because I had also talked to Jim later, so.

14 Q Jim Sweetin?

15 A Yes.

16 Q Standing behind me?

17 A Yes.

18 Q Okay. So then some of the things that you're
19 talking about -- talking to us about now, you first -- the
20 first time you talked about them was only with Mr. Sweetin;
21 is that what you're saying?

22 A Right.

23 Q When was that?

24 A I can't remember the first time that I had seen him.
25 It seems like a while back.

1 Q Like when the case started or was it like leading up
2 to today's court date?

3 A The first time I can remember is when we had gone to
4 the -- when we were first talking in front of people.

5 Q In --

6 A You know what I mean?

7 Q So you did this interview with Christine Bernat back
8 in December of 2014, right?

9 A Um-h'm.

10 Q Is that right?

11 A Yes.

12 Q Okay. So how long after that do you think you're
13 talking -- the incident that you're talking about happened?

14 A Maybe a year or so.

15 Q A year later?

16 A Maybe about that.

17 Q Around then?

18 A I think so.

19 Q And that's when you met with Mr. Sweetin?

20 A Right.

21 Q I mean, that's when the first time you told him
22 about the swimming naked?

23 A Yeah. Well, I don't remember if it -- I'm sorry, I
24 don't remember if it was the first time or like the second
25 time, but --

1 Q Okay.

2 A Yeah.

3 Q Was that the first that you had met with him and had
4 a full conversation talking about these things or do you
5 think you may have seen it before that?

6 A I believe so, I think it was.

7 Q Which one?

8 A Oh, I'm sorry. I'm a little confused.

9 Q That time or before that time?

10 A Could you ask again?

11 Q Sure.

12 A I'm kind of -- I'm sorry.

13 Q That's okay. And I'm probably not being very clear.
14 So after this interview with Christine Bernat, you met
15 with Mr. Sweetin; is that right?

16 A Yes, but like I would say the first time like a year
17 after.

18 Q You met with him a year after the interview with
19 Mrs. Bernat?

20 A I'm not sure exactly.

21 Q That's okay. You can just give me a guess.

22 A Yes, I think so.

23 Q Estimate. Does that --

24 A I would say yeah.

25 Q -- sound right?

1 A Yes.

2 Q Okay. And is that the time when you first talked
3 about the swimming naked, cuddling naked in bed, the -- Chris
4 almost walking in on your friend, that kind of thing?

5 A I think the swimming thing was around that time, but
6 the in the bed thing was the last time I had seen him. It
7 was probably like a couple weeks ago, maybe, or --

8 Q From today?

9 A Yes.

10 Q Okay.

11 A Around there.

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

13 BY MR. LOPEZ-NEGRETTE:

14 Q So how many times have you met total with
15 Mr. Sweetin?

16 A Maybe three.

17 Q Okay. Thank you.

18 THE COURT: Anything further?

19 MR. SWEETIN: No, Your Honor.

20 THE COURT: All right. Are we finished with
21 Tamara, then?

22 MR. SWEETIN: Yes, Judge, the State is.

23 THE COURT: Tamara, thank you so much for your
24 testimony.

25 THE WITNESS: Thank you.

1 THE COURT: You can step down. You're excused.
2 Call your next witness. Well, before we do --
3 yeah, call your next witness.
4 MS. SUDANO: State calls Melissa Clark.
5 MELISSA CLARK, STATE'S WITNESS, SWORN
6 THE CLERK: Thank you. Please be seated.
7 Please state your full name, spelling your first
8 and last name for the record.
9 THE WITNESS: Melissa Clark, M-e-l-i-s-s-a,
10 C-l-a-r-k.
11 THE COURT: Your witness, Ms. Sudano.
12 MS. SUDANO: Thank you, Your Honor.
13 DIRECT EXAMINATION
14 BY MS. SUDANO:
15 Q All right. Good afternoon, Melissa.
16 A Good afternoon.
17 Q Is it okay if I call you Melissa?
18 A Yes.
19 Q All right. So I want to talk to you first a little
20 bit about your family. Do you have any siblings?
21 A Yes.
22 Q How many siblings?
23 A I have four sisters and one brother.
24 Q Okay. Who are your sisters?
25 A Sherry, Mary, Terrie, Kim.

1 Q All right. So Sherry, Mary, Terrie, and Kim. Did
2 you do that in age order?

3 A No.

4 Q Okay. Where do you fall in with your siblings? Are
5 you the oldest, the youngest, in the middle?

6 A The youngest.

7 Q All right. And how old are you?

8 A 37.

9 Q What's your date of birth?

10 A 5/16/81.

11 Q All right. Who's the next sibling that's closest in
12 age to you?

13 A Terrie.

14 Q How much older is Terrie than you?

15 A Ten years.

16 Q Who is the next oldest after Terrie?

17 A Kimberly.

18 Q How much older is Kimberly than you?

19 A About 18 years.

20 Q Okay. So she's eight years older than Terrie; is
21 that right?

22 A Yes.

23 Q All right. And then the other siblings are older
24 than that; is that right?

25 A Yes.

1 Q As far as folks that are involved in this particular
2 case, is it just Kim and Terrie?
3 A It's just Terrie.
4 Q Okay. So does Kim have any children?
5 A Yes.
6 Q Who are Kim's children?
7 A Roy and Tamara.
8 Q All right. What's Kim's last name?
9 A Grisham.
10 Q All right. So her children would be Roy Grisham and
11 Tamara Grisham?
12 A Yes.
13 Q Does Terrie have any children?
14 A Yes.
15 Q And what's Terrie's last name?
16 A Sena.
17 Q Okay. Who are Terrie's children?
18 A Anita Sena, Terry Sena, and Ryan Sena.
19 Q All right. Now, you said that Terrie is about ten
20 years older than you; is that right?
21 A Yes.
22 Q Okay. Did you ever know an individual by the name
23 of Chris Sena?
24 A Yes.
25 Q Do you see Chris Sena here in the courtroom?

1 A Yes.

2 Q Can you point to him and tell me something he's
3 wearing today?

4 A Right over there. Black shirt, it looks like.

5 MS. SUDANO: May the record reflect identification
6 of the defendant?

7 THE COURT: It shall.

8 MS. SUDANO: Thank you, Your Honor.

9 BY MS. SUDANO:

10 Q When's the first time that you met the defendant?

11 A When my sister was about 18.

12 Q How is it that you met the defendant?

13 A I can't remember.

14 Q Who was he to you or who was he to Terrie at that
15 point?

16 A Her boyfriend.

17 Q And the two of them started dating when you were
18 about seven or eight?

19 A Yes.

20 Q And that would have made Terrie how old?

21 A 18.

22 Q Did you just meet him one time or was he around
23 fairly regularly after they started dating?

24 A Around often.

25 Q At some point, did Terrie start living with the

1 defendant?

2 A Yes.

3 Q Do you know approximately when that was?

4 A No.

5 Q Do you know if they were living -- well, did they

6 get married at some point?

7 A Yes.

8 Q Do you know when they got married?

9 A September 17th of '90.

10 Q 1990?

11 A Um-h'm.

12 Q Is that yes?

13 A Yes.

14 Q Had they been living together before that?

15 A Yes.

16 Q Okay. You talked about Terrie's kids. Who's the

17 oldest?

18 A Anita.

19 Q Had Anita been born while they were living together?

20 A Yes.

21 Q Was Anita born before or after they got married?

22 A Before.

23 Q When they were living together in -- or were they

24 living together here in Las Vegas?

25 A Yes.

1 Q Okay. Did you ever have occasion to go and visit
2 them when they were living together before they got married?
3 A I can't remember that.
4 Q All right. Do you ever remember going to visit at
5 any of the apartments they lived at here in Las Vegas?
6 A Yes.
7 Q Okay. Do you remember where that apartment was?
8 A On Hopkins.
9 Q Okay. What part of town is that?
10 A Mount Hood, Sunrise Mountain.
11 Q So here in Las Vegas?
12 A Yes.
13 Q About how old were you when you would go to visit at
14 that apartment on Hopkins?
15 A About 14, 15.
16 Q Okay. Do you recall ever going to visit somewhere
17 earlier when you were maybe nine or ten?
18 A Yes.
19 Q Okay. Where would you go visit when you were about
20 nine or ten?
21 A It was off of Smoke Ranch and Craig or that area.
22 Q Was that a house or an apartment?
23 A Apartment.
24 Q And who was living in that apartment at that time?
25 A Chris and Terrie.

1 Q Did they have children at that time?

2 A I can't remember if they did or not.

3 Q Okay. What types of things would you do at that

4 first apartment when you were younger?

5 A Go swimming and they weren't really there that long,

6 so --

7 Q Okay. So how often did you go swimming over there?

8 A Just a few times.

9 Q Okay. Do you ever remember an occasion where you

10 went swimming and then had a conversation with your sister

11 Terrie after you went swimming?

12 A Yes.

13 Q What was that conversation with Terrie about?

14 A I can't remember that.

15 Q Was there something that was said during that

16 conversation with Terrie where you then went to go talk to

17 the defendant?

18 A Yeah, she said he thought I was mad at him, to go

19 talk to him and see what was going on and tell him that I

20 wasn't mad at him.

21 Q Okay. So Terrie had actually sent you to go talk to

22 the defendant?

23 A Yes.

24 Q Do you remember where the defendant was when you

25 went to talk to him?

1 A In a closet.

2 Q Closet where?

3 A In the bedroom.

4 Q Within that apartment?

5 A Yes.

6 Q Okay. What happened when you went to talk to the

7 defendant in that closet?

8 A He asked me if I was mad at him, and why, if I was,

9 and what was going on, why I wouldn't talk to him, and just

10 asked me why I was ignoring him.

11 Q Were you mad or ignoring the defendant at that

12 point?

13 A No.

14 Q Did you have any idea what he was talking about?

15 A No.

16 Q Did the conversation progress from there?

17 A I can't remember.

18 Q Okay. Did he -- what was the defendant wearing when

19 you went in to talk to him in the closet?

20 A I can't remember that.

21 Q Okay. Do you remember what you were wearing?

22 A No.

23 Q Did the defendant start talking to you about his

24 family at that point?

25 A Some of his family, yes.

1 Q What was he saying about his family?

2 A I don't remember that.

3 Q Was he talking to you about your relationship with

4 him?

5 A I can't remember that.

6 Q Do you remember him telling you anything about a

7 relationship that you and the defendant had?

8 A That we had a special relationship, just me and him.

9 Q What was he saying about that?

10 A That he loved me, and he loved my family.

11 Q What did he do after he told you that you had a

12 special relationship and he loved you and he loved your

13 family?

14 A He wanted to show me in a special way.

15 Q Did you know what he meant when he said he wanted to

16 show you in that special way?

17 A No.

18 Q What, if anything, did he do after he told you he

19 wanted to show you in a special way?

20 A That if I showed him a part of my body, that he

21 would show me a part of his, and that we'd have to keep it

22 between us, that nobody could know.

23 Q Did you show him a part of your body that day?

24 A Yes.

25 Q Did he show you a part of his body that day?

1 A Yes.

2 Q Do you remember which took place first?

3 A No.

4 Q Okay. What part of your body did you show to the
5 defendant that day?

6 A My breasts.

7 Q What, if anything, did you do when you showed him --
8 or did he do when you showed hem your breasts?

9 A I can't remember.

10 Q Did he physically touch you or come into contact
11 with you?

12 A I can't remember.

13 Q Do you remember what you were wearing had you had
14 gone into that closet?

15 A No.

16 Q You said it was right after you had gone swimming,
17 though?

18 A Right.

19 Q Did the defendant show you a part of his body?

20 A Yes.

21 Q What part of his body did he show to you?

22 A His penis.

23 Q Do you remember how he showed you his penis?

24 A He -- he was wearing those biker shorts, and he
25 pulled them down.

1 Q What do you mean by biker shorts?
2 A Those tight biker shorts that you would wear like if
3 you were bicycling.
4 Q Okay.
5 A Those.
6 Q So some sort of tight spandex shorts, maybe?
7 A Yes.
8 Q Okay. Was he wearing underwear?
9 A No.
10 Q What, if anything, happened once he pulled his
11 shorts down?
12 A I can't remember.
13 Q Did he ever ask you to do anything after he pulled
14 his shorts down?
15 A He told me to touch it.
16 Q When you say, touch it, are you referring to his
17 penis?
18 A Yes.
19 Q Did he instruct you how to touch it?
20 A No.
21 Q Did you actually touch it?
22 A Yes.
23 Q How did you touch his penis?
24 A Just touched it and then pulled back my hand.
25 Q All right. Did you touch it for a long period of

1 time?

2 A No.

3 Q Did you touch it more than once?

4 A No.

5 Q Can you demonstrate for us how it was that you

6 touched it?

7 A (Indicating).

8 Q Okay. So you just sort of touched it or tapped it

9 one time and then you pulled back?

10 A Yes.

11 Q Now, you had indicated that the defendant had said

12 something to you about what would happen or what was supposed

13 to happen after you showed him something and he showed you

14 something?

15 A He said that we couldn't tell nobody because nobody

16 would understand.

17 Q Okay. Do you recall stating previously that while

18 that was taking place, he had touched your breasts?

19 A Yes.

20 Q Did he actually touch your breasts?

21 A Yes.

22 Q How did he do that?

23 A Same way I did him.

24 Q So just a brief touch or tap and then he pulled his

25 hands away?

1 A Yes.

2 Q Do you recall if it was one hand or both hands?

3 A I don't remember.

4 Q Did anything else happen while you were in that
5 closet that day?

6 A No.

7 Q What did you do after you had touched the
8 defendant's penis and he had touched your breasts?

9 A I walked back into the other room where my sister
10 was.

11 Q Did you tell Terrie what had happened at that point?

12 A No.

13 Q Why not?

14 A Because he told me not to.

15 Q Now, you indicated that that was an apartment here
16 in town.

17 A Yes.

18 Q Would it be fair to say that Chris and Terrie moved
19 out of state for a while?

20 A Yes.

21 Q Do you recall about how old you were when they came
22 back?

23 A No.

24 Q You indicated going over to the apartment, I
25 believe, you said on Hopkins when you were about --

1 A 14 or --
2 Q -- 14 or 15?
3 A -- 15, yes.
4 Q So they would have been back in town by the time you
5 were 14 or 15; is that correct?
6 A I believe so, yes.
7 Q Did you start going to that apartment at Hopkins
8 when you were 14 or 15 more than one time?
9 A Yes.
10 Q When you were going to that apartment when you were
11 14 or 15, who would be there?
12 A Terrie, Chris, and their two kids.
13 Q Okay. And at that point, the two kids would have
14 been who?
15 A Anita and Terry.
16 Q And when you say, Terry, do you mean Terry Tails?
17 A Yes, Terry Tails.
18 Q Okay. Were there ever occasions where the defendant
19 took pictures of you?
20 A I can't remember that.
21 Q Okay. Do you know that there were pictures taken of
22 you?
23 A At that time, no.
24 Q Okay. When's -- do you know at some point, though,
25 that there were pictures taken of you?

1 A Yes.

2 Q All right. When is the first time that you remember
3 having --

4 A When they --

5 Q -- pictures --

6 A When they lived on Yellowstone.

7 Q Okay. How old would you have been when they lived
8 on Yellowstone?

9 A About 17 or 18.

10 Q All right. Whose idea was it to take pictures of
11 you?

12 A Christopher.

13 Q What type of pictures would the defendant take of
14 you?

15 A Nude.

16 Q What type of nude photos?

17 A Like sexy nude pictures.

18 Q Is that something that happened one time or more
19 than one time?

20 A More than one time.

21 Q Is it something that just happened at Yellowstone?

22 A Yes.

23 Q Now, how did that idea come up, if you recall?

24 A I don't recall.

25 Q Did the defendant say anything to get you to pose

1 for those pictures?

2 A He would just say I was pretty, I needed to be a
3 model, or how my body was different from Terrie's.

4 Q All right. So he would tell you things like you
5 should be a model and that he wanted to take the photos?

6 A Yes.

7 Q And then you also said that he would tell you your
8 body was different than Terrie's; is that right?

9 A Yes.

10 Q Why would he tell you that your body was different
11 than Terrie's?

12 A To see whose breasts were bigger or how flat our
13 stomachs were.

14 Q So he wanted to compare you and your sister, Terrie?

15 A Yes.

16 Q Did the defendant ever say anything to you about
17 wanting to see your sister or your niece or your nephew?

18 A Yes.

19 Q What did he say about that?

20 A He said if I loved my sister and for her to keep
21 seeing her kids, I would do it.

22 Q What do you mean by you would do what?

23 A Take the pictures.

24 Q When you would take those pictures with the
25 defendant, who would be around?

1 A Me, him, and Terrie.

2 Q Was Terrie always around?

3 A Not always.

4 Q Okay. Were there times it was just you and the
5 defendant?

6 A Yes.

7 Q All right.

8 MS. SUDANO: Your Honor, may I approach with
9 Proposed 67, 110, and then 83 through 93?

10 THE COURT: 67, 83 through 93?

11 MS. SUDANO: Yes. And 110.

12 THE COURT: Okay. And what?

13 MS. SUDANO: 110.

14 THE COURT: Okay. Yes.

15 MS. SUDANO: May I approach, Your Honor?

16 THE COURT: Yes.

17 BY MS. SUDANO:

18 Q All right. I'm going to show you some pictures.
19 First one I'm going to show you is Proposed Exhibit 67. What
20 are we looking at there?

21 A A homecoming picture.

22 Q Who's in the picture?

23 A Me.

24 Q Okay. How old are you in that homecoming picture?

25 A I was 17 or 18.

1 Q Is that a fair and accurate depiction of how you
2 looked when you were 17 or 18?

3 A Yes.

4 Q All right. I've got another one for you. Proposed
5 110, what are we looking at there?

6 A The Sadie Hawkins dance my sophomore year.

7 Q Okay. So is that you and someone else?

8 A Yes.

9 Q For Sadie Hawkins when you were a sophomore?

10 A Yes.

11 Q How old were you in that particular photo?

12 A About 15 or 16.

13 Q Is that a fair and accurate depiction of how you
14 looked when you were 15 or 16?

15 A Yes.

16 Q All right.

17 MS. SUDANO: Your Honor, I would move for admission
18 of Proposed 67 and Proposed 110.

19 THE COURT: Any objection.

20 MR. LOPEZ-NEGRETTE: We'll submit it.

21 THE COURT: They'll be admitted.

22 (State's Exhibits 67 and 110 admitted)

23 MS. SUDANO: All right.

24 BY MS. SUDANO:

25 Q And then I also wanted to show you a couple other

1 photos. If you can just look through that pick group. That
2 one's 83 through, I would say, 86 [sic].

3 A Okay.

4 Q Did you recognize that group of photos in Proposed
5 83 through 87?

6 A I don't remember them until I came here.

7 Q Okay. What was depicted in Proposed 83 through 87?

8 A What do you mean?

9 Q What were you looking at there?

10 A Nude photos.

11 Q Of who?

12 A Me.

13 Q Do you recognize yourself in those photos?

14 A Yes.

15 Q How old were you in those photos, Proposed 83
16 through 87?

17 A About 14 or 15.

18 Q Anything -- well, were those photos all taken on the
19 same day?

20 A Yes.

21 Q Where were those photos taken?

22 A My parents' old residence.

23 Q Where in the residence?

24 A My bedroom.

25 Q How do you know that you were in the bedroom?

1 A Because it had the blanket that I used as a
2 comforter.

3 Q Is there anything that tells you that you were 14 or
4 15?

5 A By my tan line as a cheerleader.

6 Q Were you just a cheerleader when you were 14 or 15
7 or you were a cheerleader the whole time in high school?

8 A No, just my sophomore year, so about 14, 15, 16.

9 MR. LOPEZ-NEGRETE: I'm sorry, we couldn't hear.
10 Could we repeat the answer?

11 BY MS. SUDANO:

12 Q I asked you, I'm sorry, how you knew you were 14,
13 15, and you said it was you were a cheerleader. And then I
14 think the last question I asked you was were you just a
15 cheerleader that one year or were you a cheerleader the whole
16 time you were in high school?

17 A Just that one year.

18 Q Okay. When you were a sophomore?

19 A Yes.

20 Q All right. You indicated that you were tan in those
21 pictures and the only time you were tan was --

22 A During that time.

23 Q During that time. All right.

24 A Yes.

25 Q And then I'm going to show you some other ones here.

1 Proposed 88, do you recognize Proposed 88?

2 A Yes.

3 Q All right. And what are we looking at in Proposed

4 8?

5 A Me and my sister laying on the bed.

6 Q Okay. And your sister, Terrie?

7 A Yes.

8 Q Are you both in the nude?

9 A Yes.

10 Q How old are you approximately in that photograph?

11 A Maybe 16, 17.

12 Q What are you basing that on?

13 A My body frame.

14 Q And then I'm going to show you Proposed 89. Do you

15 recognize that photo?

16 A Yes.

17 Q What are we looking at there?

18 A Me and my sister, Terrie, laying down.

19 Q Were you both in the nude?

20 A Yes.

21 Q Approximately how old are you in that photograph?

22 A About 17.

23 Q What are you basing that on?

24 A My sister's pregnant at the time.

25 Q Who would she have been pregnant with at the time?

1 A Ryan.

2 Q How old were you when Ryan was born?

3 A 17 or 18.

4 Q And I'm going to show you Proposed 90 through 93. I
5 want you to look at those as well.

6 Did you recognize Proposed 90 through 93?

7 A Yes.

8 Q What were we looking at in Proposed 90 through 93?

9 A Nude pictures of me, Chris, and Terrie.

10 Q Do you recall approximately how old you were when
11 those photographs were taken?

12 A About 18.

13 Q What are you basing that on?

14 A The timeframe of when the office was built.

15 Q What office are you talking about?

16 A The office in back of the Yellowstone trailer.

17 Q Okay. So those -- that last group of photos that I
18 showed you was from the Yellowstone trailer?

19 A Yes.

20 Q Okay. And that was the photos with yourself,
21 Terrie, and the defendant?

22 A Yes.

23 Q All right. So we talked about a number of those
24 different pictures. We talked about the first set that
25 happened when you were a sophomore in high school, and those

1 were photographs of just you, and you said that you were in
2 your bedroom at your parents' old house; is that correct?

3 A Yes.

4 Q Was anyone else present when those photographs were
5 taken?

6 A No.

7 Q Okay. It was just you, and who took the
8 photographs?

9 A Christopher.

10 Q You were holding some sort of an object in a lot of
11 those photos; is that correct?

12 A Yes.

13 Q What were you holding?

14 A A blue vibrator?

15 Q Whose vibrator was that, if you know?

16 A I don't remember.

17 Q Was it yours?

18 A No.

19 Q What were you doing with the vibrator in various
20 photos?

21 A Posing with it.

22 Q How did you know how to pose?

23 A He told me.

24 Q Who told you?

25 A Christopher.

1 Q Were you smiling in some of those photographs?
2 A Yes.
3 Q Why were you smiling?
4 A Because he would make jokes out of it and get me to
5 laugh.
6 Q All right. Now, there were also some photographs
7 that were taken with yourself and your sister, Terrie; is
8 that correct?
9 A Yes.
10 Q And you were both in the nude for those photos; is
11 that correct?
12 A Yes.
13 Q Who took those photographs?
14 A Christopher.
15 Q How were you positioned in those photographs?
16 A There was one with me and my sister hugging each
17 other, and then the other one was just laying down next to
18 her.
19 Q All right. And the photograph where the two of you
20 were hugging, why were you hugging?
21 A I can't remember.
22 Q Okay. Whose idea was it to take those photographs?
23 A I don't remember.
24 Q You indicated that it was the defendant who was
25 taking them?

1 A Yes.

2 Q Who was it that told you how to be positioned in
3 those particular photographs?

4 A Christopher.

5 Q And then there were some additional photos that were
6 involving you, Terrie, and the defendant in various sexual
7 positions; is that correct?

8 A Yes.

9 Q Whose idea was it to take those photographs?

10 A Christopher's.

11 Q It was the defendant's idea?

12 A Yes.

13 Q Who was directing you to be in those various
14 positions?

15 A Christopher.

16 Q The defendant was directing that?

17 A Yes.

18 Q Now, we talked about the photographs. Were there
19 some other incidents where there was sexual contact between
20 yourself and the defendant?

21 A Yes.

22 Q If you recall, was there an incident when you were
23 15 or 16?

24 A Yes.

25 Q Where did that take place?

1 A The apartment on Hopkins.

2 Q And that was the apartment that the defendant and
3 Terrie lived in together?

4 A Yes.

5 Q What were you doing over at the apartment at
6 Hopkins?

7 A Spending the night.

8 Q Who all was there the night you were spending the
9 night?

10 A Me, Christopher, Terrie, and the two children.

11 Q Okay. And again, it was just Anita and Tails at
12 that point?

13 A Yes.

14 Q Okay. Where was Terrie?

15 A Terrie was in the living room with us.

16 Q Okay. Where were the kids?

17 A Sleeping.

18 Q At some point, did Terrie also go to sleep?

19 A Yes.

20 Q Did you go to sleep the same time Terrie went to
21 sleep?

22 A No.

23 Q What did you do?

24 A Stayed up and watched a movie.

25 Q Was anybody watching that movie with you?

1 A Yes.

2 Q At some point during that movie, does the defendant

3 start to talk to you?

4 A Yes.

5 Q What is he talking to you about?

6 A I can't remember that.

7 Q Did the conversation at some point turn sexual?

8 A At some point, yes.

9 Q Who turned it in that sexual direction?

10 A Christopher.

11 Q What was he saying to you, if you recall?

12 A I don't recall.

13 Q Okay. Was he saying anything to you at that point

14 about your sister and the kids?

15 A I don't remember that.

16 Q Okay. What happened next?

17 A I don't remember that.

18 Q Okay. At some point did your clothes come off?

19 A Yes.

20 Q How did your clothes come off?

21 A I don't remember that.

22 Q At some point did the defendant's clothes come off?

23 A Yes.

24 Q What happened after that?

25 A He put me on my stomach and engaged in anal sex.

1 Q When you say anal sex, what do you mean by that?

2 A He --

3 Q What part of his body came into contact with what

4 part of your body?

5 A His penis came in my butt.

6 Q Okay. What did he do after he had his penis in your

7 butt?

8 A I don't remember.

9 Q How long did that go on for?

10 A Not very long.

11 Q What ended that?

12 A Him ejaculating, I guess.

13 Q Do you remember where he ejaculated?

14 A My back.

15 Q Were you saying anything to him while that was

16 going?

17 A That it hurt, to stop.

18 Q What did he do in response to you saying, it hurt,

19 and telling him to stop?

20 A He said, it's going to be over soon, just let it

21 happen.

22 Q Did he stop after you said that?

23 A No.

24 Q After he ejaculated on your back, what did he do?

25 A Got dressed.

1 Q Did he stay -- well, I don't even know if I asked
2 you. Where were you when that happened?
3 A The living room.
4 Q Where in the living room?
5 A On the floor.
6 Q Did he stay out in the living room with you?
7 A I don't remember that.
8 Q Did you stay out in the living room?
9 A Don't remember that.
10 Q Did the defendant tell you anything after that
11 encounter ended?
12 A He just told me not to tell my sister.
13 Q Did he say what would happen if you did tell your
14 sister?
15 A No.
16 Q Did you tell your sister?
17 A No.
18 Q Why not?
19 A Because he told me not to.
20 Q Do you recall another incident that took place at
21 that same apartment?
22 A Yes.
23 Q All right. How old were you for that second
24 incident at the apartment?
25 A 15 or 16.

1 Q Okay. Now, tell us, if you remember, how that
2 second incident at the apartment started?

3 A We were all at my parents' house, and then he said
4 he had forgotten something over at the apartment, and if I
5 would go with him.

6 Q And that was the same apartment over on Hopkins?

7 A Yes.

8 Q Do you remember what time of the day that was?

9 A Mid afternoon.

10 Q Was anybody else present at the apartment on Hopkins
11 when you got there?

12 A No.

13 Q Had anybody else come with you and the defendant to
14 the apartment?

15 A No.

16 Q Okay. What happened when you got to the apartment?

17 A I sat down, and he was fiddling around with
18 something and then started talking to me.

19 Q Do you remember what he was talking to you about?

20 A No.

21 Q At some point, do you move from where you're sitting
22 down?

23 A No.

24 Q What happens next?

25 A He told me that he would never take pictures or

1 touch me in a sexual way again.

2 Q Did he say that he was going to do anything instead
3 of that?

4 A Teach me how to defend myself in case people or guys
5 approach me and try to rape me or harm me.

6 Q Did he indicate to you how those two things were
7 related, him having contact with you or taking photos of you
8 and then teaching you to defend himself?

9 Did he indicate to you that either of those things
10 was sort of a hobby for him?

11 A No.

12 Q What happened after he told you he was going to
13 teach you how to defend yourself?

14 A He started trying to undress me.

15 Q What do you mean he was trying to undress you? What
16 was he doing?

17 A Pulling up my shirt.

18 Q Where were you at that point?

19 A The same spot, I was sitting down.

20 Q Okay. Did you say or do anything when he started
21 trying to undress you?

22 A I told him to stop.

23 Q What happened at that point?

24 A He kept on, and then he pinned me against the wall,
25 and again, he put his penis inside my butt, and did anal sex.

1 Q Okay. Where were you at that point when he put his
2 penis inside of your butt?

3 A On the wall.

4 Q Okay. Were you standing, sitting down?

5 A Standing.

6 Q How would you have gotten from where you were
7 sitting up to against the wall?

8 A He kind of like directed me over to the wall and me
9 put my hands on the wall.

10 Q Do you recall how that incident ended?

11 A Him ejaculating.

12 Q Do you remember where he ejaculated on that
13 incident?

14 A A towel.

15 Q What, if anything, did he do after he ejaculated in
16 the towel?

17 A I can't remember.

18 Q Did he tell you to do anything at that point?

19 A To go wash up before we went back to my parents'.

20 Q Did he tell you why you needed to go wash up?

21 A No.

22 Q What was your demeanor like at that point?

23 A What do you mean?

24 Q Were you happy? Were you sad? Were you angry?
25 Were you something different?

1 A I was angry.

2 Q Okay. Were you crying?

3 A Yes.

4 Q Did he say anything to you about you crying?

5 A I can't remember.

6 Q All right.

7 MS. SUDANO: And Your Honor, may I publish 110?

8 THE COURT: Yes.

9 MS. SUDANO: Okay.

10 BY MS. SUDANO:

11 Q All right. So Melissa, we've got Exhibit 110 up

12 there. What are we looking at in that photograph?

13 A The Sadie Hawkins picture.

14 Q Okay. And that was the one when you were 15?

15 A Yes.

16 Q All right. And that's your date to at that Sadie

17 Hawkins dance when you were 15?

18 A Yes.

19 Q All right. And that's about how old you were when

20 the incidents that you just described were taking place?

21 A Yes.

22 Q All right.

23 MR. LOPEZ-NEGRETTE: Objection, Your Honor. I

24 believe her testimony was 15 or 16 years old, so I think that

25 misstates her testimony.

1 THE COURT: Yeah, that will stand. I think she did
2 say 15 or 16 years old.

3 MS. SUDANO: Okay.

4 BY MS. SUDANO:

5 Q And this is you when you were how old?

6 A About 15 or 16.

7 Q All right. And then I'm going to show you Exhibit
8 67. I don't know if you can see that one very well, but
9 that's -- what are we looking at here in Exhibit 67?

10 A A homecoming dress picture.

11 Q Okay. And that was you when you were a little bit
12 older?

13 A Yes.

14 Q About how old were you in from a photograph?

15 A 17 or 18.

16 Q Now, did you continue to have interaction with the
17 defendant when you were 17 or 18? Did you continue to go
18 over to the house and continue to see him?

19 A Not as often.

20 Q All right. What was it that caused you to stop
21 spending time with the defendant when you were 17 or 18?

22 A I just stopped going over there as much.

23 Q Any particular reason?

24 A I got into my friends and going places with them.

25 Q All right. Now, at some point -- do you have any

1 children?

2 A Yes.

3 Q Who is your oldest child?

4 A Erin.

5 Q That's Erin Clark?

6 A Yes.

7 Q How old is Erin?

8 A 18.

9 Q Okay. How old were you when you had Erin?

10 A I was 19.

11 Q Did you stop spending time with Terrie and the

12 defendant right around the time that Erin was born?

13 A I didn't go over as much, but I spent time with

14 them, yes.

15 Q Okay. Now, I'm going to --

16 MS. SUDANO: May I publish, Your Honor?

17 THE COURT: Yes.

18 BY MS. SUDANO:

19 Q I'm going to show you Exhibit 69. What are we

20 looking at there in Exhibit 69?

21 A That's a picture of my daughter.

22 Q Okay. That's Erin?

23 A Yes.

24 Q Do you remember what year that picture's from?

25 A Fifth grade.

1 Q So that was Erin in I have grade?
2 A Yes.
3 Q All right. Now, when Erin was in fifth grade --
4 THE COURT: Is that fifth grade or sixth grade?
5 THE WITNESS: Fifth grade.
6 THE COURT: This picture?
7 THE WITNESS: Yes.
8 THE COURT: Okay. I'm sorry, I thought I heard
9 sixth. I'm --
10 BY MS. SUDANO:
11 Q All right. So when Erin was in fifth grade in this
12 picture, where would she typically spend her weekends?
13 A Over at Terrie's.
14 Q Okay. Who was Terrie living with at that point in
15 time?
16 A Christopher.
17 Q And that's where -- were they at that 6012
18 Yellowstone address?
19 A Yes.
20 Q How was it that Erin would get over to 6012
21 Yellowstone?
22 A Terrie would come and pick her up or Christopher
23 would come and pick her up.
24 Q Would Erin spend just a couple hours over there or
25 would she spend the night?

1 A She would spend the night.

2 Q So sort of over there for the whole weekend?

3 A Yes.

4 Q Why did she like going over there?

5 A She liked going swimming in their pool, jumping on
6 the trampolines, the video games, spending time with her
7 cousins.

8 Q Now, would Erin go over to the house with anybody
9 else or would she go by herself?

10 A She started going over there with my niece, Tamara.

11 Q Tamara is a few years older than Erin?

12 A Yes.

13 Q Okay. Would they always go together or would there
14 be some weekends where one would go and not the other?

15 A There were weekends when Erin would -- went and
16 Tamara didn't.

17 Q Okay. So would Erin go more often than Tamara?

18 A Yes.

19 Q Did you have concerns about either Erin or Tamara
20 going over to the house at Yellowstone?

21 A At that time, no.

22 Q Okay. Did you ever at any point have concerns about
23 Erin or Tamara spending time over there?

24 A No.

25 Q Do you remember having a conversation with either

1 Erin or Tamara about spending time over at Yellowstone?

2 A No.

3 Q Did Erin continue to go over there for a number of
4 years?

5 A Yes.

6 Q Were there ever times where she didn't go over for a
7 little while?

8 A Yes.

9 Q What would cause that?

10 A A fight between the families.

11 Q Did Erin ever indicate to you that she didn't want
12 to go over there anymore?

13 A No.

14 Q All right. At some point, did Erin stop going over
15 there altogether?

16 A Yes.

17 Q When was that?

18 A I can't remember that.

19 Q Okay. Did something happen that caused her to stop
20 going over there?

21 A My mother and my sister had a huge fight.

22 Q All right. And at some point, did you learn that
23 the defendant in this case had been arrested?

24 A Yes.

25 Q And obviously, Erin -- or was Erin still going over

1 there at that point or did she stop?

2 A No.

3 Q Had --

4 A She stopped.

5 Q She stopped before that?

6 A Yes.

7 Q Before the defendant got arrested, had Erin said

8 anything to you about anything that had happened at that

9 residence?

10 A No.

11 Q What about Tamara? Before the defendant got

12 arrested, had Tamara said anything to you about what was

13 happening at the residence?

14 A No.

15 Q Okay. So at some point, did you all receive a call

16 from the police?

17 A Stating?

18 Q At some point, did you all receive a call from the

19 police?

20 A Yes.

21 Q Okay. What was the nature of that call?

22 A To contact a detective.

23 Q Do you remember about when that was?

24 A No.

25 Q When you were called in to go talk to the detective,

1 who all did the detectives want to see?

2 A Me, Erin, and Tamara.

3 Q Did they tell you why?

4 A No.

5 Q So when you went down there, did you have any

6 information about what you were going to talk about?

7 A About filing charges.

8 Q So you obviously, at that point, had been in touch

9 with the family?

10 A Yes.

11 Q And you knew that there was something going on?

12 A Yes.

13 Q But you didn't know specifics about the

14 investigation at that point?

15 A No.

16 Q Okay. Where did you all go to meet with the

17 detectives?

18 A At -- on Pecos Street. I -- yeah.

19 Q Fair enough. What type of building did you go to?

20 Is it the police station?

21 A No.

22 Q Do you remember what it was that you went to?

23 A No.

24 Q Did you end up talking to the police that day?

25 A Yes.

1 Q Do you know if Erin and Tamara talked to the police
2 that day?

3 A I don't.

4 Q Okay. While you were talking to the police, were
5 Erin and Tamara in the room?

6 A No.

7 Q Were you present when either Erin or Tamara talked
8 to the police at all, if they did?

9 A No.

10 Q Okay.

11 MS. SUDANO: Court's indulgence, Your Honor.

12 Thank you, Your Honor. Nothing further.

13 THE COURT: Any cross?

14 MR. LOPEZ-NEGRETTE: Yes, Your Honor.

15 CROSS-EXAMINATION

16 BY MR. LOPEZ-NEGRETTE:

17 Q Good afternoon, Ms. Clark.

18 A Good afternoon.

19 Q So you testified earlier today when the DA was
20 asking you questions about pictures, right?

21 A Yes.

22 Q And you said that these pictures were taken at
23 Yellowstone -- at the Yellowstone residence.

24 A Yes.

25 Q Is that right?

1 A Yes.

2 Q And that you were about 17 to 19 years old?

3 A Yes.

4 Q And that these were the sexy nude pics that we were
5 talking about?

6 A Yes.

7 Q Is that right?

8 A Yes.

9 Q Okay. Because you also testified about the pictures
10 that she showed you, I think, it was Exhibits 83 to 87, that
11 those pictures were taken at your parents' residence?

12 A When I was 15.

13 Q When you were 15?

14 A Yes.

15 Q And are you saying that they were -- because I
16 believe you testified at that the sexy nudie pics were taken
17 just at the Yellowstone residence earlier today.

18 A No, I said they were taken at my parents' and at
19 Yellowstone.

20 Q Okay. So you never testified that they were taken
21 just at Yellowstone?

22 A No.

23 Q Okay. And so when you met with police in this
24 matter --

25 A Yes.

1 Q -- right?

2 A Right.

3 Q The reason you were there was to press charges
4 against Chris?

5 A Yes.

6 Q Okay. And you also met with the DA's Office at one
7 point to look through some of these pictures?

8 A Yes.

9 Q And they told you to look for pictures where you
10 were 16 or younger?

11 A Yes.

12 Q Okay. Now, the sexual contact with Chris, can you
13 remind me, did that happen before the pictures, the first
14 incident?

15 A Before, yes.

16 Q That was when you were about 10 or 11 years old; is
17 that right?

18 A I never said that. I said the pictures started at
19 Yellowstone.

20 Q I'm sorry, I couldn't hear you.

21 A That they started at Yellowstone.

22 Q The pictures started at Yellowstone?

23 A Yes, that I could remember.

24 Q Okay. Are those the pictures that you were shown
25 today in court?

1 A Yes.

2 Q The pictures that you saw today, those were at
3 Yellowstone?

4 A Yes.

5 Q Okay. And that's Exhibits 83 to 87 or -- where are
6 they?

7 MR. LOPEZ-NEGRETE: May I approach the Clerk, Your
8 Honor?

9 THE COURT: Yes.

10 BY MR. LOPEZ-NEGRETE:

11 Q Okay. So the pictures --

12 MR. LOPEZ-NEGRETE: May I approach the witness,
13 Your Honor?

14 THE COURT: Yes.

15 BY MR. LOPEZ-NEGRETE:

16 Q I'm showing you Exhibits 83 through 87, State's
17 Proposed. These are the pictures that we're talking about
18 that you saw today in court.

19 A Yes.

20 Q Okay. These are the pictures, you said, to the
21 detective happened at Yellowstone; is that correct?

22 A This happened at my parents' old residence that I
23 don't remember until the detective showed me the first time.

24 Q Did the detective show you these pictures?

25 A Yes.

1 Q And you told him --

2 A That I didn't remember them until they showed me the
3 pictures.

4 Q The detective was the one showing them to you,
5 right?

6 A Yes.

7 Q Okay. And you told him that you didn't remember
8 where these were?

9 A That I didn't remember the time that he was taking
10 the pictures.

11 Q Okay. The time and the location?

12 A Yes.

13 Q Okay. When the detective asked you do you remember
14 where those pictures -- where you were when those pictures
15 were taken, you answered that they were in the trailer where
16 he lives now.

17 A I never said those pictures were taken at the
18 trailer.

19 Q So the pictures that I showed you right now --

20 A Were taken at my parents' old residence.

21 Q That's what you keep saying.

22 A Yes.

23 Q The detective showed you these same pictures when
24 you talked to him; is that right?

25 A I don't remember if it was the detective or the DA.

1 Q Okay. Do they look the same?

2 A What do you mean?

3 Q You don't know which one is which?

4 A The pictures?

5 Q No, the DA or the detective?

6 A Yes, I know the difference.

7 Q Okay. So then do you remember going to the

8 police --

9 A Yes.

10 Q -- where you brought Erin and Tamara, right?

11 A Right.

12 Q Okay. The detective showed you the pictures I

13 showed you today.

14 A The detective, no, he did not show me the pictures.

15 Q He didn't show you the pictures?

16 A No.

17 Q Okay.

18 A He took my statement.

19 Q He just took your statement?

20 A Yes.

21 Q Okay. So the first time you saw those pictures was

22 when?

23 A At the DA's Office.

24 Q I see. Okay.

25 Chris was abusing you repeatedly, right?

1 A I never said he abused me.

2 Q He never abused you?

3 A No.

4 Q Okay. You did have anal sex with him?

5 A Yes.

6 Q You don't consider that abuse?

7 A Not physical abuse, but -- you're confusing me.

8 Q I'm sorry, I'm not trying to confuse you.

9 A Well, you are.

10 Q Okay. Did you want to have anal sex with him?

11 A No.

12 Q Okay. And this is the time when it started in the

13 living room, right?

14 A Yes.

15 Q When Anita, Tails, and Terrie were sleeping?

16 A Yes.

17 Q Okay. And they had fallen asleep, right?

18 A Right.

19 Q But you were all in the same apartment?

20 A Yes.

21 Q Okay. And you're saying that he put you on the

22 floor, right?

23 A I was already on the floor watching a movie.

24 Q Okay. You told the detective that he put you on the

25 floor, correct?

1 A Yes.

2 Q And then he had anal sex with you, right?

3 A Right.

4 Q Now, you're saying that you didn't want to do that?

5 A No.

6 Q So it was rape?

7 A Yes.

8 Q Okay. And actually, you were in pain?

9 A Yes.

10 Q Okay. And the second incident that you talked about

11 where he pinned you against the wall; do you remember that

12 incident?

13 A Yes.

14 Q Okay. That was when you were about 16 years old; is

15 that right?

16 A About that, yes.

17 Q Okay. Now, he also was having anal sex with you

18 that time?

19 A Yes.

20 Q Which you didn't want to do?

21 A No.

22 Q And he actually is -- was rough?

23 A Yes.

24 Q He did it very hard?

25 A Yes.

1 Q To the point that it made you bleed?

2 A Right.

3 Q And afterwards you were crying?

4 A Yes.

5 Q You were upset?

6 A Yes.

7 Q Okay. And the first incident where you tapped his

8 penis, do you remember that incident?

9 A Yes.

10 Q Okay. Terrie is the one who actually had you go

11 talk to him; is that right?

12 A Yes.

13 Q Okay. And you said that afterwards you didn't tell

14 her about tapping his penis, right?

15 A Right.

16 Q But you didn't suspect that she knew since she had

17 you go over there?

18 A No.

19 Q Okay. And you didn't talk to her about the second

20 incident where Anita, Tails, and her were sleeping, right?

21 A Right.

22 Q You didn't tell her that Chris had just --

23 A No.

24 Q -- anally raped you?

25 A No.

1 Q Okay. And you also didn't tell her after the last
2 time that he pinned you up against the wall?

3 A No, I didn't tell her.

4 Q Okay. And you didn't stop from going over to spend
5 time with Chris and Terrie after the first incident when you
6 tapped his penis, right?

7 A Right.

8 Q You went back and you had another interaction with
9 him --

10 A Right.

11 Q -- where he anally raped you after everyone else
12 fell asleep, right?

13 A Right.

14 Q And then you went back again and you had another
15 interaction with him where he pinned you up against the wall,
16 right?

17 A Right.

18 Q Okay. There was a last incident with Chris
19 supposedly when you were -- well, when you were pregnant with
20 Erin. Was that the last time there was some sort of
21 attempted sexual contact with him?

22 A No, it was after she was born.

23 Q After she was born. Okay.

24 A Yes.

25 Q Let me ask you about the time that she was -- that

1 you were pregnant.

2 So you were about 18 years old?

3 A Yes.

4 Q And he tried grabbing your breasts?

5 A Yes.

6 Q And you actually smacked his hand away?

7 A Yes.

8 Q And he asked you if you would have sex with him?

9 A That I don't remember.

10 Q Okay. You told the detective that he asked you if

11 you would have sex with him.

12 A I don't remember saying that.

13 Q Would it help you remember if I showed you a copy of

14 your statement?

15 A Yes.

16 MR. LOPEZ-NEGRETTE: May I approach the witness?

17 THE COURT: Yes.

18 BY MR. LOPEZ-NEGRETTE:

19 Q Page 9.

20 A Okay.

21 Q Go ahead and read that to yourself, and tell me when

22 you're finished.

23 A (Witness complies). Okay.

24 Q Does that help you remember what you told the

25 detective?

1 A Yes.

2 Q Okay. You told the detective that Chris asked you
3 if he would have -- if you would have sex with him?

4 A Right.

5 Q And your answer to Chris was no?

6 A Correct.

7 Q And Terrie was also around for this incident?

8 A I believe so, yes.

9 Q And she actually told him to back off?

10 A Yes.

11 Q Okay. Even then, you didn't talk to Terrie about
12 the prior incidents?

13 A No.

14 Q Okay.

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

16 BY MR. LOPEZ-NEGRETTE:

17 Q Okay. Earlier today when we were talking about the
18 incident at the apartment when you guys were watching a
19 movie --

20 A Right.

21 Q -- do you remember that incident?

22 A Yes.

23 Q You told the DA that Chris said something to you
24 while it was happening, right?

25 A Right.

1 Q That he said, let it happen?

2 A Right.

3 Q When you talked to the detective, you told the
4 detective that Chris didn't say anything.

5 A I don't remember saying that.

6 Q Would it help you -- would it help you remember if I
7 showed you a copy of your statement?

8 A Yes.

9 MR. LOPEZ-NEGRETTE: May I approach the witness?

10 THE COURT: Yes.

11 MR. LOPEZ-NEGRETTE: Page 13.

12 BY MR. LOPEZ-NEGRETTE:

13 Q Please read that to yourself, and tell me when
14 you're finished.

15 A Which one?

16 Q Page 13.

17 A (Witness complies). Okay.

18 Q Does that help you remember what you told the
19 detective?

20 A Yes.

21 Q The detective asked you, then, what did he say?
22 Right?

23 A Right.

24 Q And you said, he didn't stop, he just didn't say
25 nothing.

1 A Correct.

2 Q That's different than what you told us earlier

3 today, right?

4 A Right.

5 Q Now, when you spoke to the detective, you wanted to

6 tell him the truth?

7 A Correct.

8 Q You didn't lie to the police now, did you?

9 A No.

10 Q And you took an oath today to tell the truth?

11 A Right.

12 Q And you told us something completely different.

13 A I can't remember what time I had said that or when

14 he was not speaking because there was two incidents and

15 different times, and I can't remember which one was said

16 when.

17 Q Okay. When you answered the detective, you didn't

18 say, I don't remember?

19 A Right.

20 Q You didn't say, I don't know?

21 A Right.

22 Q You didn't say, I'm confused?

23 A Right.

24 Q Because there are other incidents that happened to

25 me?

1 A Right.

2 Q You said, he didn't say nothing.

3 A Well, then I made a mistake.

4 Q Okay. Eventually you stopped going to spend time
5 with Chris and Terrie, right?

6 A Yes.

7 Q Because you had gone through abuse?

8 A Yes.

9 Q Okay. And at that point, you were around 18?

10 A Yes.

11 Q 19?

12 A About 18 or 19, yes.

13 Q Okay. And you had Erin when you were 19?

14 A Yes.

15 Q Okay. And you never talked to her about Chris
16 abusing you?

17 A No.

18 Q You actually let her go over to Chris's house?

19 A Yes.

20 Q And sometimes you would take her?

21 A Yes.

22 Q You let her spend the night?

23 A Yes.

24 Q And you didn't warn her about Chris doing these kind
25 of things to you?

1 A No, I didn't think I would have to. I thought she
2 would be safe.

3 Q You didn't ask her when she came back home if
4 anything happened to her?

5 A No.

6 MR. LOPEZ-NEGRETE: Court's indulgence. No further
7 questions.

8 THE COURT: All right.

9 MR. LOPEZ-NEGRETE: Pass the witness.

10 THE COURT: Thank you. Any redirect?

11 MS. SUDANO: Yes. Thank you, Your Honor.

12 REDIRECT EXAMINATION

13 BY MR. SWEETIN:

14 Q So, Melissa, you had just said that you weren't
15 concerned about Erin going over to the defendant's residence;
16 is that right?

17 A Right.

18 Q And you said that you didn't think you'd have to
19 worry about her, right?

20 A Right.

21 Q Why is that?

22 A Because I thought she would be safe with my sister,
23 around.

24 Q All right. Now, you had also said earlier that --
25 what was the defendant saying to you during the first

1 incident when you talked to him after you went swimming?

2 A That two people, that's how they show love for one
3 another.

4 Q Did you think that that was something that was
5 personal to you and the defendant?

6 A Yes.

7 Q Why did you think that?

8 A Because it was just between me and him.

9 Q And he led you to believe it was personal to you and
10 the defendant?

11 A Yes.

12 Q You indicated that you had stopped going around or
13 stopped spending time with the defendant when you were about
14 18 or 19; is that correct?

15 A Yes.

16 Q Okay. When you were -- prior to when you were 18 or
17 19, what was your understanding of what was happening between
18 you and the defendant?

19 A That we had a special relationship.

20 Q Did you think there was anything wrong or unusual
21 about that relationship?

22 A In the beginning, no.

23 Q Why didn't you think there was anything wrong or
24 unusual in the beginning?

25 A Because I really didn't know too much about that --

1 I don't know how to explain it.

2 Q So you said in the beginning you didn't think there
3 was anything wrong or unusual. At some point later, did you
4 start to think that there was something wrong or unusual?

5 A Yes.

6 Q What caused that change for you?

7 A When I grew up, older.

8 Q What happened about growing older?

9 A I learned more about sex and how relationships go,
10 how families are supposed to act.

11 Q And that was what changed your opinion?

12 A Yes.

13 Q Now, did you ever want to have anal sex with the
14 defendant?

15 A No.

16 Q So those incidents when you were 15 or 16, were
17 those things that you wanted to have happen?

18 A No.

19 Q And you said earlier that the defendant never abused
20 you.

21 A Right.

22 Q What is your understanding of abuse as it was being
23 used in that question?

24 A Physically.

25 Q So he never hit you, punched you, kicked you?

1 A No.

2 Q All right. But certainly, these sexual incidents
3 that we've talked about, those did happen?

4 A Yes.

5 Q Okay. And you talked about the photographs that I
6 was showing you earlier, and there was the set of them with
7 you and the vibrator.

8 A Yes.

9 Q Do you recall being asked questions about that?

10 A Yes.

11 Q Okay. How old were you in those photographs?

12 A About 15.

13 Q And that was again, based on the tan lines in those
14 photographs --

15 A Right.

16 Q -- right?

17 A Right.

18 Q All right. So when you said earlier that the
19 pictures started at Yellowstone when you were 17 or 18?

20 A Right.

21 Q When -- do you actually remember most of the
22 specifics about that incident when you were 14 or 15?

23 A No.

24 Q Okay. But you can tell that you were 14 or 15?

25 A Yes.

1 Q And you can tell that those are photos of in the
2 nude?
3 A Yes.
4 Q And you can tell that those were photos that were
5 taken in your bedroom?
6 A Yes.
7 Q Other than the defendant, did anyone else have you
8 pose for naked photos?
9 A No.
10 Q So it's just that the first incident that you
11 remember was later when you were 17 or 18 at Yellowstone?
12 A Yes.
13 Q And you saw some of those photographs as well?
14 A Yes.
15 Q All right. And there was another photograph with
16 you and Terrie when you said you were 16; is that correct?
17 A Yes.
18 Q So you had indicated that when you were 18 or 19,
19 there was a time where the defendant had asked if he could
20 still have sexual contact with you; is that correct?
21 A Yes.
22 Q And you had indicated no; is that right?
23 A Right.
24 Q Those prior incidents when you were 15 or 16, had he
25 asked?

1 A Not that I remember.

2 Q He just had the sexual contact with you without
3 asking?

4 A Yes.

5 MS. SUDANO: Thank you, Your Honor. Court's
6 indulgence. Nothing further.

7 THE COURT: Any recross?

8 MR. LOPEZ-NEGRETE: Yes, please, Your Honor.

9 RECCROSS-EXAMINATION

10 BY MR. LOPEZ-NEGRETE:

11 Q Okay. The DA was just asking you about how you
12 believed that this sexual contact that you had with Chris was
13 something personal to you; is that right?

14 A Right.

15 Q Do you remember those questions?

16 A Yes.

17 Q Okay. In some of these pictures --

18 A Right.

19 Q -- actually Terrie was there with you?

20 A Yes.

21 Q And you guys took pictures together?

22 A Right.

23 Q So she was aware of that at least?

24 A Right.

25 Q That wasn't personal just to you?

1 A No.

2 Q And you guys were naked?

3 A Yes.

4 Q And doing sexual things?

5 A Yes.

6 Q Okay. When you said earlier that you weren't

7 abused, do you remember those questions from me?

8 A Yes.

9 Q And then just now the DA was asking about you

10 clarified physical abuse, that's why you thought this doesn't

11 count as physical abuse; is that right?

12 A Right.

13 Q Okay. But you did testify about Chris -- having

14 pain from the anal sex that you're going through with him,

15 right?

16 A Right.

17 Q And actually bleeding?

18 A Right.

19 Q That's physical abuse?

20 A Right.

21 Q Originally, when you first took the pictures, Chris

22 took the pictures of you?

23 A Right.

24 Q You didn't want him to do that?

25 A Right.

1 Q You didn't want to that I can those pictures?
2 A No.
3 Q That was unusual for you?
4 A Yes.
5 Q And it really upset you?
6 A Yes.
7 MR. LOPEZ-NEGRETE: Thank you. No further
8 questions.
9 THE COURT: Any redirect?
10 MS. SUDANO: No. Thank you, Your Honor.
11 THE COURT: All right. Ms. Clark, thank you so
12 much for your testimony. You can step down, you're excused.
13 THE WITNESS: Thank you.
14 THE COURT: Okay? Ladies and gentlemen, we're
15 going to take a short recess here.
16 It's now 25 'till. You're admonished not to
17 converse among of the yourself or with anyone else on any
18 subject connected with this trial, or read, watch, or listen
19 to any report or commentary on the trial or any person
20 connected with this case, or any medium of information,
21 without limitation, newspapers, television, Internet, or
22 radio, or form or express any opinion on any subject
23 connected with this trial until the case is finally submitted
24 to you.
25 It's 25 'till, so be ready to get started by five

1 till. All right? Okay.

2 (Jury recessed at 1:36 P.M.)

3 THE COURT: Okay. We're outside the presence of
4 the jury. I'm going to take a quick break and then come back
5 ten till, and we'll make a record as to what we discussed at
6 the bench. Okay?

7 MR. LOPEZ-NEGRETE: Thank you, Your Honor.

8 MS. SUDANO: Thank you.

9 THE COURT: All right.

10 (Court recessed at 1:37 p.m. until 1:52 p.m.)

11 (Outside the presence of the jury.)

12 THE MARSHAL: Come to order. Court is back in
13 session.

14 THE COURT: Do you want to get the defendant in?

15 THE MARSHAL: Yes, sir.

16 (Pause in the proceedings)

17 THE COURT: All right. We're back on the record in
18 the case of State of Nevada versus Christopher Sena in
19 C311453.

20 I'd like the record to reflect the presence of the
21 defendant, his counsel, as well as State, and their counsel.

22 We're outside the presence of the jury. During the
23 testimony of, I believe, it was Tamara --

24 MR. LOPEZ-NEGRETE: Yes.

25 THE COURT: -- Tamara Grisham, the defense asked to

1 approach the bench. At that time, they made -- they made a
2 claim or they were claiming that some information that was
3 provided by her testimony was not information previously
4 provided to them, and therefore, they claimed that it was a
5 discovery violation.

6 That she had not revealed previously that the
7 defendant had slept naked and each morning all the kids would
8 go in and cuddle with him, and also a statement that they
9 would swim at night, and if they wanted to go swimming at
10 night, he wanted you to swim in the nude.

11 Do you want to make your record?

12 MR. LOPEZ-NEGRETTE: There was one more about our
13 client almost walking in on a friend of Tamara's, either
14 changing in or changing out of a bikini.

15 THE COURT: Okay.

16 MR. LOPEZ-NEGRETTE: Or changing into a bikini.
17 That was the other issue that we had we hadn't heard.

18 And so, Your Honor, our objection is that this is
19 information that we should have known about, that should have
20 been disclosed to us, the State knew about it. Because it's
21 not anywhere in her statement or any of her reports, she
22 didn't testify about any of this at the preliminary hearing
23 either, and so if the State learns of through their own
24 investigation, through a pretrial meeting, it's our position
25 that we should get notice of that, and we should get that

1 detail so that we can properly defend against these
2 accusations that haven't been brought forward before, and
3 obviously, incorporate it into our defense.

4 So our position is that it would be inculpatory
5 information that we would need to have in advance to we can
6 properly defend against it, and the fact that she didn't
7 mention it before to police has exculpatory value in that it
8 gives us ground to cross-examine her and impeach her.

9 We tried to do some of that this morning by
10 bringing up the fact that she didn't talk about it before
11 with the interviewer, Kristin Bernat, but this is something
12 that obviously, we think should have been disclosed prior to
13 trial.

14 THE COURT: Okay. You want to address it?

15 MR. SWEETIN: Just very quickly, Judge. The State
16 would submit that there's no constitutional -- no
17 constitutional rule that would require State to turn over
18 statements they received, inculpatory statements they
19 received from a witness from preparation for trial.

20 THE COURT: Okay.

21 MR. SWEETIN: It's not Giglio material, it's not
22 Brady material, there's no statute that would require the
23 State to turn over that information.

24 Just to be clear, defense counsel -- there's no
25 evidence presented -- defense counsel makes reference to

1 these are inconsistent statements. There's nothing in
2 evidence to even indicate that at all.

3 There's not even questions that defense counsel --
4 or points to that were asked that might in any way be
5 inconsistent. Their whole point is that, well, she wasn't
6 asked these questions then, and now she's been asked these
7 questions, so that somehow creates some sort of
8 inconsistency.

9 That's just not the case. There's no basis to
10 support the defense's claim.

11 THE COURT: Okay. Under 174.235, the disclosure by
12 a prosecuting attorney of evidence related to prosecutions
13 requires any written or recorded statement or confessions
14 made by the defendant or any written or recorded statements
15 made by any witness the prosecution intends to call during
16 their case-in-chief.

17 And then it specifically indicates in subsection
18 (2), the defendant is not entitled, pursuant to this
19 provision of this section, to the discovery or inspection of
20 an internal report, document, or memorandum that is prepared
21 by or on behalf of the prosecuting attorney in connection
22 with the investigation or prosecution of the case.

23 It would lead me to believe that the prosecution is
24 doing their job. They'll be questioning and talking to the
25 witnesses, and if a witness is telling them something that is

1 exculpatory, certainly they'd have to -- obligation to reveal
2 that.

3 But at this point in time, inculpatory statements,
4 unless it was actually documented in writing or recorded, are
5 not discoverable. Okay? All right.

6 All right. So get the jury in.

7 MS. RADOSTA: Actually, Judge, one other quick
8 thing. The State is about to call Officer -- or I'm sorry,
9 Detective Ramirez, basically to lay the foundation for the
10 videos.

11 Mr. Sweetin just informed us that he is intending
12 to have Officer -- or I'm sorry, Detective Ramirez describe
13 the content of the videos while he is testifying in order to
14 lay the proper foundation.

15 It's our position that Detective Ramirez, of
16 course, can say there's a video and for the sake of argument,
17 there's Christopher Sena and Deborah Sena and Brandon Sena,
18 and there are sexual acts, specific sexual acts occurring.

19 But we would be objecting to any description or
20 interpretation testimony by Detective Ramirez, such as
21 Christopher directed Deborah to do such and such to Brandon
22 or he told somebody to do something else. That is an issue
23 of fact in this case for the jury to decide, and the video
24 speaks for itself.

25 So while we don't object to a general description

1 of people and sexual acts, an interpretation by Detective
2 Ramirez we would be objecting to.

3 THE COURT: Mr. Sweetin.

4 MR. SWEETIN: And the State's intention is to have
5 the detective describe what he observed on the video. State
6 submits that that's necessary in order to lay a foundation to
7 make these particular videos relevant.

8 There are specific acts that are detailed that need
9 to be relayed to differentiate one from another to lay a
10 proper foundation, and that's the State's position.

11 THE COURT: Okay. And this is Detective Ramirez,
12 who's a sexual assault detective?

13 MR. SWEETIN: Yes.

14 THE COURT: All right. Well, if you lay the proper
15 foundation as to allow him to testify in that nature, I'll
16 allow it. At this point in time, until I hear that, I --
17 also, isn't Terrie and Deborah going to be testifying?

18 MR. SWEETIN: They are. They're going to be
19 testifying as well, Your Honor.

20 THE COURT: And they're part of that video?

21 MR. SWEETIN: They are.

22 MS. RADOSTA: We're not disputing the fact that
23 there are people in the videos and that there are sexual acts
24 going on, but the State has charged both a conspiracy theory
25 and an aiding and abetting theory for my client being

1 responsible for, I think, perhaps somewhere between 40 and 50
2 counts.

3 THE COURT: Okay.

4 MS. RADOSTA: That language of directing or
5 instructing or anything of that nature goes directly to an
6 issue of fact for the jury.

7 THE COURT: Isn't it the detective -- can the
8 detective not testify to as to what his opinion and what he's
9 hearing and what he's seeing based on his experience as a
10 sexual assault detective for -- no?

11 MS. RADOSTA: I -- in my opinion, no, Your Honor.

12 THE COURT: Okay.

13 MS. RADOSTA: This is -- there's a video that's
14 going to be shown to the jury.

15 THE COURT: Okay.

16 MS. RADOSTA: It's up to the -- it's the jury who
17 should be making those determinations, Your Honor.

18 THE COURT: Well, they will. They have to make
19 that -- that would be their ultimate decision. But --

20 MS. RADOSTA: And for the sake of argument, Your
21 Honor, he's not going to be describing it while it's being
22 played. He's going to be describing it while it's not being
23 played, so --

24 THE COURT: Okay.

25 MS. RADOSTA: -- so in that regard, then --

1 THE COURT: Well, why don't we do it while it's
2 being played? What's the idea? What's going on here? Why
3 are we not seeing these -- I mean, what's your idea?

4 MR. SWEETIN: Yeah. The State's intent is to -- to
5 basically move all of the pornography into evidence and then
6 ultimately play it at the conclusion or later in the case so
7 that we don't play it piecemeal.

8 THE COURT: Are you not going to be using it with
9 Deborah and Terrie?

10 MR. SWEETIN: Depends on what they testify to.
11 Most likely, our guess would be that we're probably not going
12 to have to play it, but we might have to play it with them.

13 THE COURT: Not have to play the videos?

14 MR. SWEETIN: With them.

15 THE COURT: Oh, okay.

16 MR. SWEETIN: Yeah.

17 THE COURT: You any of these videos where the
18 defendant is saying hi, this is, you know, Christopher Sena,
19 and I'm videotaping Deborah and so -- is there anybody -- is
20 there any -- is he identifying himself at all on these?

21 MR. SWEETIN: Well, he's --

22 THE COURT: Other than you can see him yourself
23 or --

24 MR. SWEETIN: You can see him on the video, you can
25 hear him, you can -- the conduct that he's committing in the

1 course of it is evident.

2 THE COURT: I know, I understand that, but is there
3 -- the videos themselves, I know there's many of them, do all
4 of them -- because I know of the one that you talked about on
5 your opening about him videoing one of the young ladies in
6 the shower and then videoing Terrie committing oral sex with
7 him.

8 Is there a video on that where you can see him? So
9 independently the jury could say, well, yeah, that's him on
10 here?

11 MR. SWEETIN: Well, that's -- part of the -- part
12 of the value of the testimony of his --

13 THE COURT: With that -- answer that. Is there a
14 video in that -- does that video have him where he's
15 self-authenticating so (indiscernible) that he's identified
16 or self-identifying?

17 MR. SWEETIN: On -- on that particular video
18 involving Erin you can hear his voice and he calls out to
19 Terrie.

20 THE COURT: I know, but he hasn't -- he hasn't
21 testified, so the I didn't remember wouldn't be able to make
22 a determination. That's what I'm getting at.

23 So with the detective, who's spoke with him --

24 MR. SWEETIN: Yes.

25 THE COURT: -- and this is -- is this the detective

1 that he actually gave some statements?

2 MR. SWEETIN: No, this is just the detective who
3 did the analysis on the forensics, but he did listen to his
4 voice in other videos, and he recognizes his voice in some
5 videos where you can't see the defendant.

6 In most of the videos you can actually see the
7 defendant, and but there's a few where you can't actually see
8 his face.

9 THE COURT: Okay. And are there any of them in
10 there that he doesn't talk and you can't see his face?

11 MR. SWEETIN: No. State's position would be that
12 there's either body shots or there's language or speaking in
13 all of these videos --

14 THE COURT: Okay.

15 MR. SWEETIN: -- with the -- there's one video, and
16 that has to do with Tamara, and in that video, you can hear
17 his voice tone, which is --

18 THE COURT: Okay.

19 MR. SWEETIN: -- similar, but not probably enough
20 definitively to say that it's his voice.

21 THE COURT: Well, the only reason why I'm saying
22 that is because in some of the counts that you have, is you
23 have him in the sense of use of a minor in production of
24 pornography where he's the one actually taking photo.

25 I mean, possessing a child, a photo is a crime

1 itself, but actually doing it, is use of the minor in the
2 production. So in those cases, are those -- those counts
3 that have those videos, he is readily identifiable?

4 MR. SWEETIN: I --

5 THE COURT: Independently?

6 MR. SWEETIN: I believe -- I believe so. Yeah,
7 certainly -- certainly, there are aspects that would identify
8 him. Most of them you can see him --

9 THE COURT: Okay.

10 MR. SWEETIN: -- his face, and he's walking --

11 THE COURT: Okay.

12 MR. SWEETIN: -- around. Others, I think there's
13 one where you can see his body clearly and the bottom of his
14 chin or whatnot, so it's clearly him, but you don't get a
15 full face shot, but you also hear voices, so you can identify
16 him. So that's --

17 THE COURT: And you have -- you have somebody other
18 than the officer that would identify him? That would be
19 Deborah or Terrie.

20 MR. SWEETIN: Yes. Yeah, they'll testify to the
21 incidents --

22 THE COURT: Okay.

23 MR. SWEETIN: -- we expect.

24 THE COURT: So what's your plan with this officer?
25 I mean, I understand lay the foundation that based on the

1 fact that what the officer perceives happening, and I think
2 that's admissible, Ms. Radosta. I mean, he's saying, I am a
3 sexual assault detective, I have been a detective for 20
4 years, this is what we do. What I'm seeing here, my opinion,
5 is grooming. What I see in my opinion is directing, that
6 type of thing, in a sexual manner. How is that not
7 admissible?

8 MS. RADOSTA: Because, Your Honor, and I've said
9 this just a couple times before --

10 THE COURT: I know, but --

11 MS. RADOSTA: -- he is -- I mean, for the sake of
12 argument, somebody can be telling somebody something to do.
13 That doesn't mean that they are, quote/unquote, "directing
14 them to do it". That doesn't mean they are, quote/unquote,
15 "instructing them", and all of the other language that the
16 State uses in their charging document.

17 THE COURT: I know, but Violet --

18 MS. RADOSTA: So --

19 THE COURT: -- what I'm saying -- what I'm saying
20 is that an individual that has experience in this area,
21 there's -- the difference is his training and experience.
22 Based on his training and experience, can you tell us,
23 Detective, what is he doing?

24 MS. RADOSTA: He --

25 THE COURT: That's admissible.

1 MS. RADOSTA: But he can say, the detective can say
2 it in one way or say it in another way. He can say, you can
3 hear -- and for the sake of argument, sometimes you hear a
4 voice off screen.

5 THE COURT: Um-h'm.

6 MS. RADOSTA: You have a voice off screen.

7 THE COURT: Um-h'm.

8 MS. RADOSTA: He's going to most likely come in
9 here and say, you can hear Chris directing so and so to do
10 such and such.

11 THE COURT: Okay. Well, if they lay --

12 MS. RADOSTA: But --

13 THE COURT: -- if they lay the proper foundation as
14 to how he knows it's Chris Sena, that's admissible. Okay?

15 MS. RADOSTA: But he could also portray it, though,
16 in a different sense, Your Honor, and that's -- he could just
17 say, you can hear Chris say it.

18 THE COURT: I understand that.

19 MS. RADOSTA: Versus --

20 THE COURT: Or if he says, based on my training and
21 experience, what he's doing is he's directing this individual
22 in a -- to do sexual acts or whatever.

23 MS. RADOSTA: So he --

24 THE COURT: That's admissible.

25 MS. RADOSTA: -- in his training and experience

1 he's basically allowed to say that Chris is like the master
2 mind behind this whole thing, which is --

3 THE COURT: No, no, no, no, no, no. That's not
4 what -- that's not -- for him to say no, no.

5 MS. RADOSTA: Right.

6 THE COURT: But he can say based on his training
7 and experience what he's observed is what he's seeing. Not
8 -- not the ultimate question that he's a master mind or
9 whatever an it. I don't even see how you would get that out
10 of these videos.

11 MS. RADOSTA: But I -- to me, Your Honor, in all
12 due respect, the language that he uses --

13 THE COURT: Um-h'm.

14 MS. RADOSTA: -- lends itself to that. If he says
15 he's directing, he's instructing, he's -- I can't think of
16 another verb. Yeah, he's in charge of --

17 THE COURT: Um-h'm.

18 MS. RADOSTA: -- the whole scenario, that lends
19 itself to the ultimate issue of him being the master mind.
20 Versus him just saying, you hear a voice saying this. That
21 still leaves it open to interpretation to the jury if he is
22 directing, instructing, aiding and abetting, and/or
23 conspiring --

24 THE COURT: Um-h'm.

25 MS. RADOSTA: -- with the other two participants,

1 Deborah and/or Terrie.

2 THE COURT: Okay.

3 MS. RADOSTA: So it's just the -- it's the way he
4 potentially could be describing it is what we would have an
5 issue is.

6 Like I said, just to be clear, Your Honor --

7 THE COURT: Okay.

8 MS. RADOSTA: -- that he -- you hear a voice
9 saying --

10 THE COURT: I know, but I -- I'm having a hard time
11 with -- you are trying to bundle up a lot of things saying,
12 Officer you can't testify because whatever you're saying goes
13 directly to the ultimate issue as to -- as to what the jury
14 will decide.

15 So you -- by your statement, a detective, who
16 watches somebody break into another person's house, by
17 busting the window, he's sitting there watching it, break
18 into the house, gets in the house, comes out carrying items,
19 whatever, by your statement, he couldn't say what I witnessed
20 appeared to be an individual breaking into the house without
21 any authority to do so, grab something, and carried it out.

22 Now, he might be wrong, but that's what he
23 witnessed and that's what he saw.

24 MS. RADOSTA: But that's his own perception. I
25 mean, that's his own viewing of it that the jury won't have

1 an independent opportunity to watch themselves.

2 THE COURT: Okay. So -- so --

3 MS. RADOSTA: This is --

4 THE COURT: -- if we have an outside camera that

5 saw that whole thing, too --

6 MS. RADOSTA: Um-h'm.

7 THE COURT: -- and the detective looked at it and

8 said, you know, what based on what I saw, I saw an individual

9 breaking into this house, taking something from inside the

10 house and got out, so I got a search warrant -- I mean, I got

11 a warrant for this guy's arrest based on my belief for what

12 he had done, you're saying that's not admissible?

13 MS. RADOSTA: Just the way you described it right

14 there, that he broke a window and took something from

15 inside --

16 THE COURT: Uh-huh.

17 MS. RADOSTA: -- that's -- that's very -- that's

18 very generic language, Your Honor.

19 THE COURT: Um-h'm.

20 MS. RADOSTA: We wouldn't potentially have an

21 objection to that.

22 THE COURT: Okay. So in this case --

23 MS. RADOSTA: But if he the --

24 THE COURT: -- if the detective's saying, you know

25 what, what I'm watching is based on -- based on your client's

1 statement telling him to, you know, put that inside her or
2 whatever it is, I don't know, I'm watching, what appears to
3 me is that he's directing her to do something.

4 MS. RADOSTA: That's a conclusion, Your Honor, and
5 that's the part that we would have an objection.

6 THE COURT: What appears to me is that he's
7 breaking into the house for purposes of stealing, and then
8 he's coming out with it.

9 MS. RADOSTA: Right.

10 THE COURT: And he --

11 MS. RADOSTA: But you would not allow him to then
12 testify, and therefore, he's committed the crime of grand
13 larceny, in my opinion, as a detective of Metropolitan
14 Police. You would not necessarily allow him to testify to
15 that because that's the ultimate issue for the jury to
16 decide.

17 MR. SWEETIN: And, Judge, just to be clear as to
18 this witness's chunk in this thing, he is the forensic
19 analyst who analyzes. So he gets electronic document. He's
20 determining whether or not there's anything on there that's
21 relevant. He goes through and he is looking and he
22 determines certain things are relevant for certain reasons,
23 and he pulls those off, and those are the videos that we saw.

24 So he has --

25 THE COURT: I know, but what --

1 MR. SWEETIN: -- to --

2 THE COURT: -- the defense doesn't want you -- want

3 him to do, and I've heard this a number of times. It's in

4 every -- I mean, what they don't want is the officer standing

5 there with this pointer saying, yeah, see right here, this is

6 where the defendant is doing this, doing that, doing -- you

7 know what I mean?

8 MR. SWEETIN: I don't think we have an objection to

9 that. I think that if we played the video. And we can --

10 you know, I mean, if he wants to play the video twice, we can

11 do that.

12 MS. RADOSTA: I don't know why there would be a

13 need to play it a second time if you're moving for -- if

14 you're laying the foundation for it today with --

15 THE COURT: Well, it's up to you --

16 MS. RADOSTA: -- Detective Ramirez.

17 THE COURT: How many times you want --

18 MS. RADOSTA: I mean, that's their choice, but --

19 THE COURT: -- to -- it's your evidence and --

20 MS. RADOSTA: Yeah.

21 THE COURT: -- whatever you want to do, it's up to

22 you.

23 But, all right, so your objection is, is that he's

24 going to get in here and testify without the jury seeing the

25 video saying that when I viewed the video, I saw A, B, C, and

1 D; I saw the defendant what appeared to be directing
2 somebody, which I've identified now as Deborah Sena, to
3 putting her mouth on who I've identified now as Brandon
4 Sena's penis or whatever. Something like that?

5 MS. RADOSTA: And we would object --

6 THE COURT: And what's your objection to that?

7 MS. RADOSTA: To -- and once again, Judge, you
8 chose the word "direct".

9 THE COURT: Okay.

10 MS. RADOSTA: If it just to -- that you hear him
11 say put your mouth there --

12 THE COURT: Oh, okay, I see what you're --

13 MS. RADOSTA: -- that's one thing.

14 THE COURT: -- mean. Okay.

15 MS. RADOSTA: I mean, it's --

16 THE COURT: I got ya.

17 MS. RADOSTA: -- literally --

18 THE COURT: No, I understand, I understand.

19 MS. RADOSTA: -- how it's being --

20 THE COURT: You're saying that he --

21 MS. RADOSTA: -- portrayed.

22 THE COURT: -- could testify as to what he saw. I
23 saw what appeared to be who I identified as Christopher Sena
24 in a room with Deborah -- who I identify as Deborah Sena --

25 MS. RADOSTA: Um-h'm.

1 THE COURT: -- and in a room with Brandon Sena --
2 MS. RADOSTA: Um-h'm.
3 THE COURT: -- who I identified, and I heard
4 Christopher say, put your mouth on Brandon or I heard things
5 like that.
6 MS. RADOSTA: Yes.
7 THE COURT: Okay. So you're okay with him saying
8 what he heard and what he saw, but you're saying you don't
9 want him to make some conclusionary remarks that would say --
10 which.
11 MS. RADOSTA: I mean --
12 THE COURT: That's going to be tough because I
13 can't imagine somebody not saying directly, yeah, I heard him
14 directing, you know, and from the language --
15 MS. RADOSTA: I mean, for the sake of argument,
16 Your Honor, if -- I mean, if the State wants to allow or
17 wants to offer Detective Ramirez's own interpretation, then
18 we should be also allowed to cross-examine on interpretation
19 in a different direction. His interpretation, things that
20 maybe Deborah and/or Terrie did on the video.
21 THE COURT: I think that's always would be -- you
22 would always have that opportunity.
23 MS. RADOSTA: Okay.
24 THE COURT: In cross. I'm not understanding.
25 MS. RADOSTA: Well, there are -- there are

1 allegations that -- I mean, the State's theory is Christopher
2 was the one --

3 THE COURT: Well, you mean --

4 MS. RADOSTA: -- completely responsible.

5 THE COURT: -- like the one officer was up here
6 that said that he didn't feel in the beginning that maybe in
7 his opinion that there was enough evidence to get a -- to
8 arrest her?

9 MS. RADOSTA: Um-h'm.

10 THE COURT: Okay.

11 MS. RADOSTA: But --

12 THE COURT: That's fair game.

13 MS. RADOSTA: -- in this particular -- in this
14 particular scenario -- okay, as long as you consider it to
15 be --

16 THE COURT: So you're saying -- you're saying that
17 if the officer -- that he's looking at it and says, well,
18 yeah, I didn't think under these circumstances that Mr. Sena
19 did anything wrong?

20 MS. RADOSTA: No, no, no that --

21 THE COURT: You mean something like that or --

22 MS. RADOSTA: -- maybe Terrie or Deborah was as
23 involved, if not more involved, with the sexual acts that
24 were occurring --

25 THE COURT: Okay.

1 MS. RADOSTA: -- then our client --

2 THE COURT: His opinion, based on his training and
3 experience and what he's seen in the past, that's what he --
4 he's reached that -- yeah, I don't see any -- I mean, I don't
5 see any problem with that, if that's -- if that's what your
6 concern was is I would stop that.

7 MS. RADOSTA: No, not necessarily our concern, but
8 just if you're going to allow the State or if it's going to
9 occur that Detective Ramirez is going to add his own opinion
10 to what he saw on the video, then we would want to be able to
11 cross on --

12 THE COURT: Are not lay people allowed to give
13 opinion?

14 MS. RADOSTA: Well, it --

15 THE COURT: And I'll even go a step further.

16 MS. RADOSTA: -- not as to the ultimate issue --

17 THE COURT: Okay. No, I --

18 MS. RADOSTA: -- in the case.

19 THE COURT: -- understand that. I understand that.

20 MS. RADOSTA: And in this particular situation,
21 Judge, there are probably 50 counts where the State charged
22 my client, under a -- under a direct theory of liability, but
23 also aiding and abetting and/or conspiracy. And I assure
24 you, Your Honor, that anything that on video, there is no
25 action by my client where he is directly --

1 THE COURT: All right.

2 MS. RADOSTA: -- having sex with any of the
3 children. So it's always an aiding and abetting and/or
4 conspiracy theory that the State is trying to convince the
5 jury that he is guilty of.

6 THE COURT: Okay.

7 MS. RADOSTA: So his --

8 THE COURT: All right. I understand, I understand.
9 But if he's standing there, and he's -- and there's anything
10 where he's encouraging or he's directing or he's
11 participating, he's videoing it, that -- I can't imagine how
12 you could argue with a straight face that he's not aiding and
13 abetting. But that's your -- that's up to you.

14 So here's what I'll do --

15 MS. RADOSTA: Thanks for the confidence, Judge.

16 THE COURT: Let me do this, Ms. Radosta. Let's get
17 started on it, and if you see what you're concerned about --

18 MS. RADOSTA: Okay.

19 THE COURT: -- make the objection.

20 MS. RADOSTA: All right.

21 THE COURT: All right? And then approach -- then
22 I'll see exactly what --

23 MS. RADOSTA: Okay.

24 THE COURT: -- what your concerns are. All right.

25 MS. RADOSTA: And I could be getting ahead of

1 ourselves, Judge.

2 THE COURT: Okay.

3 MS. RADOSTA: I don't recall -- I mean, Detective
4 Ramirez might get up there and just be a straight shooter and
5 no --

6 THE COURT: I mean, certainly, he can say what he
7 saw.

8 MS. RADOSTA: Like I said, we have not --

9 THE COURT: Okay.

10 MS. RADOSTA: If Deborah's in the room, Brandon's
11 in the room, and then there was an -- there was an incident
12 of oral sex that occurred.

13 THE COURT: Um-h'm.

14 MS. RADOSTA: Okay.

15 THE COURT: Okay.

16 MS. RADOSTA: You know?

17 THE COURT: All right. Okay. All right. So let's
18 get the jury in.

19 MS. SUDANO: Judge, before we do that, can I do a
20 real quick one?

21 THE COURT: Well, come on. Why not?

22 MS. SUDANO: Yesterday -- I apologize -- our
23 advocates have been kind of trying to come and go to
24 accommodate the witnesses and coordinate with the witnesses.
25 I understand the Court's position on reporters and

1 spectators.

2 THE COURT: No, it's --

3 MS. SUDANO: Can they come in, though?

4 THE COURT: Yeah, and why would it change, though?

5 My position is the same way. You know, I don't want people
6 walking in and out of here when somebody's on the stand. I
7 think it's rude, and you know, when an advocate's in here, an
8 advocate can be here with that person. I don't mind them
9 being in here. But to come and go like -- I was upset -- I
10 didn't even like -- I didn't even like your boss walking in
11 in the middle of this thing. You know, and then my Marshal
12 said, well -- you want me to stop the boss? And I'm like,
13 well, he didn't do it.

14 So, I mean, I just think it's -- it -- that's my
15 personal thought about it. If you ever are in a situation
16 where you have to testify and -- because and it draws
17 attention away from it, too. You know, the jurors all -- as
18 soon as Mr. Wolfson walked in here, I think you lost probably
19 15, 20 minutes of your testimony because they all turned and
20 looked at him.

21 And then when he started going like this and
22 picking his teeth and stuff, it even got worse. No, I'm just
23 kidding.

24 But, okay, so I -- I know what you're saying. You
25 wanted -- my Marshal approached me this morning about it, is

1 that you wanted your advocates to have the ability to come
2 and go during --

3 MS. SUDANO: And --

4 THE COURT: -- but it's not that long.

5 MS. SUDANO: Sure.

6 THE COURT: You know, they can wait until we take a
7 break in between witnesses.

8 MS. SUDANO: And --

9 THE COURT: You're not leaving.

10 MS. SUDANO: No. And they understand that. It was
11 just they were trying to coordinate between the witness that
12 was on the stand and the witness out in the hall.

13 THE COURT: Okay.

14 MS. SUDANO: So that was the only issue yesterday,
15 and so they know that they're supposed to be here, and they
16 understand the Court's ruling --

17 THE COURT: Okay.

18 MS. SUDANO: -- as well. I just was hoping for a
19 little bit of leniency, specifically with the ones that are
20 working on the case.

21 THE COURT: I got ya. Okay. I -- my ruling stands
22 the same.

23 MS. SUDANO: All right. Thank you, Your Honor.

24 THE COURT: All right. So go ahead and get the
25 jury in.

1 Jim, are you going to be playing the video now?
2 MR. SWEETIN: No.
3 THE COURT: Okay. Let me know when you are because
4 I need to make a determination as to how I'm going to do
5 this. I think I'm going to clear --
6 MR. SWEETIN: So we're not planning on doing it
7 until the very end of the case --
8 THE COURT: Well --
9 MR. SWEETIN: -- we'll give you plenty of notice.
10 THE COURT: -- I'm thinking -- just so you know, I
11 think I'm going to --
12 MS. RADOSTA: I'm sorry, Judge, I wasn't -- I
13 was --
14 THE COURT: -- be clearing --
15 MS. RADOSTA: My mind was elsewhere --
16 THE COURT: Okay.
17 MS. RADOSTA: -- for just a second. I'm --
18 THE COURT: All right.
19 MS. RADOSTA: -- missing something that I need.
20 THE COURT: Well, the jury's coming in now, so
21 we'll talk about it later.
22 THE MARSHAL: All rise for the presence of the
23 jury.
24 (Jury enters at 2:18 P.M.)
25 THE COURT: Okay. Everybody go ahead and have a

1 seat.

2 We're back in the continuation of the jury trial in
3 Case No. C311453. We're in the presence of the jury. Will
4 the parties stipulate to the presence of the jury?

5 MR. SWEETIN: Yes, Your Honor.

6 MR. LOPEZ-NEGRETE: Yes, Your Honor.

7 MS. RADOSTA: Yes, Your Honor.

8 THE COURT: Okay. Call your next witness, State.

9 MR. SWEETIN: Your Honor, State would call Vince
10 Ramirez.

11 VINCENTE RAMIREZ, STATE'S WITNESS, SWORN

12 THE CLERK: Thank you. Please be seated.

13 Please state your full name, spelling your first
14 and last name for the record.

15 THE WITNESS: First name's Vicente, V-i-c-e-n-t-e.
16 Last name's Ramirez, R-a-m-i-r-e-z.

17 THE COURT: Your witness.

18 MR. SWEETIN: Thank you, Judge.

19 DIRECT EXAMINATION

20 BY MR. SWEETIN:

21 Q Mr. Ramirez, is it true that you recently retired
22 from Las Vegas Metropolitan Police Department?

23 A Yes, I did.

24 Q How long ago did you retire?

25 A I retired September 1st of 2018.

1 Q And how long were you employed?

2 A 23 years.

3 Q Over that 23 years, what was your last
4 assignment?

5 A My last assignment was in the Internet Crimes
6 Against Children in the Sexual Assault Homicide Division.

7 Q And where -- when were you assigned to that
8 particular assignment?

9 A I was assigned to Sexual Assault in 1998, and I
10 started the Internet Crimes in 2002.

11 Q Now, you mentioned that you were assigned to Sexual
12 Assault in 1998. Is there a particular Division of the Las
13 Vegas Metropolitan Police Department that does sexual assault
14 investigations?

15 A Yes, the Bureau I'm in is consistent of sexual
16 assault, sexual abuse, Internet crimes, and homicide.

17 Q Okay. So beginning in 1998, you actually functioned
18 as a sexual assault detective; is that correct?

19 A Yeah, sexual abuse to start, yes.

20 Q Okay. And in that position what were your duties,
21 essentially?

22 A In sexual abuse, I basically conducted any sexual
23 abuse of a minor that was from a family member, and then from
24 there I went to sexual assault, which is sexual assault of
25 adults, and from there, Internet crimes against children,

1 which is child exploitation cases.

2 Q So just to be clear, from 1998 to 2002, you were
3 actively involved in investigating sexual assault cases; is
4 that correct?

5 A Correct.

6 Q And that would be as a case detective looking at all
7 aspects of it?

8 A Yes.

9 Q So now I want to make a distinction, then, in 2002
10 your duties a changed a bit; is that right?

11 A Yes.

12 Q You were still assigned relating to sexual assault
13 investigations; is that correct?

14 A Correct.

15 Q But how did your assignment change?

16 A I still conducted sexual assault and sexual abuse
17 cases because I speak Spanish, so I pretty much still did
18 those cases investigatively. And then I started doing the
19 Internet crimes against children, any online case, online
20 predators, child pornographers and, and actually started
21 doing the computer forensics on all those.

22 Q Okay. And those cases that you made reference to,
23 would be it fair to say that those are sort of electronic
24 evidence intensive?

25 A Yes.

1 Q And would it be fair to say that since you started
2 in about 2002, that they may be become more electronic
3 evidence intensive?

4 A Yes.

5 Q Now, as you started in 2002, was there any specific
6 training that you received to qualify you to work in that
7 area?

8 A Yes. We're FBI Task Force, so for the online
9 classes and those type of investigations, we basically have
10 to go to Quantico and do what's called ICAC, IT. So it's
11 basically all the FBI approved investigations online before
12 you can actually start doing undercover chat or anything like
13 that.

14 For the forensic part, I started with a program
15 that's called EnCase which is spelled upper -- upper case E,
16 lower case n, upper case C, and then lower case a-s-e.

17 I did EnCase I, II, advanced, and then from there I
18 did FTK, which is from all access data, which is a Forensic
19 Tool Kit and many other programs that came along afterwards.

20 Q Okay. Now, you made reference to this training
21 being related to forensics; is that right?

22 A Computer forensics, yes.

23 Q Computer forensics.

24 So if you could, just briefly for the members of the
25 jury, describe to them what you mean by computer forensics,

1 what you're actually doing when you talk about computer
2 forensics.

3 A When -- when any investigator or ourselves go out
4 and execute a search warrant and we seize any digital
5 devices, what we do is we bring them back to your lab and we
6 use our software to make sure that we extract all the data
7 off of those drives or phones or any digital device.

8 We extract those devices so that way the evidence
9 stays untouched, and we have a working copy that we can
10 actually start doing our examination.

11 So we extract anything from old files, new files,
12 deleted files, everything and anything that's still on the
13 hard drive.

14 Q Okay. Now, in regards to you performing this
15 analysis, many people in here probably have this the
16 experience of being on a computer and downloading files and
17 looking at those files later. Is that what you're talking
18 about, just sort of downloading and copying files and looking
19 at files that anybody can look at? Is that computer
20 forensics?

21 A No. The typical user sees a desktop, and they see
22 their icons, and they see whatever's on -- on the computer.
23 You can explore your files, but you can't find out what was
24 there previous to that, what's been deleted.

25 So basically, it's everything that the normal user

1 cannot see or touch. So it goes beyond what the normal user
2 can see, and I can even go in and extract things from day one
3 that you deleted.

4 Q Okay. Now, just to be clear, the forensic exam that
5 you're talking about would be inclusive of what everyone else
6 can see when they bring the computer as well as those things
7 that you've described that some -- that the ordinary person
8 doesn't have training probably couldn't see; is that right?

9 A Correct.

10 Q And in your analysis -- or forensic analysis, you
11 take all of that as a whole in determining what steps you'll
12 take to examine a device; would that be fair to say?

13 A Yes.

14 Q Now, just to be clear, you made reference to some
15 training that you received as you began back in 2002 to work
16 in this particular area of computer forensics; is that right?

17 A Yes.

18 Q Now, it's a long time from 2002 until you retired in
19 2018, which I'm sure you're well aware of.

20 A Yes.

21 Q Over that period of time, did you have updated
22 training or continued training?

23 A Yes, we -- we always have continuous training,
24 especially when cellular phones started being able to hold
25 more data.

1 So from going strictly to computer training, we
2 started doing a lot more cell phone training. So there's a
3 couple of companies that we mainly use, Lantern, Cellebrite,
4 and also as computers got larger, other companies came up, so
5 we've also used a program that's called Axiom. That's
6 spelled A-x-i-o-m.

7 And there's a couple of other smaller programs that
8 you can actually use that assist you. Like I've used a
9 program pretty regularly called C4M, and there's another
10 that's called IEF, and it stands for Internet Evidence
11 Finder.

12 So as time has gone on and has devices have gotten
13 bigger and bigger companies have, you know, all of a sudden
14 come up and challenge the main companies that started it all.

15 Q Okay. So just to be clear, then, you've received
16 this training over the entire span of your tenure, I guess,
17 on this unit; is that correct?

18 A Correct.

19 Q And that that training has been consistent over that
20 period of time?

21 A Yes.

22 Q Based upon that training, have you had the
23 opportunity to forensically exam -- examine a number of
24 devices since 2002?

25 A Yes.

1 Q Is essentially that what you do day in, day out over
2 the course of that -- those number of years?

3 A Yes.

4 Q Have you previously testified in court as to your
5 forensic examination of electronic or digital evidence?

6 A Yes.

7 Q Have you previously testified as an expert in those
8 matters?

9 A Yes.

10 Q How many times?

11 A I could -- I'd have to say over 20 times.

12 Q Okay. Now, I want to turn your attention to a
13 particular case, LVMPD, Las Vegas Metropolitan Police
14 Department, event number 1409151583.

15 Are you familiar with that particular case?

16 A Yes.

17 Q And how did you become familiar with that case?

18 A I was contacted by the sexual abuse detective,
19 Detective Larry Smith -- I mean, I'm sorry, Larry Samples.
20 He contacted me and advised me that they had executed a
21 search warrant and that they had seize the numerous digital
22 devices.

23 Q Okay. And as you receive this information, do you
24 receive any information in regards to the investigation he's
25 working on particularly at that time?

1 A He pretty much just sends me the search warrant so
2 that way I can read the probable cause in the search warrant
3 so that I can see what type of avenue I'm going to take and
4 how many devices were seized.

5 Q And just so I don't forget, you were aware of a
6 search warrant being exercised that that case; is that
7 correct?

8 A Yes.

9 Q And you're aware of evidence being taken from a
10 Yellowstone Avenue residence; is that correct?

11 A Yes.

12 Q And that residence is here in Clark County, Nevada?

13 A Yes.

14 Q Now, in regards to you becoming involved in this and
15 knowing that there's evidence out there, your -- and the
16 detective asking for your assistance, what are some of the
17 things that you have to know straight up front as you get
18 involved into assisting in the case?

19 A Straight up front, I need to know, you know, like
20 said, with the probable cause I need to know what exactly is
21 he looking for, if -- you know, if he has possible victims,
22 possible names. Sometimes I ask for -- if, you know,
23 specific information like e-mails. It all depends on what
24 type of case.

25 If it's sexual abuse, I need to know was it just,

1 you know, photographs or was there videos, how long ago. So
2 just general information so I can start figuring out how I
3 want to approach the case.

4 Q Now, you indicated that you looked at what you
5 indicated was the search warrant; is that correct?

6 A Correct.

7 Q And you also had discussions with Detective Samples;
8 is that correct?

9 A Correct.

10 Q So based upon your review of the search warrant and
11 your discussion with Detective Samples, what is the
12 information that you start your participation in this case
13 with?

14 A Pretty much looking for e-mails. This case kind of
15 started out as a e-mail that was sent to a person's employer,
16 and then during the interviews, I'm also finding out that
17 there was possible victims of sexual abuse in the case, and
18 that they might have been either photographed or videotaped.

19 Q Okay. Now, let's take a step back. You made
20 reference to an e-mail. You're referring to an attachment?

21 A Yes.

22 Q Okay. And just what was the subject matter of
23 attachment you're referring to?

24 A The subject matter was -- there was a woman named
25 Deborah Sena that an e-mail -- an e-mail was sent to her

1 coworkers of an attachment that showed her in a situation
2 with an animal.

3 Q Okay. So it was a sexual act of bestiality; would
4 that be accurate?

5 A Correct.

6 Q Was it -- and the information that you had at that
7 point, was it just Deborah Sena and the animal in the video
8 or was there another individual in the video?

9 A The original was just the female and the animal.

10 Q Okay. And that's the information you had at that
11 time?

12 A Yes.

13 Q You also indicated that you had information as to
14 potential video and others that might be -- you might see on
15 that video; is that correct?

16 A Correct.

17 Q Okay. And who were the individuals -- well, first
18 of all, the video, that was of a sexual nature, and that's
19 the reason you're involved; is that correct?

20 A Correct.

21 Q And the individuals that might involved in that
22 video were who at that time?

23 A At that time, I found out through interviews with
24 Mr. Samples that there were other minors, minor males, and
25 some -- well, I believe there were nieces, and two -- an

1 ex-wife and a wife.

2 Q Okay. Was that all? Was there a perpetrator or a
3 potential individual within the case?

4 A The person of interest that knew the name was
5 Christopher Sena.

6 Q Okay. As you become involved in this, obviously,
7 it's important for you, as you get into the evidence, to know
8 what these individuals look like; is that correct?

9 A Correct.

10 Q Now, I'm showing you what's marked as State's
11 Proposed Exhibits 102 through 104. Take a look at these, if
12 you would, and let me know when you're through.

13 A Okay.

14 Q Okay. And what are those?

15 A It's images of Christopher Sena, Terrie Sena, and
16 Deborah Sena.

17 Q Okay. And showing you what's marked as State's
18 Proposed Exhibit 102, that's who?

19 A Christopher Sena.

20 Q And 103?

21 A Terrie Sena.

22 Q And 104?

23 A Deborah Sena.

24 Q And this is the information that you had at that
25 time in performing your analysis with an idea of these

1 particular individuals as they appear clear and accurately in
2 these particular exhibits?

3 A Yes.

4 MR. SWEETIN: The State move for the admission of
5 what's been marked as Proposed Exhibits 102 through 104.

6 THE COURT: Any objection?

7 MR. LOPEZ-NEGRETTE: Can we approach briefly, Your
8 Honor?

9 THE COURT: Sure.

10 (Off-record bench conference.)

11 THE COURT: Okay.

12 MR. SWEETIN: Permission to publish, Judge.

13 THE COURT: For the record, the -- there was an
14 objection that was renewed. I've overruled the objection.
15 You can publish. You can publish.

16 MR. SWEETIN: Thank you, Judge.

17 THE COURT: They'll be admitted.

18 (State's Exhibits 102 and 104 admitted)

19 THE COURT: Okay.

20 BY MR. SWEETIN:

21 Q And I'm showing you what's marked as State's Exhibit
22 102. And that would be who?

23 A Christopher Sena.

24 Q Showing you what's marked as State's Exhibit 103.

25 A Terrie Sena.

1 Q And State's Exhibit 104.

2 A Deborah Sena.

3 Q All right. Now, you indicated that you were also
4 aware of some children potentially being involved in the
5 video at that time; is that right?

6 A Yes.

7 Q And did you know who the children were at that
8 particular time?

9 A Mr. Samples advised me later that there would be a
10 Brandon Sena, a Ryan Sena, and I just know him as Terry
11 Tails.

12 Q Okay. Now, we're talking about the beginning of the
13 investigation when you got the initial information.

14 What victims did you -- did you have all the victims
15 at that time or were they just some of the victims?

16 A Just some.

17 Q Okay. And do you recall exactly who the victims
18 were at that particular time?

19 A I believe, Anita Sena, and then I think once -- once
20 we spoke to her, then Melissa Sena.

21 Q Okay. Do you remember if Brandon was one of the
22 individuals at that time?

23 A Later when Larry had already done his interviews,
24 yes.

25 Q Okay. So it sort of changed as the interview went

1 forward; is that right?

2 A Correct.

3 Q Okay. So you had limited information as to the
4 children involved, and you had information as to adults
5 potentially involved; is that right?

6 A Yes.

7 Q All right. Now, you made reference to the fact that
8 there was a -- and just for the record, you've made reference
9 to Christopher Sena in a State's Exhibit; do you recall that?

10 A Yes.

11 Q Do you see that individual in the courtroom today?

12 A Yes.

13 Q If you could, just point him out and identify
14 something he's wearing.

15 A Let's see, the gentleman sitting with the black
16 shirt and the red tie. He wears glasses now and doesn't have
17 a beard. Doesn't -- he looks a little different, but that's
18 Christopher Sena.

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

21 THE COURT: It will.

22 BY MR. SWEETIN:

23 Q Now, you indicated that there was a search warrant
24 that was performed; is that correct?

25 A Correct.

1 Q And your involvement at this point is in relation to
2 the items that were seized in that search warrant; is that
3 right?

4 A Correct.

5 Q Now, you indicated that you've done -- you've
6 participated in investigations like this regularly. Did you
7 have a normal course that you do when you have a situation
8 like this where there's potential electronic evidence a
9 search warrant's been performed?

10 A Yes.

11 Q What's that?

12 A Typically, once I'm contacted by the detective, I
13 make sure that he has the proper search warrant to actually
14 examine all the devices. If they don't bring the devices to
15 me, I go to the evidence vault, sign those out in what's
16 called a secure move.

17 I bring those devices back to -- at that time we
18 were at an undisclosed offsite, and then that's when I do my
19 inventory of all of the devices. I match them up with the
20 search warrant, and then I start my recordkeeping on those
21 devices.

22 Q Okay. Now, just to be clear, in a search warrant,
23 there might be items that are seized that aren't electronic
24 or digital evidence; is that correct?

25 A Correct.

1 Q Are you worried about those particular items that
2 we're seized?

3 A No.

4 Q So when you say that you retrieve evidence to be
5 examined, would that be limited to the digital or electronic
6 evidence that potentially you might be able to examine?

7 A Correct.

8 Q Now do you come to that determination as to what
9 essentially you're going to look at?

10 A On the property sheet, I can look at it and see
11 that, you know, it's a digital device. I mean, there -- if
12 the detective puts item number 15 and it ends up being
13 clothing, well, I'm not going to sign that out.

14 So basically, I have to look at the property
15 report, and then I call the evidence vault and advise them
16 that I need package so and so and item number so and so. So
17 I only take what I know is a digital device.

18 Q Okay. So in this case, did you follow those -- that
19 normal course that you made reference to?

20 A Yes.

21 Q Now, just to be clear, the items that you retrieved,
22 you said from the evidence vault; is that correct?

23 A Yes.

24 Q Now, the ordinary course at the Las Vegas
25 Metropolitan Police Department is how do those items end up

1 getting into the evidence vault.

2 A The detective that seizes the items is typically the
3 one that impounds that evidence straight into the vault.

4 Q Okay. Now, when you actually go to the vault to get
5 the evidence or talk to the vault to get the evidence, do you
6 make a determination as to the detective who booked the
7 evidence and that those steps have, in fact, been followed?

8 A Yes.

9 Q And in this case, were they followed?

10 A Yes.

11 Q And do you recall who the detective who booked the
12 evidence in was?

13 A I know Larry Samples was the detective that was in
14 charge. I'd have to see the property report to see if
15 someone else also, you know, worked on it with him since it
16 was such a big case and there was -- there was -- I mean, I
17 can just recall 20 something items right off the top of my
18 head. There was probably more.

19 But I know on the scene there was at least four
20 detectives, so --

21 Q Okay. But you know that it's the ordinary course
22 that the Las Vegas Metropolitan Police Department for, if
23 it's at the evidence vault, to have been booked in by a
24 detective directly; is that -- or that correct?

25 A Yes.

1 Q Okay. Now, I want to go through some of the items
2 that, in fact, were identified as digital evidence and
3 examined by you.

4 I believe that there were some cell phones that you
5 examined; is that correct?

6 A Yes.

7 Q And do you recall about how many cell phones that
8 there were?

9 A I want to say there was five to six cell phones.

10 Q Okay. And there were variety of brand names; is
11 that right?

12 A Yes.

13 Q There was a Alcatrel (sic) phone; is that correct?

14 A Alcatel, yes.

15 Q Okay. A Samsung phone?

16 A Yes.

17 Q Two HTC cell phones?

18 A Correct.

19 Q One Razor Motorola cell phone?

20 A Yes.

21 Q And one other Motorola cell phone; is that right?

22 A Yes.

23 Q As you began your investigation, do you have
24 occasion to look at those particular items directly?

25 A Yes.

1 Q And could you describe your analysis?

2 A The first thing I do on any type of cell phone is I
3 usually remove the cover to look at the -- you know, usually
4 behind the battery is the manufacturer, the model number, and
5 the serial number.

6 So I'll usually get that information, document it
7 so that that way I can put it on my forensic machine to see
8 if it's compatible, if it's going to even let me acquire it,
9 or if it even has the proper drivers and stuff to do an
10 acquisition.

11 I also inspect the phone to see if there's any
12 micro SD cards, SD cards that can be inserted and removed.

13 Q And did you do that in this case with the cell
14 phones we made reference to?

15 A Yes.

16 Q And what was the result?

17 A None of the cell phones were in great working
18 condition. A lot of them were older. The Razor was very
19 old.

20 I also, you know, when I see a Razor or an older
21 cell phone, I'll also go to phonescoop.com, and I'll put the
22 model in, and they'll give me all the specifications to see
23 if that cell phone even has any memory capability big enough
24 to hold any video, you know, or the -- you know, something
25 bigger than a text.

1 I do remember that the Alcatel did have a SD card.
2 I pulled that out and I examined that.

3 Q And what did you find?

4 A The SD card just had just normal pictures. There
5 was nothing of relevance towards this case.

6 Q Okay. And that was a case with all of the cell
7 phones, then?

8 A Yeah, most of them you couldn't even -- they
9 wouldn't even acquire -- some of them wouldn't charge up, so
10 they weren't serviceable, could I couldn't do an analysis
11 with my Cellebrite or Lantern on either one.

12 Q Okay. Fair to say it appeared these were, sort of,
13 old cell phones that were laying around?

14 A Yes.

15 Q All right. Now, you also, I think, saw some
16 cameras; is that correct?

17 A Correct.

18 Q You had a Kodak digital camera, a Sony Handycam,
19 four cameras and accessories for a GoPro, and then also a
20 seven inch digital photo frame; would that be accurate?

21 A Yes.

22 Q Did you perform an analysis on those particular
23 items?

24 A Yes.

25 Q Could you describe that to the jury?

1 A The digital camera, the digital camera, again, did
2 not have any big storage capability, it didn't have an SD
3 card, so that one was just moved to the side because there
4 was nothing I could really analyze with that.

5 The other smaller cameras, those were the old
6 fashioned roll tape cameras, so those we don't examine
7 either.

8 There was a little video camera, so video camcorder
9 time. That one did not have an SD card or anything that can
10 be saved to that either. So those -- none of them were
11 compatible to do an examination on.

12 Q Okay. So similar to the phones, there was -- the
13 devices basically didn't have any memory in them so there was
14 nothing to analyze --

15 A Correct.

16 Q -- would that be accurate?

17 A Correct.

18 Q You also looked at game systems that were seized; is
19 that correct?

20 A Correct.

21 Q And a Nintendo Wii, a Sony PlayStation 2, a
22 PlayStation 3, and there was also an MP3 player; is that
23 correct?

24 A Correct.

25 Q Did you analyze these items?

1 A Yes.

2 Q Could you describe that analysis to the jury?

3 A The Wii, that didn't have -- doesn't have -- at that
4 time, it doesn't have storage capability. The PS3 we needed
5 a memory card in order to store in any games or videos or
6 anything off of that. But there was no memory cards with
7 that game, so there was nothing that's stored on the game.

8 PS3, that one didn't have in that one either. That
9 one's a little bit different. I pretty much have to take the
10 hard drive off of the Sony, restore it to another hard drive,
11 insert the restored hard drive and play it and there was
12 absolutely nothing on there.

13 Q And there was also on MP3 player?

14 A MP3 was just like a -- if people remember the old
15 Zune, it's just -- it wasn't even the iPod, it was just the
16 -- just a normal little MP3 player, so just music.

17 Q Okay. So the only thing on -- in the memory of the
18 MP3 player would be music; is that right?

19 A Yes.

20 Q So nothing relevant to the investigation through
21 that analysis either; is that right?

22 A No.

23 Q Now, did you also examine computers and hard drives?

24 A Yes.

25 Q First, was there a Dell laptop -- or I'm sorry, a

1 Dell desktop computer, a Toshiba laptop computer, a second
2 Toshiba laptop computer, a Dell laptop computer, NVIDIA
3 launchpad, and a Sam's tablet --

4 A Yeah.

5 Q -- that you saw?

6 A Yes.

7 Q Did you perform an analysis on these items?

8 A Yes.

9 Q Could you describe that analysis to the jury?

10 A With the laptops and the computers, basically what I
11 have to do is remove the hard drives from those devices. So
12 what we do is -- you know, once I document what type of
13 computer it is, laptop or desktop, I basically remove the
14 hard drive from those.

15 Once I remove the hard drive, I basically get my
16 machine prepared. We have a machine that's strictly for
17 forensics. I use what's called write blockers. Write
18 blockers, it's -- so it's a hard drive, the write blocker and
19 then my machine.

20 So once I have the hard drive, I connect my write
21 blockers to that hard drive and then I start up my program,
22 my forensic program, and then what that does is does a
23 acquisition of that drive.

24 So that drive goes on to one of my drives, and it's
25 a bit by bit acquisition, and that -- since the write

1 blocker's there, that evidence is never touched. No dates
2 and times will be changed or anything will be changed.
3 They'll stay in the same state that it's in.

4 That all gets acquired to my device. Once it's
5 successful, it has to verify. Once it verifies, then I
6 remove his drive from my write blocker and I put it back into
7 the computer, and then I put it back into the evidence vault.

8 We have a temporary evidence vault in our offsite,
9 which is approved by LVMPD evidence vault. So we store it
10 there until we make sure that we have everything we need
11 before we take it back to the evidence vault.

12 Q Okay. After you acquired a copy of each of these,
13 did you perform further analysis?

14 A Yes.

15 Q And while we're talking about it, there was also a
16 master hard drive and a Seagate hard drive that you examined
17 as well; is that correct?

18 A Yes.

19 Q Would your analysis of those be similar to that of
20 the computers?

21 A Yes. The only difference between when I have loose
22 hard drives with no computer that's made it to it, it's
23 strictly just the hard drive, some people call them
24 externals, but it's just nothing but a hard drive without the
25 computer, and, yes.

1 Q Once you had an isolated copy of each of these
2 devices, could you describe your analysis to the members of
3 the jury?

4 A Yeah. Once I have a verified copy of, you know,
5 whatever drive I'm working on to start, that's when I
6 actually start doing all my signature files, and I start
7 doing all my analysis of all the image files.

8 I usually start the image files first, then I do my
9 video files, and then I start looking at my e-mails, and then
10 I start looking at ownership to see if those -- who those
11 computers actually belong to.

12 So we do all that, and that -- you know, that can
13 take time depending on how big the drive is and how many
14 videos, you know, are on there, and also look at deleted
15 items.

16 And the way we look at deleted items, there's
17 processes that actual search the unallocated.

18 Q And let's talk just a bit just for a second in
19 regards to deleted items on these computers.

20 You said that deleted items goes to something called
21 unallocated; is that right?

22 A Yeah, typically most deleted items will go to
23 unallocated. Sometimes they'll go straight to your recycle
24 bin. If that hasn't been, you know, emptied, sometimes
25 you'll see stuff there, but it will show you that it was

1 deleted, but it was -- it's still in the recycle bin. So it
2 will show up as a recycle bin -- bin file.

3 Q Okay. Let's first talk about allocated space versus
4 unallocated space. What are we talking about?

5 A Easiest way to explain that, allocated space is what
6 you normally see. So it's stuff that you've actually put on
7 your computer and you're able to double click an icon or
8 search a file and see that as you -- as soon as you command
9 the computer to.

10 Unallocated is something that's no longer on that
11 computer, you no longer have access to it. Well, there's a
12 space that called unallocated space, and it's just empty
13 space on your hard drive, and it's space that's waiting to be
14 used or it's space where things that have been deleted will
15 go to. Because those things no longer have any value to the
16 user, so now it's still in unallocated even though there's
17 something there, but it's still able to use because it no
18 longer has what they call an extension, like a .jpeg or
19 anything like that.

20 Q Okay. So when something is deleted, for instance,
21 when you have a file that's reported on your computer, any of
22 us can kind of go to that file, look at it, that would be
23 allocated space --

24 A Correct.

25 Q -- is that right?

1 A Correct.

2 Q Okay. But once that particular item is deleted, we
3 think it's gone, but in reality, it's in what's this called
4 unallocated space; is that right?

5 A Correct.

6 Q Now, unallocated space, is -- is those items that
7 are deleted and go to unallocated space, are they always
8 stored in the exact way that they would have been if they
9 were allocated?

10 A No, because when you have unallocated space, you
11 have a directory. Just like when you went to the library
12 long time ago. Well, some of you probably don't remember,
13 but you pull -- you pulled cards out and you'd look, and
14 you'd find out oh, it's in P1.

15 Well, the computer's the same way. If you have a
16 file and you wanted to know where it was at, you can actually
17 find out where that file is actually at because it still has
18 a directory.

19 Once it leaves the allocated space and goes to
20 unallocated there is no directory. So now, it could just be,
21 you know, sitting there floating in space, pretty much.

22 Q Okay. Is it possible when it's in unallocated
23 space, that the information is jumbled or in a different
24 order than it was when it was in allocated space?

25 A Correct.

1 Q And how long when you have something that's deleted,
2 for instance, in our example and it goes to unallocated
3 space, how long does it hang around in unallocated space,
4 forever or --

5 A It can be there forever. It depends on how much the
6 user actually is on his computer. I could dump a whole file
7 into unallocated and say I just barely used it for typing
8 resumes or something, those items will never be overwritten.

9 But if it's somebody that's constantly on the
10 Internet or constantly downloading video files and then he
11 dumps those into -- and, you know, deletes them and they go
12 in unallocated, well a lot of that stuff can be trumped
13 over.

14 So it can be there for a long time. It could be
15 there forever. Or it could be there a short time, depending
16 on how big the file is.

17 Q Okay. So once something goes in unallocated space,
18 it's there until it's overwritten; would that be accurate?

19 A Yes.

20 Q Okay. So other information comes into the computer;
21 is that correct?

22 A Correct.

23 Q Now, let me ask you in regards to e-mails and things
24 of that sort that might be on the computer.

25 Is there anything distinctive about e-mails when

1 compared to other larger documents or other documents that
2 are on the computer?

3 A E-mails, it depends on -- you know, sometimes you
4 can find e-mails, sometimes you can't. A lot has to do with,
5 you know, what server he's using. Like, if you have yahoo
6 mail or private servers, then you could send out on e-mail,
7 but you might not be able to retrieve that back again because
8 it's just -- it works more like a server, not just -- not a
9 flat computer because now, you know, e-mails, you're sending
10 them out just like when you're going to the Internet.

11 It, you know, goes out in packets, and once it
12 leaves in packets, well, you might not be able to get all the
13 packets back together. So sometimes you can't retrieve
14 e-mails because they're not like in one complete Shell.

15 Q Okay. And beyond that, if a device is used on a
16 regular basis, the likelihood of being overwritten would be
17 higher; would that be accurate?

18 A Yes.

19 Q Okay. Now getting back again to our computers and
20 hard drives. You indicated that you had a copy of those
21 particular items when you were performing your analysis; is
22 that correct?

23 A Yes.

24 Q Could you describe that continued analysis for
25 members of the jury?

1 A Once -- once I have everything that I need to
2 review, then, you know, if I have a detective also and I find
3 items that fall in the timeframe that he's asking me to look
4 for or if I start seeing people that I don't know or he --
5 you know, he advised me of there should only be two male
6 adults and then I start finding a lot of kids or something
7 like that, then I'll contact that detective and tell him,
8 look, I'm finding a lot of people, I don't know who they are,
9 can you come to the office and review the -- you know, the
10 findings that I have here?

11 Q Okay. So in your analysis of these particular
12 items, did you find anything noteworthy to your
13 investigation?

14 A Yes.

15 Q What did you find?

16 A I ran across a couple of videos that showed Deborah
17 Sena, and Deborah Sena was in the compromising position with
18 animal. I found pictures of Mr. Sena just like selfies
19 exposing himself, showing his penis.

20 There was some pictures of some females that I
21 didn't know. They appeared to be adults.

22 Q Yeah, well let me ask you this. Maybe I'm -- are we
23 talking about the computers and hard drives or are they
24 talking about other electronic storage devices?

25 A Other -- other electronics.

1 Q Okay. I'm sorry, I wasn't clear on that question.
2 So I'm just restricting myself now to just the --
3 A Oh, okay.
4 Q -- computers and the hard drives.
5 Did you find anything as a result of that analysis?
6 A No.
7 Q Okay. Now, I hadn't mentioned yet the other
8 electronic storage devices, which would include memory cards
9 and thumb drives.
10 Do you recall receiving approximately 36 diskettes,
11 five CDs or DVDs, 20 VHS tapes, about 138 DVD/CDs, about 7
12 memory cards and about 8 thumb drives?
13 A Yes.
14 Q Do you recall that?
15 A Yes.
16 Q Okay. Now, in regards to those items, did you
17 attempt to perform an analysis on all those items?
18 A Yes.
19 Q Okay. Would that include the VHS tapes?
20 A The VHS tapes, since they require no special
21 equipment, I contacted Detective Samples and advised him that
22 he would have to review those himself.
23 Q Okay. But in regards to all the other items I
24 mentioned, you did perform the analysis?
25 A Yes.

1 Q Could you describe that analysis to the members of
2 the jury?

3 A The DVDs and CDs, those I pretty much use a -- what
4 we call a cold machine to make sure that if they end up
5 having any type of child pornography or anything that's
6 illegal contraband, they don't get on our network on, you
7 know, our work computers. So we use special computers that
8 are strictly for forensics.

9 So I have a forensic ASUS computer laptop, and I
10 use those to view any of the DVDs.

11 Q Okay. So based upon your review of the DVDs, did
12 you find anything significant to this investigation?

13 A No.

14 Q We mentioned that there were a number of diskettes
15 as well. Did you perform an analysis on those?

16 A Yes.

17 Q And could you describe the result of your analysis?

18 A Diskettes are pretty much the same, pretty much just
19 write block them and then just well, view them, see if
20 there's anything on those, and there was not.

21 Q We also mentioned several memory cards; is that
22 right?

23 A Yes.

24 Q Did you perform an analysis on those items?

25 A Yes.

1 Q Could you describe that to the members of the jury?

2 A Memory cards are the same way. We have to have an
3 adapter for me to be able to look at those memory cards since
4 they're all different sizes.

5 The write blocker I use is called Tableau and that
6 write blocker acts the same it does when I'm requiring the
7 hard drive. But with that write blocker I can plug it
8 straight into my forensic machine, whether it be the laptop
9 or the desktop, and I can actually view what's on there, you
10 know, as soon as I plug it in.

11 Q Okay. Did you find anything of significance of your
12 investigation from the memory cards?

13 A No.

14 Q Turning your attention to the thumb drives. You
15 made mention that there was eight thumb drives; is that
16 correct?

17 A Correct.

18 Q And did you perform an analysis on those thumb
19 drives?

20 A Yes.

21 Q Could you describe that analysis to the members of
22 the jury?

23 A Thumb drives is the same way that we do the actual
24 hard drives. I have a separate write blocker that does
25 nothing but blocks external drives -- I mean, thumb drives.

1 So I do it the same way. I have my thumb drive, my write
2 blocker, and then my computer, and acquire it, and then I
3 look at it on my computer.

4 Q Okay. Now, in the course of you performing your
5 analysis on the thumb drives, was there anything significant
6 to the investigation that you found?

7 A There was a red thumb drive that did have files of
8 interest.

9 Q Okay. I'm showing you what's marked as State's
10 Proposed Exhibits 70 and 71. Take a look at those and let me
11 when you're done.

12 A Okay.

13 Q Do you recognize what's depicted in those photos?

14 A Yes.

15 Q And what is that?

16 A It's a data traveler 32 gig thumb drive.

17 Q Is this the thumb drive that you're referring to?

18 A Yes.

19 Q Is this a clear and accurate depiction of the thumb
20 drive?

21 A Yes.

22 MR. SWEETIN: State would move for the admission of
23 what's been marked as State's Proposed Exhibits 70 and 71.

24 THE COURT: Any objection?

25 MR. LOPEZ-NEGRETTE: We'll submit it.

1 THE COURT: They'll be admitted.

2 (State's Exhibits 70 and 71 admitted)

3 BY MR. SWEETIN:

4 Q I'm also showing you what's marked as State's
5 Exhibit -- or State's Proposed Exhibit 109 and 109-A. And I
6 first direct you to State's Exhibit 109 and ask you if you
7 recognize that?

8 A Yes.

9 Q And what is that?

10 A That's a item -- that's an LVMPD evidence vault
11 package with the LVMPD sticker. The sticker pretty much just
12 describes the event number and the subject of interest, the
13 crime, and the actual item.

14 Q Okay. And in this case, we made reference to an
15 event number of the Las Vegas Metropolitan Police Department
16 case early on as we started your questioning; is that
17 correct?

18 A Correct.

19 Q And is that event number the same?

20 A Yes.

21 Q Do you recognize anything particularly on this as
22 being related directly to you?

23 A Yes. In the chain of custody, you show that I
24 signed it out. You have to put in my P number, the date that
25 I sealed it, and the time I sealed it, and when I seal it, I

1 actually put V for events, 4916 is -- which is my badge
2 number and then R for Ramirez.

3 Q Okay. So would it be fair to say that this is an
4 evidence envelope that's used to contain certain evidence in
5 this case?

6 A Yes.

7 Q And you made reference to a particular red thumb
8 drive, which was identified in State's Exhibits 70 and 71; is
9 that correct?

10 A Correct.

11 Q And does this particular evidence envelope, is this
12 the evidence envelope that particular item's stored in?

13 A Yes.

14 Q Now, when an item is booked into evidence, is this
15 particular envelope always sealed?

16 A Yes.

17 Q Is there documentation on the envelope that shows
18 who, in fact, books it in and any subsequent transactions
19 with a particular piece of evidence?

20 A Yes.

21 Q And in this case, we have the item being booked in
22 by a particular detective; is that correct?

23 A Yes.

24 Q And who would have booked it in?

25 A Larry Samples.

1 Q Okay. And you mentioned that he was -- you knew
2 from talking to him that he was, in fact, the case detective
3 on this case; is that right?

4 A Yes.

5 Q When he booked it in, was the item sealed?

6 A Yes.

7 Q How do you know it was sealed?

8 A On the original seal it will have his first initial,
9 P number, and last initial.

10 Q Okay. And so initially when it's booked in, there
11 is a seal that's placed on it; is that correct?

12 A Yes.

13 Q Okay. And that seal is just placed across a flap
14 that's on the envelope itself?

15 A Yes.

16 Q Now, whenever this particular envelope is accessed,
17 you made reference to the fact that there is sort of a detail
18 of that access on the envelope itself; is that right?

19 A Correct.

20 Q Just for the members of the jury, refresh me, how is
21 that detailed on there?

22 A Once I receive it, your -- per policy, you're not
23 supposed to open it on the original seal. You have to open
24 it either on the side or another area. And then once you do
25 open it, before you turn it back in, you have to actually

1 seal that, date it, and actually put your initial P number.

2 Q Okay. And you indicated also that there's sort of a
3 log that shows who accessed this particular item; is that
4 correct?

5 A Correct. When I return it, I sign the chain of
6 custody that I had it -- that I returned it on the date and
7 time that I sealed it.

8 Q Okay. So in this case, on this particular envelope,
9 we have booked in by Detective Samples, and then you
10 indicated that we have you logged as receiving it for
11 analysis; is that correct?

12 A This date will show when I actually returned it.

13 Q Okay. And when you received it, you opened it to
14 gain access; is that correct?

15 A Correct.

16 Q And when you were done with it, what do you do?

17 A Once I'm done and, you know, originally I put it in
18 your temporary evidence vault, and then once I'm totally done
19 with everything I need to do on this case and I don't believe
20 I need it anymore, I -- you know, I concur -- confer with the
21 detective. He tells me, okay, yeah, we pretty much have
22 everything we need, there's nothing else new. Then I go
23 ahead and I seal it, date it, and sign the chain of custody,
24 and then return it to the evidence vault.

25 Q And in this case, can you see on the envelope

1 exactly where you did, in fact, put the item back in the
2 envelope and seal it?

3 A Yes.

4 Q And what's the basis of your recognition of that?

5 A My signature and my P number.

6 Q Okay. Was there anybody else who accessed this
7 particular item subsequent to that time?

8 A No.

9 Q Is there a detail here of access?

10 A Someone actually signed it out after I had already
11 returned it.

12 Q And would that, in fact, be Larry Samples?

13 A 9354, yes, that looks like Larry Samples P number.

14 Q And again, he's the case detective; is that correct?

15 A Correct.

16 Q Okay. And it appears that he accessed this
17 particular item; is that correct?

18 A Yes.

19 Q And similar to you, when he was done, he put it back
20 in and sealed it with his P number; is that correct?

21 A Correct.

22 Q Okay. And I'm showing you what's marked as State's
23 Proposed Exhibit 109-A. Do you recognize that?

24 A Yes.

25 Q And what is that?

1 A That's the thumb drive that I named red thumb drive.

2 Q Okay. And that was, in fact, the piece of evidence
3 that was in this particular item; is that correct?

4 A Yes.

5 Q Now, just to be clear, you indicated that once you
6 reviewed this, that it remained in your sole care and custody
7 in a secured environment until returned to the evidence
8 vault; is that correct?

9 A Correct.

10 Q In the process from Las Vegas Metropolitan Police
11 Department is that -- that item would only be accessed in the
12 manner and by the people that you have detailed on here; is
13 that correct?

14 A Correct.

15 Q And short of that, it would be stored and secured in
16 the LVMPD, I guess, evidence vault; is that correct?

17 A Correct.

18 MR. SWEETIN: State would move for the admission of
19 what's been marked as State's Proposed Exhibit 109 and 109-A.

20 THE COURT: Any objection.

21 MR. LOPEZ-NEGRETTE: We'll submit it.

22 THE COURT: It will be admitted.

23 (State's Exhibits 109 and 109-A admitted)

24 BY MR. SWEETIN:

25 Q Now, you indicated that you did find some evidence

1 on this particular red flash drive; is that correct?

2 A Yes.

3 Q Okay. Can you describe to the members of the jury
4 your analysis and as -- and the steps you took and what you
5 found in the course of those steps?

6 A Once I went through the acquisition of the drive,
7 and I have my working copy on my forensic machine, I
8 basically start looking at the file structure. The file
9 structure, the best way I can explain it, it looks like an
10 Excel sheet. It will have the file name and then it has the
11 file extension, and then it will have dates and times and
12 things like that, tells you how big the file is and just
13 normal forensic data.

14 Once I start reviewing the file, I look to see if
15 there's files that automatically show me that they're
16 deleted. I look at the dates because in the search warrant
17 he's given me specific dates, so I'm kind of looking to see
18 if I can match those dates up.

19 I'm looking for any type of name identifier, like
20 say, for example, if I would have saw, you know, Chris's
21 files, well, then, of course, that's going to be a file of
22 interest for me.

23 Q Okay. Now, first, as you get onto this particular
24 item, you indicated that you normally would make a copy of
25 the information on that flash drive; is that correct?

1 A Correct.

2 Q Did you do that in this case?

3 A Yes.

4 Q So now you have, sort of, a clone or an exact copy
5 of what's on that flash drive; is that right?

6 A Correct.

7 Q Now, previously we discussed the difference between
8 allocated and unallocated space; is that right?

9 A Correct.

10 Q You made mention that you were going through
11 directories. So would it be true that you're initially
12 examining allocated space?

13 A Correct.

14 Q When you examined allocated space on this particular
15 item, were you able to see anything that was actually stored
16 in allocated space?

17 A Yes.

18 Q Could you detail that for the members of the jury?

19 A On that particular drive, there was some file names
20 that were numbers and then called MOV for movie.

21 I played some of those, and those are the ones that
22 I saw Deborah with -- with a dog. Other --

23 Q And let me stop you there for a minute. Just to be
24 clear, you mentioned earlier a video of bestiality; is that
25 correct?

1 A Correct.

2 Q Okay. When you viewed that in the allocated space
3 you made reference to, who -- were you able to determine who
4 was, in fact, on that video besides the animal?

5 A Deborah, and person that I believe is Christopher
6 Sena.

7 Q Okay. When you say the person you believe to be
8 Christopher Sena, was it the defendant?

9 A Yes.

10 Q Okay. So it was the defendant and Deborah on that
11 video; is that correct?

12 A Yes.

13 Q All right. Now, you referenced that there was also
14 some other things on there; is that correct?

15 A Yes.

16 Q Okay. What else was on there?

17 A There was a couple of images of females exposing
18 their breasts. Deborah's exposing her breasts, and Mr. Sena
19 exposing his penis, a couple selfie-type. And then there was
20 also another video of Deborah where she starts to have sexual
21 relations with Mr. Sena.

22 Q Okay. So that's what was in allocated space; is
23 that right?

24 A Yes.

25 Q Now, was there anything about -- I think you were

1 mentioning earlier that as you looked at allocated space that
2 you were concerned as to the way the directory was laid out;
3 is that correct?

4 A Yes.

5 Q And could you describe that to the members of the
6 jury?

7 A The way the directory was laid out, I noticed that
8 there was a lot of files that were moved onto that drive, I
9 believe it was June 13th of 2014.

10 It appeared that that drive had probably been
11 formatted, so kind of -- kind of cleaned, and then made room
12 for other files to go on there.

13 So when I saw files that were close to the date
14 that I'm investigating, then, you know, that kind of, you
15 know, clues me in, I see the person of interest I'm
16 investigating, then I see one of the wives. So that -- you
17 know, that caught my interest.

18 Q So as you're going through the directory, you see
19 some videos including people that were people of interest
20 that you previously had testified to this you knew might be
21 associated with the pornography that you're looking for; is
22 that correct?

23 A Correct.

24 Q And then you see items that appear to be deleted or
25 something suspect has happened with; is that correct?

1 A Correct.

2 Q So, now, based upon you seeing that, what do you do
3 next?

4 A There was one file that had Deborah on there, and
5 the exact same file was on there again, and that one showed
6 that it was deleted. So now, you know, I'm looking at, okay,
7 well, why is that one deleted, it's the same name? Was it a
8 file that was named the same but something different.

9 So, you know, that starts to make you kind of start
10 looking into things more. So what I did then was I conduct a
11 unallocated search.

12 Q Okay. And again, just going back, unallocated is
13 space that doesn't have anything stored on it, it's just
14 extra space on the -- on the -- in the memory, and there
15 might be something there that has previously been deleted;
16 would that be correct?

17 A Correct.

18 Q That would be one scenario when something would get
19 to unallocated space; is that correct?

20 A Correct.

21 Q How did you perform that examination of unallocated
22 space?

23 A We have, you know, scripts that actually, you know,
24 I run a case processor. Case processor strictly does nothing
25 but looks for things in unallocated, and then it actually

1 presents it to me in a -- you know, at that time I was
2 looking for images, so in a gallery form.

3 So it's like a picture with just a whole bunch of
4 collage, but it's, you know, squares of pictures of anything
5 and everything that's on there.

6 Q Okay. Now, based upon your examination of
7 unallocated space, did you find anything noteworthy beyond
8 what you've already testified to?

9 A Yes.

10 Q Could you describe that to the members of the jury?

11 A I found -- there was one video that had been broken
12 up, and there was also other people in there that were
13 identified as Deborah, some of the -- I want to say Ryan,
14 Ryan was on there.

15 So there was things that were on there that were
16 not on the regular drive that made me want to look at that
17 even further.

18 Q Okay. And let me stop there and ask you a question
19 because we discussed earlier as to what information you had
20 and when as to who might be involved in the pornography that
21 you were looking for.

22 Were there individuals ultimately as you looked at
23 what you were finding that were not detailed to you
24 previously by detective?

25 A Yeah, I believe Anita. I found an image of Anita,

1 and I didn't who the person was, so I had to call Mr. Samples
2 to come and advise me who that person was.

3 Q Okay. And not necessarily in pornography but in
4 some of the other items that were examining; would that be
5 accurate?

6 A Yes.

7 Q Okay. Now, I'm going to show you, and I believe you
8 had the opportunity to examine this --

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

10 (Pause in the proceedings)

11 BY MR. SWEETIN:

12 Q I'm going to show you what I believe is marked as
13 State's Proposed Exhibits 72 through 93. I want you to just
14 take a look through that, and let me know when you're done.

15 A All of these or just the front one?

16 Q All of them.

17 A Oh, okay. Sorry. (Witness complies). All right.

18 Q Have you had an opportunity to look at those?

19 A Yes.

20 Q What's depicted in these exhibits?

21 A Persons with Mr. Sena conducting sexual acts between
22 Brandon, Ryan, Terrie, Deborah, pictures of Tamara in the
23 shower, and Erin in the shower.

24 Q Okay. And Tails as well; is that correct?

25 A Yes, Terry Tails.

1 Q Okay. So just to be clear, what we have here are
2 videos and stills from those videos that you retrieved off of
3 the red flash drive that you previously made reference to; is
4 that correct?

5 A Correct.

6 Q So all these came off of that flash drive?

7 A Yes.

8 Q Now, we talked about allocated and unallocated
9 space; do you remember?

10 A Yes.

11 Q All the items that we have here, did they come from
12 allocated or unallocated space?

13 A Unallocated.

14 Q Okay. Now, going through these, what's marked as
15 State's Exhibit 72 and State's Exhibit 73 -- well, let me say
16 this, there are disks that are associated with certain of
17 these, referring your attention to what's marked as Exhibit
18 73, Exhibit 75, Exhibit 78, Exhibit 80, Exhibit 82, are all
19 disks; is that correct?

20 A Correct.

21 Q Are you able to identify what's on these particular
22 disks?

23 A Yes.

24 Q Okay. And what's the basis of your identification
25 of each of those disks?

1 A Once I saw all the items in the unallocated --
2 Q Well, let me ask you this --
3 A Oh.
4 Q -- is there anything on this disk --
5 A Okay.
6 Q -- that causes you to know -- or on these disks that
7 causes you to know that you've looked at these disks --
8 A Yes.
9 Q -- and know what's on it?
10 A Yes. I was getting ahead.
11 When I review these disks, I put my P number and my
12 initials on those disks.
13 Q Okay. So each of those disks have been reviewed by
14 you, and you're aware of what's on it; is that correct?
15 A Correct.
16 Q Now, in each of these groups there are essentially
17 photos, and would it be fair to say that those -- these
18 photos that we have depict stills from those particular
19 disks; is that correct?
20 A Correct.
21 Q Now, we have a series of photos that's marked, I
22 believe, as Exhibits 76 through 77BB. Do you recall this
23 particular item as also -- or these pictures also as being on
24 a disk associated with that, which would be Exhibit --
25 Proposed Exhibit 78?

1 A Yes.

2 Q Okay. Now, in regards to the other disks, do they
3 all include videos?

4 A Yes.

5 Q In regards to this particular disk, is there
6 something different?

7 A It has a video, but a although of the stills -- it
8 has a lot of stills -- well, a video that's broken up.

9 Q Okay. So on everything else, there are actually
10 videos, and on this one, the -- for some reason when you
11 retrieved it from unallocated space, you couldn't retrieve it
12 as a video?

13 A Some of it did retrieve as a video, but for some
14 reason or another it broke it -- a lot of it apart, and what
15 it does it just goes frame by frame and gives you a
16 picture --

17 Q Okay.

18 A -- of each frame.

19 Q But besides that, the stills document actual videos;
20 is that correct?

21 A Correct.

22 Q So do these represent a clear and accurate depiction
23 of what you retrieved off of that flash drive?

24 A Yes.

25 MR. SWEETIN: The State would move for admission of

1 what's marked as State's Proposed Exhibits 72 through 93.

2 THE COURT: Any --

3 MR. LOPEZ-NEGRETTE: We'll submit it. We'll submit
4 it.

5 THE COURT: They'll be admitted.

6 MR. SWEETIN: Okay.

7 (State's Exhibits 72 through 93 admitted)

8 BY MR. SWEETIN:

9 Q Now, Detective, I want to Mac sure that we
10 understand what's -- who's involved in each of these because
11 we mentioned earlier that, you initially had an idea that
12 there was some children involved, and later there was some
13 information that was brought to your attention by these,
14 which caused you to believe that there were other children
15 involved; is that right?

16 A Yes.

17 Q Ultimately, you detailed the number of individuals
18 that were actually involved in these videos. I'd like to go
19 through each one so that we know who's associated with each,
20 beginning with the first exhibit, which is going to be
21 Exhibits 73 and 72.

22 A That would be Brandon Sena.

23 Q Okay. And do we know who is depicted in the --
24 first of all, in the -- what's marked as State's Exhibit 72,
25 which is a still photo?

1 A You can see -- you can clearly see Brandon Sena, and
2 I've seen the video, so the image that's kind of blurry,
3 that's Deborah Sena.

4 Q Okay. Now, on this particular item, are there
5 sexual acts detailed?

6 A Yes.

7 Q Could you briefly who can be seen on the video
8 itself?

9 A On this video, the person that can be seen is --
10 clearly, is Brandon Sena and Deborah Sena, and at later date,
11 you can see Christopher Sena.

12 Q You say a later date. What do you mean by that?

13 A When the video starts out, the video's dark, you can
14 hear some -- some activity going on in the background, but
15 then once that video clears, then you see Brandon lay on his
16 back, and you see Deborah also on the bed. She starts
17 performing oral sex on him, but when they start doing more
18 acts, you'll see a person go by the video a couple of times.
19 And then the last time that he goes by, you actually see
20 Mr. Sena.

21 Q Okay. Now, when you say Mr. Sena, you're referring
22 to the defendant?

23 A Yes.

24 Q Now, just as we start into this analysis, you've had
25 the opportunity to review, obviously, all this video; is that

1 correct?

2 A Yes.

3 Q And on the video, would it be fair to say that there
4 are different views of different individuals in the videos
5 that you observed?

6 A Yes.

7 Q Would it be fair to say that you hear things said by
8 different individuals in the course of the video?

9 A Yes.

10 Q Would it be fair to say that there are some points
11 on the video where you see somebody and you see them speak
12 and hear them speak, and then later you hear words said and
13 you can match that person up?

14 A Yes.

15 Q Would it be fair to say that at some points you see
16 a body of someone and then a face, and then later you see
17 that same body, but you don't see the face, so you can kind
18 of match it up?

19 A Correct.

20 Q Okay. So as -- in your current position with the
21 Las Vegas Metropolitan Department or the one you retired out
22 of, working in sex crimes, is it a normal thing that you
23 normally do an investigation such as this to try to identify
24 the individuals who are actually in videos such as this?

25 A Yes.

1 Q Okay. Besides what I described in attempting to
2 identify those individuals, is there anything else or any
3 other tools that you do to attempt to identify things that
4 might be in the room, things that might reflect, things of
5 that sort?

6 A Yes. I mean, we try to identify like a bedroom. If
7 there's a video of somebody in the bedroom, but you don't see
8 the person, then you -- but you clearly see the bedroom, if
9 it has paneling or something different, and then later you
10 see the same bedroom, but now you see the individual. Well,
11 now you know that you associate him with that specific
12 bedroom.

13 Q Okay. Now, in regards to the first item that we're
14 looking at, which are State's Exhibit 72 and 73, could you
15 describe the sexual acts that are depicted in that particular
16 video?

17 A In this one, pretty much you have Deborah Sena
18 having oral sex on Brandon. She has oral sex on and off with
19 him a couple times. She turns around and actually mounts
20 him, tries to get him erect by rubbing her vagina on his
21 penis.

22 That didn't work, so then she actually doesn't
23 unmount him, but she stays on top of him, she performs oral
24 sex on him again, and then when he's ready, she actually
25 positions his penis in her vagina and starts moving back and

1 forth on it.

2 And then that's when you see the individual
3 standing by the bed, you can see his torso, and you can see
4 his penis is erect, and he's masturbating his penis.

5 Then when -- as the video goes on, you hear the
6 name Brandon, you hear a voice say Brandon, the child says
7 huh, and then the child -- Deborah, you know, gets off of the
8 child, lays on her back, and then that's when you see Deborah
9 scoot down on the bed, and then Brandon positions himself on
10 her right side, but then you hear that person say, Brandon,
11 you know, get over here, and the next thing you know
12 Brandon's on the other side.

13 Deborah's performing oral sex on him, and the
14 male --

15 Q On him being?

16 A On Brandon, and you don't see the male having -- the
17 adult male that was speaking having sex with Deborah, but you
18 see her movements back and forth until they stop.

19 Q Okay. And you say having sex. What caused you to
20 believe that they were having sex, you said the male; is that
21 correct?

22 A Yes.

23 Q And what caused you to say that you believe that
24 they were having sex?

25 A Just the way that he positioned her, and then she's

1 moving back and forth like he's thrusting into her.

2 Q Okay. Do you also come to that conclusion or come
3 to that potential by reviewing other videos in this series
4 that we're going to talk about? Is that similar to other
5 videos?

6 A Yes.

7 Q All right. So on this particular video, we have
8 three individuals. You said that it's the defendant, it's
9 Deborah, and it's Brandon; is that correct?

10 A Yes.

11 Q And that's based upon your review of not only to
12 this, but all of these; is that correct?

13 A Yes.

14 Q Now, I'm showing you what's marked as State's
15 Exhibits 74, 75, and 70 -- or 74, 74-A, and 75.

16 Now, first, looking at 74-A and 74-B, those are
17 stills; is that correct?

18 A Correct.

19 Q And again, those are stills from the video that's
20 attached to 75; is that correct?

21 A Correct.

22 Q The stills themselves, do they reference just one
23 video or more than one video?

24 A This is one video. It's a little bit longer than
25 the first video. But this is from one video.

1 Q Is this actually a shower video and this is also a
2 bedroom video?

3 A Let met look at that. Oh, okay. Yeah, that is a
4 separate video. This is like video number two, and that's
5 video number three.

6 Q So fair to say there's two videos on that particular
7 disk; is that right?

8 A Correct.

9 Q Okay. So first, looking at the first still that we
10 have. Were you able to determine, based upon your review of
11 all of the evidence, where this particular -- what's the
12 particular location of this particular video?

13 A It appears to be Mr. Sena and Deborah's bedroom.

14 Q Okay. Now, on the prior video that we had in 72,
15 again, were you able to see, based upon your review of that
16 video, the location of that video?

17 A It appeared to be the same bedroom.

18 Q All right. So in regards to the video that related
19 to the bedroom that you have listed there, how many people
20 are involved in that particular video?

21 A Three.

22 Q Okay. Could you describe those people or detail
23 them?

24 A That would be Terry Tails, Deborah Sena, and
25 Christopher Sena.

1 Q Okay. And are you able to determine that
2 Christopher Sena is part of that based upon what?

3 A Based upon his body size and then later in the video
4 you actually see Mr. Sena.

5 Q Okay. When you say, see Mr. Sena, you see his face?

6 A You see his face and his entire body.

7 Q Okay. Could you describe what happens in that
8 particular video?

9 A In this video, the video starts out with Mr. Sena,
10 you see him adjusting a video camera, and then he's naked, he
11 kind of takes a drink of some water, puts it down -- I
12 believe it was water. And then you see Deborah Sena comes
13 in, she's fully clothed, she sits next to him, and then she
14 starts performing oral sex on him.

15 He says something, and she says, well hold on. She
16 leaves the room. He readjusts the camera, she comes back in,
17 she's talking, and starts to masturbate him, and give him
18 oral sex, and then she takes off her clothes.

19 Once she takes off her clothes, she goes on the
20 other side of the bed, kind of positions herself on all
21 fours, starts to perform oral sex on Mr. Sena. She stops,
22 takes off her little chain necklace, and starts oral sex with
23 him again.

24 This time Mr. Sena positions his hands on top of
25 her head and starts forcefully pushing down on her head,

1 which causes her to kind of gag and choke. So she stops
2 about three times. And then they both get up. She goes and
3 cleans herself, her mouth or whatever, and her face.

4 He leaves the room, comes back in. She goes and
5 gives him oral sex again, but then he gets up, and then next
6 thing you see is you see Terry comes in.

7 Terry comes in, he lays --

8 Q When you say, Terry, are you referring to Tails?

9 A Terry Tails, yes. So Terry comes in, he lays on his
10 back, and as soon as he lays on his back, that's when Deborah
11 starts to perform oral sex on him.

12 Mr. Sena tells Terry something, and then Terry
13 actually positions Deborah on her back and starts to have
14 missionary sex with her, and then --

15 Q Did you say -- are you saying Tails?

16 A Tails.

17 Q Positioned her on her back?

18 A Well, she's on her back, and he's penetrating her
19 missionary style.

20 Q Okay.

21 A So he ends up -- he ejaculates. Once he ejaculates,
22 he cleans himself with a tissue. Once he cleans himself with
23 a tissue, then he -- well, you hear "mama sit on it". So he
24 gets on his back and Deborah tries to mount him, but then you
25 hear the male, which is Christopher Sena say, you know, get

1 over here. So he actually has Terry Tails go to the head of
2 the bed, sit down, Deborah -- positions Deborah on her
3 stomach, and he gets behind Deborah.

4 And she's laying on her stomach. You can't see
5 that she's performing oral sex on him, but since, you know,
6 Sena told him to sit down and her face is in that position,
7 and then he begins to have vaginal sex with her from behind.

8 And then once they stop, then they all three leave
9 the bedroom.

10 Q Okay. There's a second video that you made
11 reference to referencing the second still, which is listed as
12 74 -- 74-A; is that correct?

13 A Correct.

14 Q Okay. And who is involved in that video?

15 A You see Terry Tails, Deborah, and Mr. Sena.

16 Q Okay. And could you describe what happens in that
17 video?

18 A The video looks like it's -- like the camera's set
19 up like in the room that's adjacent to the shower. So the
20 door is cracked a little open, so right at the beginning, you
21 see the shower curtain, you hear a shower going, but then you
22 see Mr. Sena come out of the bedroom so the door's wider, and
23 he removes the shower curtain, and then you see Deborah Sena
24 come in the shower.

25 She's naked, and Terry Tails is in the shower naked

1 also. She starts rubbing something off of his face, and
2 they're kind of watching each other's face like they have
3 something on their face, but they're both naked in the
4 shower. And then Mr. Sena just says, just clean it up, and
5 then he walks out, and then that's it on the video.

6 Q Showing you what's marked as State's Exhibit 76.
7 This is a still; is that correct?

8 A Correct.

9 Q And just to be clear, I believe you already said
10 that the -- going to the prior State's Exhibit 74, is the
11 bedroom, master bedroom in the residence; is that correct?

12 A Correct.

13 Q And in regards to State's Exhibit 74-A, are you able
14 to determine what room that is in the residence?

15 A It appeared to be the room that's adjacent to the --
16 adjacent to the bedroom.

17 Q And that would be a bathroom; is that right?

18 A A bathroom, yes.

19 Q Okay. Now getting back to what's marked as State's
20 Exhibit 76, there's a still there; is that correct?

21 A Correct.

22 Q And that relates to a video?

23 A Yes.

24 Q And could you describe who's depicted in that video?

25 A In that video it is Ryan Sena and Terrie Sena.

1 Q Okay. Is there anybody else besides Ryan and
2 Terrie?

3 A You eventually -- later in the video you do see
4 Mr. Christopher Sena.

5 Q And that would be the defendant?

6 A Yes.

7 Q Could you describe what happens in that video?

8 A That video starts out where you see Mr. Sena with a
9 camera or it's a video camera, but I just call it a camera,
10 but you'll see him setting up the camera. You see part of
11 his body. You don't see a face, but you see his structure.
12 He has the same blue shirt on.

13 And you see Terrie come in, and he starts -- it
14 sounds like he's explaining how this whole thing's going to
15 pan out. So --

16 MR. LOPEZ-NEGRETTE: Objection, Your Honor. Can we
17 approach?

18 THE COURT: Yes.

19 (Off-record bench conference.)

20 THE COURT: You're objection is sustained.

21 BY MR. SWEETIN:

22 Q And, Detective Ramirez, if you could, just detail
23 for us exactly what you heard in the video as the video
24 progresses.

25 A As the video progresses, you hear Mr. Sena call

1 Brandon's name, and basically, Mr. Sena is instructing him
2 where to position himself.

3 Q Is this Ryan we're talking about?

4 A Yes.

5 Q Okay. So we hear the defendant call Ryan's name?

6 A Yes.

7 Q Okay. And what happens next?

8 A Once Mr. Sena leaves, then you see Terrie bring in
9 Ryan. Terrie's standing in front of Ryan. She removes some
10 of his jewelry, tells him, you know, take it to your room.

11 He returns, his clothes are on. She actually
12 undresses him, takes off all his clothes except his socks.
13 He lays on the bed, and as she goes around the other side,
14 and she takes off all her clothes.

15 She lays on the bed, and she starts to have oral
16 sex on Ryan. She stops a couple times, repositions herself,
17 but then she also, you know, starts to instruct him of how to
18 rub her breasts. At one point, you know, has him kiss her
19 breasts, how to suck on breasts.

20 And then during that, you do see, you know,
21 Mr. Sena go by the video, and then --

22 Q And when you say, go by, in what state of dress is
23 he as he goes by?

24 A He doesn't have any clothes on, he's naked.

25 Q Okay.

1 MS. RADOSTA: Your Honor, could we approach just
2 for one more quick second?

3 THE COURT: Sure, sure.

4 (Off-record bench conference)

5 THE COURT: Mr. Ramirez, are you reading from
6 anything?

7 THE WITNESS: No.

8 THE COURT: Okay. Go ahead.

9 BY MR. SWEETIN:

10 Q You indicated -- you last indicated that in the
11 course of the incident you're describing that there's sexual
12 conduct on the bed between Ryan and Terrie, and you see the
13 defendant walking past nude; is that correct?

14 A Correct.

15 Q Okay. Well, what happens next?

16 A Then Ryan actually starts to have missionary sex
17 with Terrie. While they're having sex, she's holding onto
18 his pelvis area, his buttocks, and pushing him into her.

19 Then Mr. Sena comes in, and basically Ryan lays on
20 his back, Mr. Sena positions Debbie -- I mean, sorry, Terrie,
21 puts her on her side, puts her left leg kind of straddled
22 over, kind of knee area, knee up. He starts to penetrate her
23 from behind, and she has her mouth on Ryan.

24 Q When you say on Ryan, what part of Ryan?

25 A On his penis.

1 Q Okay. And that's how the video ends; is that
2 accurate?

3 A The way it ends is, you know, Mr. Sena stops, Terrie
4 rolls over, and then Mr. Sena comments about -- because she
5 was doing something with her mouth, and he says, you know,
6 what, you have Ryan's pubic hair in her mouth, and she just
7 said yeah, and they all get up.

8 Q Okay. Now, there's also a series of stills, and
9 this is the series that we were talking about which were
10 detailed in 77 through, I believe, 77B; is that correct?

11 A Correct.

12 Q Okay. Now, those stills, just to be clear, are
13 recorded on the disk that's attached to this, which is marked
14 as State's Exhibit 78; is that right?

15 A Yes.

16 Q How many stills are there? Would it be fair to say
17 there are thousands?

18 A Yes.

19 Q Okay. And so those stills aren't in video form; is
20 that correct?

21 A Correct.

22 Q They're just stills, so pictures, over thousands of
23 pictures; is that correct?

24 A Correct.

25 Q Okay. Now, in regards to your review of this

1 particular item, are you -- you mentioned that in unallocated
2 space sometimes things get out of order; is that correct?

3 A Correct.

4 Q Now, the stills that we're referring to, that are in
5 this, although you weren't able to generate a video, are they
6 in pretty good order that shows a sequence of events?

7 A Yes.

8 Q All right. Were you able to go through and review
9 those stills?

10 A Yes.

11 Q So in regards to the selected copies that we have
12 here, could you describe what you observed on those stills?
13 First of all, who's involved?

14 A Ryan, Terrie, and Mr. Sena.

15 Q Okay. Are you able to determine where in the
16 residence they are?

17 A I was advised by Mr. Samples that that was a office.

18 Q Okay. And are you able to determine what occurs?

19 A Yes.

20 Q Could you describe to the members of the jury what
21 you observed?

22 A From the stills, it appears that Terrie brings in
23 Ryan into the office, removes his clothes, removes her top,
24 and then you see Mr. Sena in some of the stills come in, and
25 Terrie's performing oral sex on both of them.

1 Q Okay. And when you say on both of them, what do you
2 -- do you mean at the same time or how did that work?

3 A No, she has her mouth on, for example, Ryan's penis,
4 and then has her hand on Mr. Sena's penis, and then she goes
5 back and forth.

6 Q Okay. And I'm showing you what's marked as Exhibit
7 79, State's Exhibit 79, and that's a still that relates to
8 State's Exhibit 80, the DVD; is that correct?

9 A Correct.

10 Q Okay. And what is this particular still? Who's
11 involved in this still?

12 A In that still it's the person that was identified to
13 me later as Tamara.

14 Q Okay. And you had an opportunity to review,
15 obviously, that video; is that correct?

16 A Correct.

17 Q Could you describe for the members of the jury who
18 you see in the video?

19 A In the video I clearly see Tamara, but then kind of
20 in the off room that was off to the side, I see what I
21 believe is Mr. Sena and I believe is Terrie.

22 Q Was that on Tamara or was that on Erin? Do you
23 recall?

24 A What number is this? Oh, that was -- sorry. So on
25 this one it's just -- I just see Tamara.

1 Q Okay. So in this one, fair to say that you can only
2 see one person in the course of the video; is that correct?

3 A Yes.

4 Q So describe to us what you see in the course of the
5 video.

6 A It appears to be shot by the room that's adjacent,
7 the door's slightly cracked open, there's a videotape --
8 video being taped of Tamara in the shower, as she's
9 showering, you can see her buttocks, her vaginal area, which
10 has pubic hair, and her breasts.

11 Q Now, you made a reference to the fact that as a
12 detective, part of your job is to attempt to determine who's
13 involved in any given incident; is that correct?

14 A Correct.

15 Q And you use whatever information that you have; is
16 that correct?

17 A Correct.

18 Q Is there any information that you heard in this case
19 that might be valuable in making that determination? Did you
20 hear any voices or sounds?

21 A Oh, I do hear Christopher's voice in this one, and
22 then the other ones I hear other voices.

23 Q Okay. Now, when you say Christopher's voice, can
24 you say that it's absolutely Christopher's voice that you
25 hear here?

1 A I can say that it sounds like all the other videos
2 that I've heard him speak.

3 Q Okay. Now, showing you what's marked as State's
4 Exhibit 81 and 82. There's a still associated with the
5 video, and the still on 81 is associated with the video in
6 82; is that correct?

7 A Yes.

8 Q Okay. And what is the still on 81, if you know?

9 A This one is a image of Erin -- a person that was
10 identified to me later as Erin, and she's in that same shower
11 that Tamara was in.

12 Q Okay. And could you describe in this particular
13 video, first of all, what you observe?

14 A I observe in the video that it's being shot again by
15 that separate room, the doorway's just cracked enough that
16 you can actually see -- you can see Erin taking a shower.
17 She appears to be shampooing her hair. And you can see her
18 breasts and her vagina, and she doesn't have any pubic hair.

19 Q At the time that you're viewing this video, do you
20 see anything -- any portion of any other person besides Erin?

21 A Yes.

22 Q Could you describe that to the jury?

23 A While the video is being shot, I hear, it sounded
24 like somebody said oh, yeah, and so then the camera actually
25 pans away from Erin, and it actually points down to a person

1 that was on her knees in what appeared to be giving Mr. Sena
2 oral sex.

3 Q Okay. And were you able to have any idea who that
4 person might be based upon your observation?

5 A I believed it to be Terrie and mainly I only saw the
6 top of her head, but from other videos in seeing her
7 hairstyle, how she parts her hair, it looked like Terrie.

8 Q And I'm showing you what's marked as State's
9 Proposed Exhibits 83 through 93.

10 What are depicted in these particular exhibits?

11 A These images appear to be a person that I believe is
12 -- I think her nickname was Missy. I think her true name is
13 Melissa.

14 Q Yes.

15 A And they're just images of her in provocative poses
16 holding a dildo to her mouth, in between her breasts,
17 touching her vagina, touching her anus, and just well, posed.

18 Q And referencing -- continuing with Exhibits -- what
19 takes us through Exhibit 87 and continue with Exhibit 88.

20 A 88 appears to be Terrie, she's sitting there naked
21 with another female. In the next pose it appears to be --
22 looks -- I want to say that's Deborah. She appears to be
23 pregnant, but that looks like it's Missy. That looks like, I
24 believe, is Anita.

25 Q So you're not sure who that is?

1 A No, I'm not a hundred percent sure.

2 Q Okay. So would it be fair to say that there's
3 photos of what appeared to be children or individuals
4 involved in this case sexual situations?

5 A Yes.

6 THE COURT: So we're clear, you said 83 through 87
7 were photos of Melissa in provocative poses, then you went to
8 88, and I didn't hear what you -- was that the one you said
9 Terrie and another female.

10 THE WITNESS: Yes.

11 THE COURT: And 89, what is that?

12 THE WITNESS: It appears to be Deborah pregnant,
13 but I'm not sure of that.

14 THE COURT: Okay. So a female pregnant?

15 THE WITNESS: Yes.

16 THE COURT: And then you have 90?

17 THE WITNESS: 90, I'm not sure who it is. I think
18 it's Anita, but I'm not a hundred percent sure.

19 MS. RADOSTA: Your Honor, we'd object to
20 speculation, if he doesn't know who it is.

21 THE COURT: Okay. So just tell me what it is --
22 what's the picture.

23 THE WITNESS: The picture is of a female laying on
24 her side and another female is sucking on her right breast.

25 THE COURT: Okay. So there's two females?

1 THE WITNESS: Yes.

2 THE COURT: And some sexual type conduct?

3 THE WITNESS: Yes.

4 THE COURT: And then 91?

5 THE WITNESS: 91 is Mr. Sena, and he's positioned
6 behind in a sexual position with a female, and I can't tell
7 who that is.

8 THE COURT: Okay. And 92?

9 THE WITNESS: 92 appears to be Missy, and giving
10 sex -- oral sex to a male. It doesn't show his face, though.

11 THE COURT: Okay.

12 THE WITNESS: I would assume it's Mr. Sena, but
13 I'm --

14 MS. RADOSTA: Objection, Your Honor.

15 THE WITNESS: -- not going to, though.

16 MS. RADOSTA: Speculation.

17 THE COURT: Sustained. 93?

18 THE WITNESS: 93 is Mr. Sena laying naked on top of
19 one female, you can't see her face, and another female that's
20 standing. Mr. Sena is kissing the one female and the other
21 female is performing oral sex on the female.

22 THE COURT: Okay. All right. Go ahead,
23 Mr. Sweetin.

24 BY MR. SWEETIN:

25 Q And just to be clear, Detective Ramirez, all of

1 these items that we have here came out of unallocated space
2 of the red flash drive that we've been making reference to;
3 is that correct?

4 A Correct.

5 Q Now, based upon your investigation to this point,
6 I'm guessing that you've been in contact with the case
7 detective, Detective Samples; is that correct?

8 A Correct.

9 Q Upon you retrieving this information, is it made
10 available to Detective Samples for further follow-up?

11 A Yes.

12 Q Okay. Now, besides the items of evidence that were
13 retrieved from the defendant's residence or the Yellowstone
14 residence that we made reference to that you've just
15 testified to, were there other items of electronic evidence
16 that you ultimately were asked to examine in this case?

17 A Yes.

18 Q Okay. And what would that be?

19 A They brought me -- well, I mean, they advised me of
20 some other -- I believe there was three devices that were
21 seized at a second location, at a storage unit.

22 Q And would the items that you're making reference to
23 include a -- 11 DVDs, CDs, a Western Digital IDE hard drive,
24 a Seagate SATA hard dive, and a Samsung cell phone, which was
25 received -- retrieved from 165 Ash Street here in Las Vegas

1 or Henderson, Clark County, Nevada?

2 A Yes.

3 Q You received those items and performed an analysis
4 approximately in September of 2017; is that right?

5 A Correct.

6 Q And based upon your discussion previously, was your
7 analysis of these items consistent with the analysis or the
8 course of analysis that you previously described?

9 A Yes.

10 Q Did you find anything significant on any of these
11 items, significant to this investigation?

12 A I believe I found one image of -- the title of it
13 was Missy sucking cock, and it was Mr. Sena standing up, and
14 Missy's sitting down, and has Mr. Sena's penis in her mouth,
15 and the border of the image has some type of framing that was
16 done.

17 Q Okay. And were you able to identify the individuals
18 in that particular video?

19 A Yes.

20 Q And who would those individuals be?

21 A Mr. Sena and Missy, Melissa.

22 Q Okay. Besides that, did you find anything
23 significant?

24 A No.

25 Q Were you also asked to consider performing an

1 analysis on items retrieved from Cox Communication in about
2 December of 2014, including a Dell Optiplex 3010 computer?

3 A Yes.

4 Q Were you able to perform an analysis on that
5 particular computer?

6 A Yes.

7 Q Could you describe that to the members of the jury?

8 A That was a computer that was seized at Deborah's
9 work at Cox Communications. I used the same -- once -- you
10 know, once I had the computer, I used the same process that I
11 do with all the other forensic machines and I did not find
12 anything that was -- that Mr. Samples directed me to try to
13 locate a e-mail, which at that time, I couldn't find.

14 BY MR. SWEETIN:

15 Q Okay. And was there a reason why that particular
16 computer was difficult to perform an analysis on or it was
17 unlikely to provide anything?

18 A When you have a business, especially like Cox,
19 everything is pretty much stored on their network. So you
20 won't have as much space on that drive. So typically, if
21 you're going to save anything, they have a designated drive
22 for that.

23 On this one, the drive was smaller, so it was
24 pretty much just used for her work. So there was nothing
25 that was saved on there that was relevant. And when you have

1 a network drive, IT usually cleans those up pretty good
2 because they don't want any viruses and that's why they have
3 strict rules also for them not to go on the Internet and
4 download anything so they have viruses.

5 Most of the things that come in, come in through
6 the network before they're even touched on the computer.

7 Q Okay. Now, I just want to be clear, because we're
8 talking about in this case the items of evidence that we've
9 been discussing came off of this red flash drive that we made
10 reference to; is that right?

11 A Correct.

12 Q I just want to understand how a flash drive relates
13 to a computer. If you viewed a thumb drive on a computer,
14 does that mean that whatever is viewed on that thumb drive on
15 the computer would later be found by you on that computer
16 through forensic exam?

17 A No.

18 Q Could you describe that to the jury?

19 A If somebody is wanting to hide some files or not
20 show any traces of it, if I have, for example, two thumb
21 drives, I have a red thumb drive and I have a blue thumb
22 drive; the blue thumb drive has the information I want, but I
23 want it on the red thumb drive.

24 So I can connect both of those to my computer, and
25 then I can direct it straight from this drive to this drive.

1 All my computer does is acts as the middleman to just
2 transfer this information to this drive.

3 So if that happened, then you're not going to have
4 anything that's going to show you that those drives -- that
5 stuff came off of those drives onto there because they never
6 really touched that drive.

7 The only thing you can see is if you knew what
8 drives were connected, you could say, well, the red streak
9 did show me that these two drives were connected, but that's
10 all I can really tell.

11 Q So just to be clear, if you had a flash drive and
12 you put it in a computer and you viewed something directly
13 from that flash drive to your computer screen, that doesn't
14 mean that -- you wouldn't expect to find that on the -- on
15 the forensics of the computer; is that correct?

16 A Yeah. And it also depends on what you're actually
17 viewing, and you know, everybody knows that if I'm viewing
18 Internet files and I delete them, they're pretty much going
19 to go to your temporary Internet file folder.

20 But, you know, just like Google calls it incognito,
21 if you're using a private browser, you can go online, and
22 it's not going to record anything on your computer. So
23 there's, you know, many ways that you can hide what you're
24 viewing on the computer, you know, without anybody have a
25 trace of what happened.

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CHRISTOPHER SENA,) No. 79036
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 Appellant,)
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 v.)
)
 THE STATE OF NEVADA,)
)
 Respondent.)
)

DARIN IMLAY Clark County Public Defender 309 South Third Street Las Vegas, Nevada 89155-2610 Attorney for Appellant	STEVE WOLFSON Clark County District Attorney 200 Lewis Avenue, 3 rd Floor Las Vegas, Nevada 89155 AARON FORD Attorney General 100 North Carson Street Carson City, Nevada 89701-4717 (702) 687-3538 Counsel for 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:

AARON FORD
ALEXANDER CHEN

WILLIAM M. WATERS
HOWARD S. BROOKS

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

CHRISTOPHER SENA, #1217884
HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NV 89070

BY /s/ Carrie Connolly
Employee, Clark County Public Defender's Office