

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Respondent.

Electronically Filed
May 20 2020 01:39 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPELLANT'S APPENDIX VOLUME XXIV PAGES 5454a-5699

Counsel for Respondent

INDEX
CHRISTOPHER SENA
Case No. 79036

PAGE NO.

Amended Criminal Complaint filed 10/22/14	7-13
Amended Information filed 10/12/16	1202-1246
Amended Judgment of Conviction filed 07/08/19	2399-2407
Audiovisual Transmission Equipment Appearance Request filed 02/06/19	2162-2164
Criminal Complaint filed 09/19/14.....	1-6
Defendant's Bench Memorandum Regarding Child Pornography Charges filed 02/15/19	2236-2246
Defendant's Memorandum of Points and Authorities Opposing Bindover After Preliminary Hearing filed 09/19/15.....	917-933
Defendant's Motion for Juror Questionnaire Date of Hrg: 01/03/18.....	1679-1701
Defendant's Motion for Production of Co-Offenders' PSIs and Related Discovery Date of Hrg: 08/22/18.....	1941-1950
Defendant's Motion to Continue Trial Date of Hrg: 09/13/17	1529-1545
Defendant's Notice of Expert Witnesses filed 12/29/17	1731-1732
Defendant's Notice of Expert Witnesses filed 08/13/18	1891-1896
Defendant's Notice of Witnesses filed 01/08/18.....	1733-1735
Defendant's Proposed Jury Instructions Not Used At Trial filed 02/15/19	2214-2235
District Court Minutes from 01/05/16 through 05/28/19	2408-2486
Ex Parte Motion and Order to Remand Witness Into Custody filed 02/06/19	2167-2168
Ex Parte Motion and Order to Remand Witness Into Custody filed 02/06/19	2169-2170
Ex Parte Order for Transcript filed 11/03/17.....	1552-1553
Ex Parte Order for Transcript filed 03/09/18.....	1741-1742
Ex Parte Order for Transport filed 12/05/17	1675-1676
Findings of Fact, Conclusions, of Law and Order Date of Hrg: 10/12/16.....	1251-1301
Fourth Amended Information filed 02/13/19	2171-2213

1	Information filed 12/16/15.....	1008-1052
2	Instructions to the Jury filed 02/21/19.....	2264-2358
3	Judgment of Conviction filed 05/31/19.....	2384-2392
4	Justice Court Minutes from 09/19/14 through 12/15/15	77-111
5	Motion for Stay Pending Resolution of Defendant's Petition for Writ of Mandamus/Prohibition	
6	Date of Hrg: 12/11/17.....	1634-1641
7	Motion to Compel Production of Discovery & Brady Material	
8	Date of Hrg: 08/23/17.....	1302-1354
9	Motion to Continue Trial Date	
10	Date of Hrg: 10/26/16.....	1247-1250
11	Motion to Continue Trial Date	
12	Date of Hrg: 01/10/18.....	1736-1739
13	Motion to Dismiss Counts for Violation of Statute of Limitations	
14	Date of Hrg: 08/23/17.....	1390-1454
15	Motion to Sever	
16	Date of Hrg: 12/04/17.....	1554-1583
17	Notice of Appeal filed 06/14/19.....	2393-2398
18	Opposition to Motion to Strike Expert Witness Notice	
19	Date of Hrg: 08/22/18.....	1934-1938
20	Opposition to State's Motion to Amend Criminal Information filed 10/05/16.....	1195-1201
21	Opposition to State's Motion to Clarify and/or Motion to Reconsider	
22	Date of Hrg: 08/22/18.....	1849-1890
23	Order filed 03/31/16	1093-1094
24	Order Denying Defendant's Motions of December 12/11/17	
25	Date of Hrg: 12/11/17.....	1677-1678
26	Order for Production of Inmate filed 07/10/15.....	115-116
27	Order for Production of Inmate filed 08/22/17.....	1524-1525
28	Order for Production of Inmate filed 08/25/17.....	1526-1527
	Order for Production of Inmate filed 02/01/19.....	2158-2159
	Order for Production of Inmate filed 02/04/19.....	2160-2161
	Order for Production of Inmate filed 02/06/19.....	2165-2166

1	Order Granting State’s Motion in Limine to Present the Complete Story of the Crime and Motion to Admit Evidence of Other Sexual Offenses and or	
2	Evidence of Other Crimes, Wrongs or Acts	
3	Date of Hrg: 09/25/17	1522-1523
4	Order Granting State’s Motion to Strike Expert Witness	
5	Date of Hrg: 08/22/18	1939-1940
6	Order to Show Cause RE: Contempt filed 09/06/18	2011-2039
7	Petition for Writ of Habeas Corpus filed 03/18/16	1053-1092
8	Receipt of Copy filed 08/23/17	1528
9	Receipt of Copy filed 09/13/17	1551
10	Receipt of Copy filed 03/08/18	1740
11	Receipt of Copy filed 09/05/18	2010
12	Receipt of Copy filed 09/18/18	2040
13	Receipt of Copy filed 12/17/18	2045-2046
14	Receipt of Copy filed 01/23/19	2062
15	Reply to State’s Opposition to Motion to Dismiss Counts for Violation of Statute of Limitations filed 08/28/17	1455-1461
16	Return to Writ of Habeas Corpus	
17	Date of Hrg: 05/16/16	1095-1141
18	Second Amended Criminal Complaint filed 12/18/14	14-33
19	Second Amended Information filed 09/05/18	1959-2001
20	State’s Amended Fourth Supplemental Notice of Witnesses and/or Expert Witnesses filed 01/22/19	2047-2061
21	State’s Fourth Supplemental Notice of Witnesses and/or Expert Witnesses filed 12/12/18	2041-2044
22	State’s Memorandum of Points and Authorities in Support of Bindover After Preliminary Hearing	
23	Date of Hrg: 11/20/15	827-916
24	State’s Motion for Clarification and Supplement to Prior Motion in Limine to Present the Complete Story of the Crime and Motion to Admit Evidence of Other Sexual Crimes and/or Evidence of Other Crimes, Wrongs or Acts	
25	Date of Hrg: 08/27/18	1764-1848
26	State’s Motion to Strike Defendant’s Notice of Expert Witnesses	
27	Date of Hrg: 09/05/18	2002-2009
28		

1	State's Notice of Motion and Motion in Limine to Present the Complete	
2	Story of the Crime and Motion to Admit Evidence of Other Sexual	
3	Offenses and/or Evidence of Other Crimes, Wrongs or Acts	
4	Date of Hrg: 08/06/17	1462-1521
5	State's Notice of Motion and Motion to Strike Defendant's Notice of	
6	Expert Witnesses, on an Order Shortening Time	
7	Date of Hrg: 08/15/18	1897-1933
8	State's Notice of Witnesses and/or Expert Witnesses filed 08/08/17	1371-1389
9	State's Opposition to Defendant's Motion for Directed Verdict	
10	Date of Hrg: 02/15/19	2247-2252
11	State's Opposition to Defendant's Motion for Juror Questionnaire	
12	Date of Hrg: 01/03/18	1702-1730
13	State's Opposition to Defendant's Motion for Stay Pending Resolution of	
14	Defendant's Petition for Writ of Mandamus/Prohibition	
15	Date of Hrg: 12/11/17	1642-1674
16	State's Opposition to Defendant's Motion to Compel	
17	Production of Discovery and Brady Material	
18	Date of Hrg: 08/16/17	1355-1370
19	State's Opposition to Defendant's Motion to Continue Trial	
20	Date of Hrg: 09/06/17	1546-1550
21	State's Opposition to Defendant's Motion to Sever	
22	Date of Hrg: 12/04/17	1584-1633
23	State's Second Supplemental Notice of Witnesses and/or	
24	Expert Witnesses filed 08/31/18	1951-1954
25	State's Supplemental Memorandum Points and Authorities	
26	Opposing Bindover After Preliminary Hearing	
27	Date of Hrg: 12/14/15	934-966
28	State's Supplemental Notice of Witnesses and/or	
	Expert Witnesses filed 07/17/18	1743-1763
	State's Third Supplemental Notice of Witnesses and/or	
	Expert Witnesses filed 09/04/18	1955-1958
	State's Trial Memorandum filed 02/15/19	2253-2263
	Stipulation and Order Regarding Discovery of	
	Child Pornographic Materials filed 02/19/15	112-114
	Supplement to State's Return to Writ of Habeas Corpus and	
	Motion to Amend Criminal Information	
	Date of Hrg: 08/10/16	1142-1194
	Third Amended Criminal Complaint filed 12/15/15	34-76

1	Third Amended Information filed 01/23/19	2115-2157
2	Verdict filed 02/21/19.....	2359-2383
3		
4	<u>TRANSCRIPTS</u>	
5	Recorder's Transcript	
6	JURY TRIAL DAY 1	
6	Date of Hrg: 09/05/18.....	2722-3031
7	Recorder's Transcript	
8	JURY TRIAL DAY 2	
8	Date of Hrg: 09/06/18.....	3032-3185
9	Recorder's Transcript	
10	JURY TRIAL DAY 3	
10	Date of Hrg: 09/07/18.....	3186-3213
11	Recorder's Transcript	
12	JURY TRIAL DAY 1	
12	Date of Hrg: 01/28/19.....	3247-3467
13	Recorder's Transcript	
14	JURY TRIAL DAY 2	
14	Date of Hrg: 01/29/19.....	3468-3778
15	Recorder's Transcript	
16	JURY TRIAL DAY 3	
16	Date of Hrg: 01/30/19.....	3779-3988
17	Recorder's Transcript	
18	JURY TRIAL DAY 4	
18	Date of Hrg: 01/31/19.....	3989-4360
19	Recorder's Transcript	
20	JURY TRIAL DAY 5	
20	Date of Hrg: 02/01/19.....	4361-4455
21	Recorder's Transcript	
22	JURY TRIAL DAY 6	
22	Date of Hrg: 02/04/19.....	4456-4641
23	Recorder's Transcript	
24	JURY TRIAL DAY 7	
24	Date of Hrg: 02/05/19.....	4642-4957
25	Recorder's Transcript	
26	JURY TRIAL DAY 8	
26	Date of Hrg: 02/06/19.....	4958-5221
27	Recorder's Transcript	
28	JURY TRIAL DAY 9	
28	Date of Hrg: 02/07/19.....	5222-5385

1	Recorder's Transcript JURY TRIAL DAY 10	
2	Date of Hrg: 02/08/19.....	5386-5699
3	Recorder's Transcript JURY TRIAL DAY 11	
4	Date of Hrg: 02/11/19.....	5700-5979
5	Recorder's Transcript JURY TRIAL DAY 12	
6	Date of Hrg: 02/13/19.....	5980-6200
7	Recorder's Transcript JURY TRIAL DAY 13	
8	Date of Hrg: 02/14/19.....	6201-6399
9	Recorder's Transcript JURY TRIAL DAY 14	
10	Date of Hrg: 02/15/19.....	6400-6432
11	Recorder's Transcript JURY TRIAL DAY 15	
12	Date of Hrg: 02/19/19.....	6433-6676
13	Recorder's Transcript JURY TRIAL DAY 16	
14	Date of Hrg: 02/20/19.....	6677-6682
15	Recorder's Transcript JURY TRIAL DAY 17	
16	Date of Hrg: 02/21/19.....	6683-6711
17	Recorder's Transcript All Pending Motions	
18	Date of Hrg: 08/22/18.....	2621-2690
19	Recorder's Transcript Arraignment	
20	Date of Hrg: 01/20/16.....	2490-2499
21	Recorder's Transcript Calendar Call	
22	Date of Hrg: 08/29/18.....	2691-2721
23	Recorder's Transcript Calendar Call	
24	Date of Hrg: 01/23/19.....	3240-3246
25	Recorder's Transcript Calendar Call and All Pending Motions	
26	Date of Hrg: 09/06/17.....	2549-2561
27	Recorder's Transcript Defendant's Motion for Juror Questionnaire	
28	Date of Hrg: 01/03/18.....	2569-2573

1	Recorder's Transcript	
2	Defendant's Motion to Compel Production of	
	Discovery and Brady Material	
3	Date of Hrg: 08/16/17	2538-2546
4	Recorder's Transcript	
5	Defendant's Motion to Dismiss Counts for	
	Violation of Statute of Limitations	
6	Date of Hrg: 08/23/17	2547-2548
7	Recorder's Transcript	
8	Defendant's Motion to Sever	
9	Date of Hrg: 12/04/17	2562-2565
10	Recorder's Transcript	
11	Defendant's Motion to Stay Pending Resolution of	
12	Defendant's Petition for Writ of Mandamus/Prohibition;	
13	Defendant's Motion to Sever	
14	Date of Hrg: 12/11/17	2566-2568
15	Recorder's Transcript	
16	Defendant's Petition for Writ of Habeas Corpus	
17	Date of Hrg: 04/04/16	2500-2503
18	Recorder's Transcript	
19	Defendant's Petition for Writ of Habeas Corpus	
20	Date of Hrg: 06/06/16	2504-2506
21	Recorder's Transcript	
22	Defendant's Petition for Writ of Habeas Corpus	
23	Date of Hrg: 07/13/16	2507-2510
24	Recorder's Transcript	
25	Further Proceedings: Defendant's Petition for	
26	Writ of Habeas Corpus	
27	Date of Hrg: 10/12/16	2516-2524
28	Recorder's Transcript	
29	Further Proceedings: Defendant's Petition for	
30	Writ of Habeas Corpus-Count 97	
31	Date of Hrg: 08/29/16	2511-2515
32	Recorder's Transcript	
33	Initial Arraignment	
34	Date of Hrg: 01/05/16	2487-2489
35	Recorder's Transcript	
36	Pre-Trial Conference	
37	Date of Hrg: 08/09/17	2528-2537
38	Recorder's Transcript	
39	Pre-Trial Conference	
40	Date of Hrg: 08/01/18	2590-2597

1	Recorder's Transcript Pre-Trial Conference	
2	Date of Hrg: 12/12/18.....	3223-3228
3	Recorder's Transcript Sentencing	
4	Date of Hrg: 04/29/19.....	6712-6723
5	Recorder's Transcript Sentencing	
6	Date of Hrg: 05/28/19.....	6724-6780
7	Recorder's Transcript Show Cause Hearing	
8	Date of Hrg: 09/26/18.....	3214-3222
9	Recorder's Transcript Status Check: Expert Issues	
10	Date of Hrg: 12/19/18.....	3229-3239
11	Recorder's Transcript Status Check: Juror Questionnaire	
12	Date of Hrg: 01/31/18.....	2580-2585
13	Recorder's Transcript Status Check: Juror Questionnaire	
14	Date of Hrg: 08/15/18.....	2598-2620
15	Recorder's Transcript Status Check: Outstanding Discover/Finalizing Jury Questionnaire	
16	Date of Hrg: 03/07/18.....	2586-2589
17	Recorder's Transcript Status Check: Trial Setting; Defendant's	
18	Motion for Juror Questionnaire	
19	Date of Hrg: 01/24/18.....	2574-2579
20	Recorder's Transcript Status Check: Trial Setting; Defendant's	
21	Motion to Continue Trial Date	
22	Date of Hrg: 10/26/16.....	2525-2527
23	Reporter's Transcript Argument and Bindover	
24	Date of Hrg: 12/15/15.....	967-1007
25	Reporter's Transcript Motions	
26	Date of Hrg: 07/13/15.....	117-121
27	Reporter's Transcript Preliminary Hearing Vol. I	
28	Date of Hrg: 08/27/15.....	122-223

1	Reporter's Transcript	
2	Preliminary Hearing Vol. II	
2	Date of Hrg: 08/28/15.....	224-557
3	Reporter's Transcript	
4	Preliminary Hearing Vol. III	
4	Date of Hrg: 09/03/15.....	558-705
5	Reporter's Transcript	
6	Preliminary Hearing Vol. IV	
6	Date of Hrg: 09/18/15.....	706-826
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

1 that you made a call, you would be the one to get hurt,
2 correct?

3 A All of us.

4 Q But you as well, correct?

5 A Yes.

6 Q Did you ever talk to your parents about what was
7 going on inside the house?

8 A No.

9 Q You ever talk to your sister, Melissa, about what
10 was going on inside the house?

11 A I didn't tell anybody.

12 Q Even though there had been this interaction years
13 earlier between you and Melissa and Chris?

14 A I didn't tell anybody.

15 Q You didn't tell anybody.

16 Your testimony today is that you did not contact
17 Metro because you were worried for everybody's safety, not
18 just your own, correct?

19 A Correct.

20 Q Do you recall telling Detective Samples that it
21 wasn't in your best interest to contact Metro when you were
22 out of the house?

23 A I don't recall that.

24 Q Okay. Do you recall telling Detective Samples that
25 you were worried about yourself, and that's why you didn't

1 call Metro?

2 A I don't recall that.

3 Q At that point in time, you have all of your degrees,
4 correct? By 2013, you have your AA degree and your --

5 A Yes.

6 Q -- bachelor's degree and your master's degree,
7 correct?

8 A Yes.

9 Q And you are working as a substitute teacher for the
10 Clark County School District at that point in time, correct?

11 A Yes.

12 Q Even though it's a substitute teaching position,
13 it's pretty much full-time, right?

14 A Yes, it's full-time.

15 Q Okay. And you started that in 2010, correct?

16 A Yes.

17 Q And so now fast forward to 2013, early 2014, so
18 you've been working full-time for four years?

19 A Correct.

20 Q You have your own car, correct?

21 A Yes.

22 Q To get back and forth to all of your teaching jobs?

23 A Yes.

24 Q And you have -- obviously, you're getting your own
25 paycheck, correct, every two weeks?

1 A Yes.

2 Q And you have family here in town, correct?

3 A Yes.

4 Q I mean, it's not just your parents. You have four

5 sisters, correct?

6 A Not living all here.

7 Q Okay. So two of them live here in town or three of

8 them live here in town?

9 A Three live in town and one out of town.

10 Q Okay. So you have extended family that live here in

11 town?

12 A Yes.

13 Q And if you had told them you needed help, your

14 family would have helped you, correct?

15 A If they had the funds, yes.

16 Q Not just even the funds. If you needed a place to

17 stay, to be safe, they would have found a place for you to

18 stay, correct?

19 A Correct.

20 Q They're your family, correct? You just never shared

21 with them what was going on inside the house?

22 A I never shared anything, even with me and the

23 physical abuse, I never told anybody about anything.

24 Q But your friend -- I mean, you've -- I think you

25 testified earlier that your friend years and years and years

1 ago, Kathy Fox, saw things like that happening, correct?

2 A Yes.

3 Q So people were aware, correct?

4 A She was the only one, yes.

5 Q People within the house were aware, correct?

6 Deborah was aware, correct?

7 A Yes.

8 Q What was going on inside the house?

9 A Yes.

10 Q And yet, still, you had eight months where you were

11 in a safe environment, Chris wasn't coming over to see you

12 while you were living with your parents, correct?

13 A I seen drive-bys. He didn't stop, but I did see

14 drive-bys because he has a distinctive vehicle that I knew it

15 was his.

16 Q And when did those drive-bys happen? Towards the

17 beginning of when you left or towards the end of when you

18 left?

19 A Towards the beginning, when that --

20 Q Towards the beginning.

21 A Yes.

22 Q And yet, you still stayed away for eight months

23 after you saw the drive-bys?

24 A Yes.

25 Q So they didn't scare you that much?

1 A Yes, they did.

2 Q But you -- so you were scared by Chris, but you
3 stayed away for eight more months, correct?

4 A Correct.

5 Q Okay. Regarding Ryan, during -- Ryan and you during
6 that period of time, that eight months that you were out of
7 the house, you and Ryan didn't talk about what was going on
8 inside the house, correct?

9 A No.

10 Q Didn't have a conversation with him about details or
11 anything of that nature, correct?

12 A No.

13 Q After you and Ryan were basically kicked out in June
14 of 2014, when -- after Deborah and Anita and Brandon left,
15 did you and Ryan have conversations about what was happening
16 inside the house?

17 A No, because when we left on June 12th, I went to my
18 parents', he went with his dad.

19 Q Okay.

20 A And then I left my parents' house.

21 Q Okay. So he went to his dad's house --

22 A At that time.

23 Q -- for how long?

24 A Until I got set up at another apartment.

25 Q Okay. And so at some point in time, though, you and

1 Ryan were living together again?

2 A Yes.

3 Q Before you were arrested?

4 A Yes.

5 Q And the only thing that Ryan ever told you about

6 things happening in the house was that Chris had told him --

7 might leave the door open one time, your mom and I are having

8 sex, if you want to join us? Do you recall that?

9 A Repeat that.

10 Q Yeah. It was not the best worded question, so I'll

11 try again.

12 The only thing that Ryan ever told you about things

13 that happened to him inside the house was that Chris told him

14 one time, hey, I'm going to leave the door open, your mom and

15 I are having sex, if you want to join us.

16 A Correct.

17 Q The first statement that you gave to Detective

18 Samples, and we talked about this a little bit yesterday, the

19 one where he read you your Miranda rights, so -- and you knew

20 Chris had already been arrested, correct?

21 A Yes.

22 Q So you -- at that point in time, did you think they

23 wanted to talk about you or Chris?

24 A Chris.

25 Q Okay. You pretty early on admitted that you

1 witnessed physical abuse inside the home with Detective
2 Samples, correct?

3 A Yes.

4 Q Physical abuse is what you told him you witnessed?

5 A Yes. Severe physical abuse, yes.

6 Q And you immediately blamed Chris for your lack of
7 stepping in with your kids in that situation?

8 A Yes.

9 Q You told -- you -- in your opinion, Chris was using
10 Anita against you? Or I'm sorry, Chris was turning Anita
11 against you?

12 A Yes, for a long time.

13 Q And you also were fantasizing about Ryan when having
14 sex with Chris, correct?

15 A What he would tell me to do, yes.

16 Q Okay. And this was before there was any sexual
17 activity between you and Ryan, correct?

18 A Correct.

19 Q And you also fantasized about Brandon while having
20 sex with Chris, correct?

21 MR. SWEETIN: Objection. Misstates the testimony.

22 THE COURT: Overruled.

23 BY MS. RADOSTA:

24 Q You fantasized about Brandon while having sex with
25 Chris, correct?

1 A When Chris told me to, yes.

2 Q And you made sure that Detective Samples was aware
3 that Chris -- that was Chris's idea, correct?

4 A Yes.

5 Q But at that point, you denied to Detective Samples
6 anything more than fantasizing, correct?

7 A Correct.

8 Q Were you aware at that point in time, that Detective
9 Samples had been investigating this case for a while?

10 A No.

11 Q Do you recall him telling you that he had been
12 investigating that case for a while?

13 A I don't recall him telling me that, no.

14 Q The one that has the date of September on it, that's
15 actually December, if you could turn to page 22. That might
16 be the wrong page number. Hang on a second. Oh, no, page
17 22.

18 A Okay.

19 Q Do you recall there where Detective Samples is
20 telling you that he's spoken with everybody, everybody
21 involved in the case?

22 A At the lower part.

23 Q And that's right after you inform him that it never
24 went any farther than fantasizing, correct?

25 A Right.

1 Q After Detective Samples said that to you, you
2 admitted one time with Brandon, it happened one time with
3 Brandon, correct?

4 A Correct.

5 Q Brandon wanted to participate in the sexual acts
6 between you, correct?

7 A No.

8 Q Do you recall telling Detective Samples that Brandon
9 wanted to participate in the sexual acts between you?

10 A No.

11 Q Page --

12 A I said he didn't.

13 Q Page 28. Right at the top. Does this refresh your
14 recollection as to --

15 A I didn't actually finish.

16 Q Does that refresh your recollection as to the
17 question that he actually had Brandon -- he goes, "Do you
18 want to feel her breasts," and Brandon said, "Yes," correct?
19 That's your answer to the question, correct?

20 A He actually, yeah, through saying that Chris told
21 Brandon if he wanted to.

22 Q And Brandon said yes? That's what it says on the
23 page, correct?

24 A Yes.

25 Q Okay. So you're telling Detective Samples that when

1 Brandon was asked a question if he wanted to touch your
2 breasts, Brandon's answer was yes, correct?

3 A Right.

4 Q You then -- that was the only time with Brandon,
5 right?

6 A Yes.

7 Q That's what you told Detective Samples?

8 A Yes.

9 Q You've testified here, though, there were many other
10 times with Brandon, correct?

11 A Two other.

12 Q I'm sorry?

13 A Yes.

14 Q Two more? At that point, you told Detective Samples
15 that was it, that's the only thing that happened with
16 Brandon, correct?

17 A That I recalled, yes.

18 Q And that -- that you recalled?

19 A Yes.

20 Q Is that how you remember answering the question to
21 Detective Samples?

22 A I don't remember making at that [sic] , no.

23 Q I'd direct you to page 30. Does that refresh your
24 recollection about talking about how many times with Brandon?

25 A Yes.

1 Q And that you told Detective Samples that that was
2 the only time I did it with Brandon, correct?

3 A Right.

4 Q And then that was the only time you did it with any
5 of the kids, correct?

6 A Yes.

7 Q Do you recall, though, later on in the conversation
8 talking about Ryan with Detective Samples?

9 A Yes.

10 Q And that you did at one point admit that there was
11 oral sex only with Ryan, correct? Do you remember that?

12 A Yes, I recall.

13 Q No sexual intercourse with Ryan, that's what you
14 told Detective Samples?

15 A Correct.

16 Q But then a few -- well, then you changed your --
17 strike that.

18 Later on, do you recall telling Detective Samples
19 that there was sexual intercourse with Ryan deeper into the
20 interview?

21 A Yes.

22 Q But you didn't want to be doing this with Ryan,
23 correct?

24 A No, I did not want to do this.

25 Q You didn't want to be doing it with Brandon,

1 correct?

2 A Correct, no.

3 Q You didn't enjoy it with either one of them,
4 correct?

5 A No.

6 Q You didn't have any attraction to either one of
7 them, correct?

8 A No.

9 Q You actually, though, were attracted to Ryan,
10 weren't you?

11 A No.

12 Q Would it refresh your recollection as to what you
13 told Detective Samples on this particular topic, to look at
14 your transcript?

15 A Yes.

16 Q Page 65 to 66.

17 A Okay.

18 Q Does that refresh your recollection that you told
19 Detective Samples that you were attracted to Ryan?

20 A Yeah.

21 Q And that you were turned on while performing oral
22 sex on him?

23 A No. No, when I was telling Detective Samples that I
24 was very uncomfortable, I was intimidated, I was nervous, I
25 was scared, there was all kinds of things going in my mind.

1 And when I made the statement to Detective Samples,
2 I was remembering what Chris had told me in my mind.

3 Q So let's talk about that for a second. You had not
4 been with Chris at this point for about three months -- or
5 no, six months at this point in time, correct?

6 You hadn't seen Chris since June of 2014, correct?

7 A Correct.

8 Q And this statement actually, I'm sorry -- yeah, this
9 statement is in December of 2014, correct?

10 A Yes.

11 Q And it's your testimony today that you didn't mean
12 what you said in this statement, correct?

13 A Correct.

14 Q It wasn't your fault. You didn't mean to say it?

15 A Correct.

16 Q Chris was --

17 A Because --

18 Q -- in your head?

19 A -- because he's always been in my head --

20 Q But it is --

21 A -- for 25 years.

22 Q -- true that the question that was asked was, "As
23 Ryan got older and developed more, it became more attractive
24 to you?" And your answer was, "Uh-huh," correct?

25 A Yes.

1 Q "And more enjoyable," was the next question, and
2 your answer is, "Uh-huh."
3 And Detective Samples says, "I can't hear you, yes or
4 no?" "Yes." That was your answer, correct?
5 A That was my answer, but I don't --
6 Q And then you also told him that as Ryan started to
7 develop more, you started to enjoy it because he started to
8 get handsome, correct?
9 A Again, that was Chris in my head.
10 Q It was Chris in your head.
11 When Detective Samples asked you, "When did you
12 start to enjoy this," and your answer was, "When Ryan
13 developed more."
14 This was your words coming out of your mouth,
15 correct?
16 A It was the words coming out of my head from Chris.
17 Q Okay. And then you said -- and the question was,
18 "How long have you been attracted to Ryan?"
19 You said, "I wouldn't call it an attraction. I
20 don't know what word I use for it." And you then go on to
21 say, "When he started getting handsome," correct?
22 A Correct.
23 Q So you even had a chance to think about it. You
24 disagreed with Detective Samples' word "attraction", correct?
25

1 A Everything, yes.

2 Q You said, "I wouldn't call it an attraction,"

3 correct?

4 A I wouldn't call it anything. He's my son.

5 Q But that's what you said --

6 A I wouldn't be attracted to --

7 Q -- to Detective Samples, correct? "I wouldn't call

8 it an attraction," right?

9 A Right.

10 Q So you had some time to think about this. This was

11 a back and forth conversation with you and Detective Samples.

12 A And I was nervous, scared, frightened.

13 Q Okay. But the words that came out of your mouth

14 were, "when he started getting handsome," correct? Not, I

15 hear Chris in my head saying these awful things to me. You

16 didn't share that with Detective Samples, correct?

17 A I shared the fantasizing. That's --

18 Q Okay. Okay. But in this --

19 A -- what I relate to.

20 Q -- moment -- in this moment, you did not talk about

21 Chris at all, correct?

22 A Correct.

23 Q You also discussed being attracted to Brandon,

24 correct?

25 A Yes.

1 Q And that he -- it became really enjoyable when he
2 began to remind you of a young Christopher, correct?

3 A That was Chris in my head.

4 Q And that was --

5 A He mentioned --

6 Q -- you --

7 A He mentioned -- he asked me, doesn't Brandon look
8 like me?

9 Q Do you recall also describing that it was enjoyable
10 with Anita?

11 A I would never say that.

12 Q Okay. Direct your attention to page 77 towards the
13 bottom of the page.

14 A Okay.

15 Q Does that refresh your recollection as to your
16 answer about when -- about how you felt about having sex with
17 Anita?

18 A It draws my recollection.

19 Q I'm sorry?

20 A It draws recollection.

21 Q That you did say it was fun with Anita. The
22 question was, "And what about Anita? At what point did that
23 start to get like that?"

24 And your answer was, "It was fun up until he had
25 anal, because I couldn't bear to watch that because I know

1 how that hurts," correct?

2 A And I didn't mean it to come out that way.

3 Q You once again --

4 A Because there's a lot -- a lot of things going on
5 and the threats in Chris's head was there.

6 Q Okay. And Chris was in custody at this particular
7 point in time, correct?

8 A Yes.

9 Q He was -- had been arrested, correct?

10 A Yes.

11 Q Three months earlier, correct?

12 A Yes.

13 Q I want to talk to you about one last thing.
14 Actually, do you recall how many times did you ever
15 flash your breasts at Brandon?

16 A I don't recall.

17 Q You never did that or you don't recall doing that?

18 A I don't recall doing that.

19 Q Is it possible that you flashed your breasts at
20 Brandon?

21 A It's possible.

22 Q Okay.

23 A I don't recall.

24 Q Is it possible -- I'm sorry?

25 A It's possible, but I don't recall that.

1 Q Okay. Now, there was an incident that you discussed
2 yesterday briefly about an incident with you and Deborah and
3 Ryan and Brandon when they were younger.

4 A Yes.

5 Q Now, you discussed this incident with Detective
6 Samples when you first talk today him in December. Do you
7 recall talking to him about it?

8 A I don't recall that.

9 Q Okay.

10 A I recall on the January 22nd.

11 Q Okay. Well, I'd direct your attention, then, to the
12 one that has the September date on it, to pages 33 to 34.

13 A Okay.

14 Q Does that refresh your memory that you did discuss
15 it at that first interview with Detective Samples?

16 A Yes.

17 Q And the incident, just to clarify, is when you and
18 Deborah brought both Ryan and Brandon into the master
19 bedroom, correct?

20 A Correct.

21 Q And they were five years old, six years old,
22 something like that?

23 A Ryan was about, yeah, about five, five-and-a-half.

24 Q Five, five-and-a-half. And so if Ryan was five,
25 five-and-a-half, Brandon was five, five-and-a-half, correct?

1 A Right.

2 Q Okay. So -- and that you put your mouth on
3 Brandon's penis and Deborah put her mouth on Ryan's penis,
4 correct?

5 A Yes.

6 Q And that's the incident you do recall discussing
7 that with Detective Samples?

8 A Yes.

9 Q At the first interview?

10 A Yes.

11 Q And you -- actually, if you -- well, do you recall
12 telling Detective Samples that that was the only thing that
13 you've ever done with the boys?

14 A Yes.

15 Q And that it was a pretty general description of what
16 happened, fair to say, when you talked to Detective Samples
17 the first time, not a whole lot of detail?

18 A Correct.

19 Q A month later what you were talking to the
20 prosecutors, there was -- do you recall talking to -- you
21 said earlier you recall talking to the prosecutors about that
22 incident as well?

23 A Yes.

24 Q And that -- the purpose of that interview, as you
25 stated yesterday, was to get information on Chris and to get

1 information on Deborah, correct?

2 A Yes.

3 Q Do you recall that you told the detective -- well,
4 you told the prosecutors that it was a spur of the moment
5 kind of thing? Just kind of happened one day.

6 A Yes.

7 Q And that there were -- that Christopher made you do
8 this, correct?

9 A Yes.

10 Q But there were no physical threats made, correct?

11 A Repeat the question.

12 Q There were no physical threats made to you, correct?

13 A At that time, no.

14 Q I'm sorry?

15 A At that time, no.

16 Q Okay. There were no weapons used, correct? Chris
17 didn't have a gun in his hands when he was asking you to do
18 this, correct?

19 A Not at that time.

20 Q Okay. You're in the room with the boys. Did he
21 have a gun in his hand at that moment?

22 A No.

23 Q Did he have a knife in his hand at that moment?

24 A Not at that time, no.

25 Q The oral sex occurred, correct? Lasted -- did the

1 oral sex occur?

2 A Yes.

3 Q Okay. Lasted for how long?

4 A A few seconds.

5 Q A few seconds. Okay.

6 You recall that there was no physical violence going

7 on in the home at that time, correct?

8 A Correct.

9 Q So after the oral sex occurred, the boys left the

10 room, correct?

11 A Yes.

12 Q And you and Deborah and Chris had a threesome on the

13 master bed afterwards, correct?

14 A We gave Chris oral sex on the side of his bed.

15 Q Okay. The three of you participated in a sexual act

16 together, correct?

17 A Correct.

18 Q After you had just witnessed your own son being

19 given a blow job by Deborah, correct?

20 A Yes. That's when the threats came, after the boys

21 left.

22 Q Okay.

23 A That's when he told us that if we said anything to

24 anybody, he would hurt me and Deborah and that he would hurt

25 the kids.

1 Q But you've also told Detective Samples and the
2 prosecutors that at that point in time, there was no physical
3 violence going on in the home at all, correct?

4 A Correct.

5 Q So he -- and your testimony, after it happens,
6 there's threats made to you, correct?

7 A Yes.

8 Q So you --

9 A Verbal threats.

10 Q Verbal threats. Okay.

11 So after you leave the bedroom, after the sexual
12 interaction between you and Deborah and Christopher, you
13 called the police, right?

14 A No.

15 Q You picked up your child and left the house, right?

16 A No.

17 Q You called your mother and said, I need a place to
18 stay with Ryan right now, right?

19 A No.

20 Q You went into the back office and locked the door
21 and wouldn't let Chris in, right?

22 A I don't remember that.

23 Q Okay. Did you put Ryan in the car and just leave
24 after that happened?

25 A No.

1 Q You stayed for another ten years after that incident
2 allegedly happened, correct?

3 A Right.

4 MS. RADOSTA: Court's indulgence.

5 BY MS. RADOSTA:

6 Q Just a couple quick questions, Terrie.

7 When you first were living with Chris back 1990,
8 1992, '93, in that area when you were -- filed for the first
9 divorce papers, you were working at Circus Circus at the
10 time; is that right?

11 A I worked at --

12 Q Or was that when you were Keno running?

13 A I worked at Circus Circus up until '93, and I quit
14 that job.

15 Q Okay. And did you immediately start working as a
16 Keno runner at that point?

17 A The Keno runner wasn't until later --

18 Q Okay.

19 A -- in 1996.

20 Q Okay. At the time that you were working at Circus
21 Circus, though, Chris was an auto mechanic; is that right?

22 A Correct.

23 Q Okay. And he worked at the auto mechanic place for
24 a while or no?

25 A I don't know which one he was at at the time.

1 Q Okay. And you're aware that Chris dropped out of
2 school in the ninth grade, correct?

3 A Yes.

4 Q Okay.

5 MS. RADOSTA: Nothing further, Your Honor. Pass
6 the witness.

7 THE COURT: Let's take a break. All right?

8 Ladies and gentlemen, we're going to take a
9 15-minute break, give you an opportunity to use the restroom,
10 stretch your legs.

11 You're admonished not to converse amongst yourself
12 or with anyone else on any subject connected with this trial,
13 read, watch, or listen to any commentary on the trial or any
14 person connected with this case by any medium of information,
15 including without limitation, newspapers, television,
16 Internet, or radio, or form or express any opinion on any
17 subject connected with this trial until it is finally
18 submitted to you.

19 All right. It's 20 -- 25 after. So if we're ready
20 to get started by a quarter till, that will be good. Okay?
21 All right. So we'll be at ease while the jury exits the
22 courtroom.

23 (Jury recessed at 10:21 A.M.)

24 THE COURT: Okay. We're outside the presence of
25 the jury. Be ready to get started by a quarter 'til. Keep

1 her here. Okay?

2 THE COURT RECORDER: We're off.

3 THE COURT: We're off.

4 (Court recessed at 10:22 a.m. until 10:41 a.m.)

5 (Outside the presence of the jury.)

6 THE COURT: All right. We're back on the record in

7 the case of State of Nevada versus Christopher Sena in C-

8 311453. I'd like the record to reflect the presence of the

9 defendant, his counsel, as well as the State and their

10 counsel. We're outside the presence of the jury.

11 MS. RADOSTA: Your Honor, we're in kind of a

12 slightly uncharted territory here. One of the questions

13 that I asked Ms. Sena yesterday about was the nature of the

14 plea bargain that she --

15 THE COURT: Do we need to have her taken out during

16 this discussion?

17 MS. RADOSTA: No, I don't think so, Judge.

18 THE COURT: Okay. All right.

19 MS. RADOSTA: One of the questions that I asked her

20 was about the nature of her plea agreement and the charges

21 that were dismissed --

22 THE COURT: Okay.

23 MS. RADOSTA: -- as part of her plea agreement.

24 THE COURT: Uh-huh.

25 MS. RADOSTA: I was surprised by her answer that

1 she did not know the other charges or the penalties that were
2 associated with those charges, and I was going to ask her
3 about that, had she answered in the affirmative because we
4 think it's part of the benefit of the bargain that the jury
5 would be entitled to know about.

6 In light of the fact that she has said now that she
7 was not advised of that, it's our intention to call her
8 attorney at the time, Mr. Pitaro, to the stand to dispute
9 whether or not he advised her of that. But we feel that she
10 would have to waive the attorney/client privilege.

11 THE COURT: What's the purpose of that? Just to
12 find out whether or not she was advised or are you trying to
13 get in the other charges? Because that's what it sounds like
14 you want.

15 MS. RADOSTA: Yes.

16 THE COURT: Just get to the other charges in.

17 MS. RADOSTA: She does not know the penalty. She
18 testified she didn't know, and she was not advised.

19 THE COURT: Well, the penalty is not an issue.
20 It's just the charges. Are you saying -- are you saying that
21 you want to go into, well, you know, you were charged with
22 count one and that has a 35 to life --

23 MS. RADOSTA: Yes, because --

24 THE COURT: -- count two has a --

25 MS. RADOSTA: -- it's part of --

1 THE COURT: -- one to six, count three has a one to
2 five.

3 MS. RADOSTA: Because it's part of the negotiation
4 that she accepted and the benefit that she got.

5 THE COURT: Okay.

6 MS. RADOSTA: And we feel that it's part of what
7 the jury -- in order to fully understand the negotiations and
8 the deal that she got, the penalties are part of that, and
9 she --

10 THE COURT: Okay.

11 MS. RADOSTA: -- testified yesterday that she was
12 not made aware and she does not know them.

13 THE COURT: Okay.

14 MS. RADOSTA: So I can't -- I mean, I guess for the
15 sake of argument, if Your Honor would allow, you know, just,
16 you know, a stipulation by both sides that these were the
17 charges and --

18 THE COURT: Well, I don't know if the State's --
19 what position --

20 MS. RADOSTA: Rather than --

21 THE COURT: -- you would take with that. They're
22 talking about getting in the charges that were dismissed and
23 what the --

24 MS. RADOSTA: And the penalties.

25 THE COURT: -- potential penalties are for that.

1 MS. RADOSTA: What we were initially wanting to
2 bring up to Your Honor before Ms. Sena left the court was
3 that we thought we were going to bring Mr. Pitaro in, and she
4 would need to waive attorney/client privilege, but if we have
5 another option, we're open to that.

6 THE COURT: Well, let's see.

7 MR. SWEETIN: And the issue that the State sees
8 with this is that clearly the jury can't consider punishment
9 as they deliberate. And so what essentially defense counsel
10 wants to do is go down through a litany of charges that she
11 was charged with and defendant's charged with and determine,
12 you know, what the penalty for this so the jury certainly can
13 consider what the penalty is.

14 I think that that's sort of an end run around, you
15 know, what we're allowed to present to the jury. Clearly,
16 they're allowed to lay out that there are other charges. I
17 think that they've done that.

18 I think that in regards to those other charges,
19 that there is a potential penalty of many more years in
20 prison. I mean, I would be willing to -- I'm not sure -- to
21 tell you the truth, you know, what I really -- I've had this
22 issue come up on a number of trials. I've never had a
23 defense, you know, ask to bring another attorney in to
24 testify to --

25 THE COURT: Well, no, I think, what she -- her

1 whole idea is that they wants the jury to be apprised of what
2 the penalties were for the counts that were dismissed. And I
3 don't -- I don't see any issue with that. I know what the
4 point is, but if you're prosecuting two people for murder,
5 and both of them were facing the death penalty and one of
6 them decided to testify against the other in exchange for
7 removing the death penalty, that is still certainly fair game
8 for the jury to know that the individual is facing the death
9 sentence and gave that up in order to get testimony.

10 That's the position I think the defense is taking
11 here. And so they're asking you to stipulate to allow them
12 to inform the jury of the fact that there was 15 counts, I
13 guess. She pled to one, and the sentence is a ten to life.
14 And that she was facing X amount of time on these other ones,
15 and that was what she negotiated for, was ten to life.

16 MR. SWEETIN: And that's fine, so long as we don't
17 detail out, the State would submit, the penalty associated
18 with particular offenses that that might be thrown out to the
19 jury.

20 MS. RADOSTA: Well, I --

21 THE COURT: I see what you mean. So -- okay.
22 Address that, Ms. Radosta.

23 MS. RADOSTA: Well -- so the State is willing to --
24 I mean, there were, I think, 15 other counts that Terrie was
25 facing from --

1 THE COURT: I think what they're saying --
2 MS. RADOSTA: Everything from --
3 THE COURT: -- is that add it all up --
4 MS. RADOSTA: Add it all up.
5 THE COURT: -- you're facing ten to life, and now
6 you -- with all of them that were dismissed, there was 14,
7 under the circumstances -- under those -- not necessarily
8 saying what each count carries. Is that what you're saying?
9 MR. SWEETIN: That's correct.
10 THE COURT: Okay. But you could, if the Judge gave
11 you consecutive time for every single one of these, you could
12 have been facing --
13 MR. SWEETIN: Right.
14 THE COURT: -- 150 to 20 lives. I mean, I don't
15 know what it is.
16 MS. RADOSTA: Right.
17 THE COURT: So --
18 MS. RADOSTA: I mean, I --
19 THE COURT: I don't think that they're opposing
20 that. I don't think that's --
21 MS. RADOSTA: I guess, I mean, just for the sake of
22 argument, we're talking in the hundreds of years that she's
23 facing, and --
24 THE COURT: Okay.
25 MS. RADOSTA: -- the prosecution is okay with us

1 telling the jury that she's facing -- for like say --
2 THE COURT: Well, she was.
3 MS. RADOSTA: -- 110 years to life and then --
4 THE COURT: Yeah, the --
5 MS. RADOSTA: -- she got the --
6 THE COURT: If she received the maximum sentence
7 and everything was consecutive, and the State could redirect
8 on that and --
9 MR. SWEETIN: And I can.
10 MS. RADOSTA: But she doesn't -- here's --
11 THE COURT: The fact that she's in life now doesn't
12 necessarily mean that she'll get paroled in ten years. She
13 could face -- very well die in prison as a life sentence,
14 but --
15 MS. RADOSTA: But for the sake of argument, Your
16 Honor, just as a point of clarification, she already
17 testified she did not -- was not informed of this.
18 THE COURT: Okay.
19 MS. RADOSTA: So I don't think I can ask, even
20 though she's been sitting in the courtroom here, she doesn't
21 know the answer to this question.
22 THE COURT: No, I know.
23 MS. RADOSTA: So either we should be allow today
24 bring Mr. Pitaro in to testify to this, or it needs to be
25 some type of --

1 THE COURT: Well, they're --
2 MS. RADOSTA: -- stipulation.
3 THE COURT: -- talking about it. They're
4 stipulating to it.
5 MS. RADOSTA: Okay.
6 THE COURT: They're agreeing to let you inform the
7 jury that what was dismissed was all these other counts, and
8 what you --
9 MS. RADOSTA: Okay.
10 THE COURT: You can even -- I'll even allow you to
11 say what the counts were.
12 MS. RADOSTA: Okay.
13 THE COURT: But then -- but not laying a particular
14 sentence per count. But you can say a total combined amount
15 consecutive would have -- this is what she faced. Okay? So
16 a total -- a total sentence, so to speak, if the Court had
17 the authority to give you X amount of time on all these
18 counts if you want to trial and were convicted of all of
19 them.
20 MR. SWEETIN: Or if we're entering into a
21 stipulation if we can basically figure out exactly what that
22 is and have the Court --
23 THE COURT: Yeah.
24 MR. SWEETIN: -- provide them with the stipulation
25 that --

1 THE COURT: I don't have a problem with that, Ms.
2 Radosta. I do have kind of an issue with bringing Mr. Pitaro
3 in specifically at this point in time in the stage because I
4 know that there's still possibly some PCR issues, and so I --
5 MS. RADOSTA: I mean, if that's the -- that's --
6 THE COURT: And I --
7 MS. RADOSTA: That's the point we wanted to --
8 THE COURT: And she would have to --
9 MS. RADOSTA: -- convey.
10 THE COURT: -- waive her right at this time, and
11 this isn't a PCR hearing. I wouldn't expect her to, and I
12 don't think her attorney that's in here now would tell her
13 to.
14 MS. RADOSTA: I understand that, Your Honor. This
15 is -- the stipulation should be fine, then, Judge.
16 THE COURT: Okay.
17 MS. RADOSTA: We just wanted to clear this up
18 before she left the courtroom.
19 THE COURT: And I don't a problem -- I don't think
20 it's inappropriate that you do it for both of them.
21 MS. RADOSTA: Okay.
22 THE COURT: When Deborah comes in, the same -- I
23 don't -- I think that's highly appropriate --
24 MS. RADOSTA: Okay.
25 THE COURT: -- that the jury gets to --

1 MS. RADOSTA: Because.

2 THE COURT: -- determine --

3 MS. RADOSTA: Yeah.

4 THE COURT: -- what -- I mean, gets to look at, at
5 what she got as a benefit of her bargain.

6 MR. SWEETIN: But that's --

7 MS. RADOSTA: Because I think, generally speaking,
8 ten years to life sounds like a lot --

9 THE COURT: I think it is.

10 MS. RADOSTA: -- to the general public. Yeah, to
11 the general public. And then but to hear that it was, you
12 know --

13 THE COURT: No, I know. I know what you mean.

14 MS. RADOSTA: -- possibly --

15 MR. SWEETIN: And so the parties can prepare that
16 stipulation for the Court's approval, and then we can just
17 provide it to the jury as a stipulation.

18 THE COURT: I would anticipate you probably need to
19 prepare for both of them. I mean, I don't know if Deborah
20 would remember either. I -- I mean, quite frankly, Ms.
21 Radosta, with all due respect to both of them, I don't think
22 I could tell you in the 30 some years that I've been doing
23 this --

24 MS. RADOSTA: Yeah.

25 THE COURT: -- exactly what sentence for each one

1 of the crimes are until I look at it.

2 MS. RADOSTA: Right. It's a little bit -- she's
3 not -- just for clarification, Terrie didn't testify she
4 didn't remember. She testified she was never advised.

5 THE COURT: Okay.

6 MS. RADOSTA: So that's a little bit different as
7 well, but --

8 THE COURT: Okay.

9 MS. RADOSTA: -- which is, of course, the PCR
10 issue.

11 THE COURT: Well, I think you could question
12 further, and I mean, if she's saying she had no idea what she
13 was facing, I don't know, I don't know if that's what she's
14 saying or not. I mean, you -- I would think that maybe you'd
15 want to question her in light of the fact that you know what
16 she -- because you did do it a little bit.

17 MS. RADOSTA: Um-h'm.

18 THE COURT: And you -- out of this you pled to one
19 count, there was 15 original charges, and --

20 MS. RADOSTA: She then testified she wasn't advised
21 of what the penalties were --

22 THE COURT: Okay.

23 MS. RADOSTA: -- so --

24 THE COURT: All right. I wouldn't even have a
25 problem with you asking her if that would have changed her

1 opinion. You know, if you want to ask her, you realize that
2 you we're facing, you know, the penalties in case of 200 and
3 some years to 20 -- to five lives or whatever --
4 MS. RADOSTA: Um-h'm.
5 THE COURT: -- and would that change your opinion
6 on whether or not you would accept this negotiation --
7 MS. RADOSTA: Okay.
8 THE COURT: -- if you want to go -- I mean, I --
9 MS. RADOSTA: The is, is that we have not -- the
10 number I come up with might be different from --
11 THE COURT: I'm just -- I just threw that --
12 MS. RADOSTA: Yeah.
13 THE COURT: -- out there. I don't --
14 MS. RADOSTA: Yeah, yeah. No, no, no, I
15 understand.
16 THE COURT: -- know if that's right or not. I --
17 MS. RADOSTA: I understand.
18 THE COURT: And I don't know if what -- I don't
19 have her charging document in front of me either, so I don't
20 even know what -- other than the -- I mean --
21 MS. RADOSTA: Right.
22 THE COURT: -- the one she pled to.
23 MS. RADOSTA: Right.
24 THE COURT: So, yeah, come up with a --
25 MS. RADOSTA: We'll come up with a suggestion.

1 THE COURT: -- something you guys can agree on, and
2 certainly, I think that would be the best way to treat that.

3 MS. RADOSTA: All right. Thank you, Judge.

4 THE COURT: Okay?

5 MS. RADOSTA: That was all we had.

6 THE COURT: Are we ready then? All right. Go
7 ahead and get the jury in.

8 THE Marshal: All rise for the presence of the
9 jury.

10 (Jury enters at 10:52 A.M.)

11 THE COURT: All right. Everybody go ahead and have
12 a seat. This is the continuation of jury trial in the case
13 of State of Nevada versus Christopher Sena in C-311453. I'd
14 like the record to reflect the presence of the defendant, his
15 counsel, as well as the State and their counsel, all members
16 of the jury.

17 Will the parties stipulate to the presence of the
18 jury?

19 MR. SWEETIN: Yes, Your Honor.

20 MS. RADOSTA: Yes.

21 THE COURT: Okay. Before we took our break, the
22 State had -- I mean, the defense had rested their cross or
23 passed the witness.

24 Ms. Sena is still on the witness stand. Do you
25 have any redirect?

1 MR. SWEETIN: Yes, Your Honor.

2 THE COURT: Okay.

3 REDIRECT EXAMINATION

4 BY MR. SWEETIN:

5 Q Ms. Sena, there was some questions asked in regards
6 to your employment. Is that correct?

7 A Yes.

8 Q I just want to be clear that in June of 2014, you
9 indicated you were employed by the School District; is that
10 right?

11 A Yes.

12 Q Okay. And about how many hours a week did you work
13 for the School District? How many days a week did you work?

14 A I worked full-time, I worked five days a week.

15 Q Okay. And at that time, other members of the
16 household, before everyone moved out, that were working would
17 be who?

18 A Deborah and myself.

19 Q Okay. So it was just the two of you?

20 A Yes.

21 Q So how were the bills paid around the house?

22 A Deborah and I.

23 Q Okay. So you're -- you two basically paid the
24 bills?

25 A Yes.

1 Q Did Anita also pay for some of the bills?

2 A When she started working at the 7-Eleven, yes.

3 Q Okay. So how would your money be anted up to pay
4 for the bills?

5 A Anita paid for rent, per se, to stay there in the
6 house. Deborah paid the mortgage, her vehicle, Chris's
7 vehicle, and then I would have the utility bills, and any
8 other expenses that the children needed.

9 Q Okay. At that time, when we're talking about June
10 of 2014, was the defendant working at that time?

11 A He had his own business.

12 Q Okay. And --

13 A He was self-employed.

14 Q And you made reference to all of the bills and all
15 of the bills being paid by Anita, yourself, and Deborah; is
16 that right?

17 A Yes.

18 Q Did -- to your knowledge, did the defendant
19 contribute to any of the bills in that residence?

20 A Not that I'm aware, no.

21 Q Now, you made reference to the knowledge of sexual
22 activity in that house; is that right?

23 A Yes.

24 Q Now, you've indicated that you had knowledge of acts
25 that were involved with with Anita; is that right?

1 A Yes.

2 Q With Brandon?

3 A Yes.

4 Q With Ryan?

5 A Yes.

6 Q With Erin?

7 A Yes.

8 Q And with Tamara.

9 And you specifically testified to all your

10 involvement in those acts to the jury when you testified

11 yesterday; is that right?

12 A Yes.

13 Q Besides that particular -- those particular acts

14 that you testified to, did you have knowledge of any other

15 acts that were going on inside the house?

16 A Not to my --

17 Q About the children, I should say?

18 A Not to my knowledge, no.

19 Q Okay. Now, you indicated that there was one

20 occasion in which Deborah was present in a sexual conduct

21 with Brandon and Ryan when they were about five years old,

22 and you were there; is that right?

23 A Yes, both of us were there, yes.

24 Q All right. Besides that particular incident, were

25 you aware of Deborah being involved in any other sexual

1 activity with the children while you were living there?

2 A No.

3 Q Now, you mentioned that there was other sexual
4 activity, though, around the house, is that right, that
5 involved you and Deborah and the defendant; is that correct?

6 A Yes.

7 Q Okay. And was that sexual activity, was that
8 something that happened on a regular basis?

9 A Yes.

10 Q Okay. As a matter of fact, did it happen on a
11 regular basis on multiple times even on given days?

12 A Yes.

13 Q And would that be sort of a regular thing that the
14 defendant was involved in sexual conduct with you or Deborah
15 that you knew about on a regular basis multiple times on a
16 given day?

17 A Yes.

18 Q I just wanted to touch on, you were asked some
19 questions in regards to the filming of Erin and Tamara in the
20 shower; do you remember that --

21 A Yes.

22 Q -- those questions?

23 A Yes.

24 Q Just to be clear, you actually identified still
25 photos which would indicate to you that both of those

1 incidents would be filmed; is that correct?

2 A Yes.

3 Q In fact, one of those particular videos you
4 indicated was played as the defendant had sex with you, so
5 you were aware there was a video of that particular incident;
6 is that correct?

7 A At that time, yes.

8 Q So as far as you know, they're both on video?

9 A As far as my knowledge, yes.

10 Q I wanted to clarify. You made mention of the last
11 time that you moved out of the residence before coming back
12 for the last time. And it was both you and Ryan, and you
13 moved out, and you mentioned that it was in May of 2013; is
14 that right?

15 A Yes. Around Memorial Day weekend, yes.

16 Q Okay. So that would have been about the time that
17 Ryan was just ready to turn 14; is that right?

18 A 15.

19 Q Or I'm sorry --

20 A Yeah, 14.

21 Q Yeah, I believe --

22 A Yeah, 15, that is right.

23 Q I believe 15?

24 A Yes.

25 Q Okay. And then you returned a short time later, and

1 it's -- actually would be about six to seven months later in
2 January; is that correct?

3 A Yes.

4 Q All right. And Ryan would have been about a month
5 away from turning 15 in May when you left; is that correct?

6 A Yes.

7 Q All right. I wanted to touch on very briefly, a
8 question that was asked of you in regards to one of the
9 instances of sexual conduct involving Brandon, and Brandon
10 being asked whether he wanted to touch your breasts. Do you
11 remember that?

12 A Yes.

13 Q All right. Now, you've talked a little bit about
14 there being violence in the house; is that correct?

15 A Yes.

16 Q And there was violent physical acts committed upon
17 the children; is that correct?

18 A Yes.

19 Q There was threats committed against the children; is
20 that right?

21 A Yes.

22 Q There was yelling against the children; is that
23 right?

24 A Yes.

25 Q And when we say children, that's going to include

1 Brandon?

2 A Yes.

3 Q Okay. And you -- I think you also testified the
4 other day that what defendant said do something, that the
5 kids did it; is that right?

6 A Yes.

7 Q When the defendant asked Brandon whether he wanted
8 to touch your breasts, would you in any conceivable way ever
9 expect him to say no?

10 A I would expect him to say no.

11 Q You would expect him to say that he did not want to
12 touch your breasts?

13 A Right.

14 Q What do you think would happen to him if he did
15 that?

16 A If he said no, that Chris would hurt him.

17 Q So you would expect him to say no and be hurt by
18 Chris?

19 A No, I mean, I -- with him getting hurt -- can you
20 repeat the question because I'm jumbling my words.

21 Q So when the -- under the circumstances that were
22 described to you earlier when you were involved in a sexual
23 situation, the defendant was there, you were there, Brandon
24 was there, the defendant asked Brandon if he wants to touch
25 your breasts, and he responds yes. Would you expect him in

1 that situation to say yes?

2 A From him keeping getting hurt, yes.

3 Q All right.

4 MS. RADOSTA: Objection, Your Honor. Speculation.

5 MR. SWEETIN: And basically it goes to state of

6 mind.

7 THE COURT: It will -- it will stand.

8 MR. SWEETIN: Thank you.

9 THE COURT: The answer will stand. Overruled.

10 BY MR. SWEETIN:

11 Q Now, I wanted to touch on -- or I want to talk to

12 you a little bit about in this case many of the questions

13 that were asked, both by the State and by the defense,

14 questioning why you did certain things. You've heard them

15 all day yesterday, you heard them from Ms. Radosta today; is

16 that right?

17 A Yes.

18 Q It was questioned to you, you had opportunities to

19 leave; is that right?

20 A Yes.

21 Q You had opportunities to protect your children; is

22 that right?

23 A Yes.

24 Q You had opportunities to just say no; is that right?

25 A Yes.

1 Q Is it fair to say that you knew, as you've detailed,
2 of the sexual conduct that the defendant was committing on
3 some of your children, that you detailed to the jury already,
4 right?

5 A Yes.

6 Q Fair to say you knew that because you were there; is
7 that right?

8 A Yes.

9 Q Is it fair to say that during those encounters and
10 before and after those encounters, that you didn't do
11 anything to protect your children?

12 A I was afraid.

13 Q Is it fair to say that you didn't do anything to
14 protect your children?

15 A Yes.

16 Q It's hard to say that, isn't it?

17 A Yes.

18 Q Why is that?

19 A Because as a mother you want to protect your
20 children, and I couldn't because I was --

21 Q You didn't?

22 A No.

23 Q You made a choice, didn't you?

24 A Yes.

25 Q Now, the reasons for the choice is, as you've

1 described it to the jury, that that was your choice, wasn't
2 it?

3 A Yes.

4 Q Because you had opportunities to do other things,
5 didn't you?

6 A Correct.

7 Q Now, let me ask you this, what was the defendant's
8 role in that choice?

9 A He was threatening me.

10 Q Whose idea was it to do the things that you
11 described to the members of the jury?

12 A It was Chris's idea.

13 Q Who was there doing all those incidents that you've
14 described to the jury?

15 A Chris and me.

16 Q And when the defendant was there present while those
17 things were happening, was he presenting himself and acting
18 in a sexual manner?

19 A Yes.

20 Q Was he involved in the sex acts that we've talked --
21 discussed?

22 A Yes.

23 Q Was he even directing many of them?

24 A Yes, all of them.

25 MR. SWEETIN: No further questions.

1 THE COURT: Any recross?

2 RECROSS-EXAMINATION

3 BY MS. RADOSTA:

4 Q So when you came back in January 2014, you were
5 there for about five months, correct?

6 A Yes.

7 Q And during that period of time from January to May
8 of 2014, there was no sexual activity between you and any of
9 the children, correct?

10 A Right.

11 Q There was no sexual activity between you and Chris,
12 correct?

13 A Right.

14 Q As far as you knew, there was no sexual activity
15 between Deborah and the children, correct?

16 A Correct.

17 Q You guys were all very busy during that period of
18 time, correct?

19 A Yes.

20 Q Getting -- there was some work projects for Chris's
21 business during that period of time, right?

22 A Yes.

23 Q So you were building stages and getting things ready
24 for events, right?

25 A Yes.

1 Q Now, after the incident when Brandon and Ryan are
2 five years old, I had asked you on direct whether or not you
3 left after that incident. Deborah didn't leave that house
4 after that incident, did she?

5 A No.

6 Q She didn't take Brandon and leave the house, did
7 she?

8 A No.

9 Q You and Deborah did not have a conversation about
10 protecting your young sons after that incident, did you?

11 A No.

12 Q You did not have a conversation about he has a gun
13 in the house if he tries to do anything like that ever again,
14 correct?

15 A Correct.

16 Q You didn't have a conversation about there being
17 other weapons inside the house, if Chris ever tried to do
18 something like that again, correct?

19 A We didn't have any conversations, no.

20 Q Okay. You knew where the guns were in the house,
21 correct?

22 A Yes.

23 Q You knew that there was one under the mattress in
24 the master bedroom, correct?

25 A Yes.

1 Q And you knew there was one -- at least one in the
2 office at some point in a safe?

3 A At some point, yes.

4 Q And you knew the combination to that safe, correct?

5 A Yes.

6 Q Okay. You also -- there were cameras in the house
7 in the later years, correct?

8 A Yes.

9 Q Both outside the house and inside the house?

10 A Yes.

11 Q And it kind of progressed. It didn't all happen one
12 day, it --

13 A It gradually progressed, yes.

14 Q First cameras on the outside of the house, correct?

15 A Yes. Two on the house and two back in the office.

16 Q Okay. And eventually, the last cameras to go in
17 were one the ones inside the house?

18 A Inside the house was 2014, and in the office was
19 around 2010.

20 Q Okay. So there was a camera that was videotaping
21 everything inside the office in 2010?

22 A Yes.

23 Q And you actually were one of the people that was
24 able to monitor the cameras inside the house, correct?

25 A No.

1 Q You did not have an app on your phone where you
2 could monitor what the kids were doing inside the house when
3 you weren't home?

4 A The only access that I had was for the cameras on
5 the outside. Chris is the only one that had access to the
6 living room and to the office.

7 Q You didn't -- you weren't able to watch the kids
8 when you were teaching to see if they got home from school
9 okay on that app on your phone?

10 A I could only see them come home from the app on the
11 outside.

12 Q Okay. You had an app on your phone, though, for
13 some camera access, correct?

14 A On the outside, yes.

15 Q Okay. Deborah had an app on her phone as well?

16 A Yes.

17 Q And so did Anita?

18 A Yes.

19 Q And those were to monitor the cameras around the
20 house?

21 A Around the house.

22 Q It's your opinion that -- I mean, you left the house
23 on more than one occasion, correct?

24 A Correct.

25 Q Packed up Ryan and left?

1 A Correct.

2 Q It's your opinion that Deborah had the same ability
3 to leave the house any time she wanted, correct?

4 MR. SWEETIN: Objection. Calls for speculation.

5 THE COURT: Sustained.

6 BY MS. RADOSTA:

7 Q You've -- have you ever expressed that opinion to
8 anybody that Deborah could have left the house at any point
9 in time?

10 A No.

11 Q Do you recall expressing that opinion to Detective
12 Samples during one of your interviews with him?

13 A I don't recall that.

14 Q The one from January 22, 2015, page 97. Could you
15 read that to yourself and let me know when you're done.

16 A (Witness complies) Okay. I'm finished.

17 Q Now, you did express your opinion that Deborah could
18 leave any time she wanted, correct?

19 MR. SWEETIN: Can we approach, Judge?

20 THE COURT: Sure.

21 (Off-record bench conference.)

22 BY MS. RADOSTA:

23 Q All right. Let me back up for a second, Terrie.
24 You lived in this household on and off, mostly on,
25 for about 14, 15 years, correct?

1 A Yes.

2 Q And you were aware that Deborah worked at Cox

3 Communications during most of that time, if not all of that

4 time, correct?

5 A All of that time.

6 Q All of that time. She had a full-time job, correct?

7 A Yes.

8 Q She was pretty much the breadwinner in the family,

9 correct?

10 A Yes.

11 Q She had her own way of getting back and forth to

12 work, correct?

13 A Yes.

14 Q She had a truck, I think, at some point in time?

15 A Yes.

16 Q Okay. And she would get up pretty early in the

17 morning to go to work every single day Monday through Friday,

18 right?

19 A Yes, really early.

20 Q Like 3:00, 4:00 o'clock, something like that. 4:00,

21 5:00 o'clock in the morning, something like that?

22 A Between 4:00 and 4:30 yes.

23 Q Okay. And she worked a 40-hour week every week,

24 yes?

25 A Yes.

1 Q And Christopher, who's usually at home working on
2 his own business when she's at work, correct?

3 A Yes.

4 Q And during that entire 15 years Deborah never packed
5 up the kids and left the house, correct?

6 A Yes.

7 Q It's your opinion, though, she had the means to
8 leave if she wanted to, correct?

9 A Correct.

10 Q Because she had her own job, right?

11 A Yes.

12 Q She had her own car, correct?

13 A Yes.

14 Q And she did not make the decision to leave the
15 residence until June of 2014?

16 MR. SWEETIN: Objection. Calls for speculation.

17 THE COURT: I --

18 MS. RADOSTA: Rephrase.

19 THE COURT: Okay. I'm going to sustain that.

20 BY MS. RADOSTA:

21 Q Deborah did not leave the residence until June of
22 2014?

23 A Correct.

24 Q Despite the fact of having a job for 16 years, a
25 full-time job, correct?

1 A Correct.

2 Q And having her own means of getting back and forth
3 to that job for 16 years?

4 A Yes.

5 Q And despite the fact of all of this alleged abuse
6 that was happening inside the home, correct?

7 A Correct.

8 Q She never -- you and she never had a conversation
9 prior to June of 2014 about her desire to leave the house,
10 correct?

11 A No, she didn't talk to me about it.

12 Q And you never saw her packing up the car prior to
13 June of 2014, correct?

14 A Right.

15 Q And getting caught and told by Chris she has to come
16 back in the house, she can't leave; you never saw anything
17 like that, right?

18 A No.

19 MS. RADOSTA: Court's indulgence. Court's
20 indulgence for a second.

21 THE COURT: Okay.

22 (Pause in the proceedings)

23 MS. RADOSTA: Your Honor, may I approach the
24 witness?

25 THE COURT: Yes.

1 (Pause in the proceedings)

2 THE COURT: Oh, are you going to come up here?

3 (Off-record bench conference.)

4 MS. RADOSTA: May I approach the witness, Your
5 Honor?

6 THE COURT: Yes.

7 BY MS. RADOSTA:

8 Q Terrie, I'm showing you what's been I believe
9 admitted as State's 93. Do you recognize this photo that was
10 shown to you yesterday?

11 A Yes.

12 Q And that's the photo of you, Christopher, and your
13 sister, Melissa, correct?

14 A Yes.

15 Q Engaged in a sexual acts, correct?

16 A Yes.

17 Q You are on your back or are you sitting up?

18 A I'm sitting up.

19 Q Okay. So your sister is underneath you performing
20 oral sex on you?

21 A Correct.

22 Q Who took the photograph?

23 A I don't know.

24 Q Okay. Is it possible that Deborah took the
25 photograph?

1 A No. It was just Chris, me, and Melissa.
2 Q Well, the -- there was nobody else in the room?
3 A There was nobody else in the room but the three of
4 us.
5 Q But the photograph was taken?
6 A I don't know.
7 Q Okay. All right.
8 A I don't know that this even existed.
9 Q Is it possible that there was someone else in the
10 room and you just don't recall it?
11 A No, I know there was nobody else in the room.
12 Q So your testimony that this was somehow taken
13 without someone else in the room?
14 A Possible, yes.
15 Q Okay.
16 A From a -- from a camera.
17 Q From a what? I'm sorry? Just a --
18 A He --
19 Q -- camera just snapped a picture is what you're
20 saying?
21 A No, he could have recorded it without my knowledge.
22 Q Okay. That's a photo --
23 A Because I wasn't aware.
24 Q That's a photograph, though, correct?
25 A I don't know if that's a photograph because when you

1 delete something from a video, it comes as a still picture.

2 Q Okay. So you think it's possible that that incident
3 between you and your sister and Chris might have been have
4 been videotaped is what you're saying?

5 A Yes, without my knowledge.

6 Q Okay.

7 A Yes.

8 Q And that took place where?

9 A In the office.

10 Q In the office. Okay. And how old was Melissa when
11 that was --

12 A '99.

13 Q '99, so she was --

14 A 19.

15 Q -- 19 years old? Okay.

16 MS. RADOSTA: Nothing further, Your Honor.

17 MR. SWEETIN: One quick question.

18 REDIRECT EXAMINATION

19 BY MR. SWEETIN:

20 Q I don't know that I asked you before. You mentioned
21 that you know that it's by -- as a consequence of your plea
22 that you're doing ten years to life in prison; is that
23 correct?

24 A Correct.

25 Q So you might be in prison for life, you might get

1 parole before then, but you know not getting parole before
2 ten years; is that correct?

3 A Right.

4 Q And did you know that by virtue of your plea, that
5 you will forever be a -- recognized as a sex offender?

6 A Yes.

7 Q And you'll be subject to sex offender registration;
8 is that correct?

9 A Yes.

10 Q And you'll also be subject to sex offender
11 supervision for the rest of your life?

12 A Yes.

13 Q Thanks.

14 MR. SWEETIN: Nothing further.

15 THE COURT: Any recross?

16 RECROSS-EXAMINATION

17 BY MS. RADOSTA:

18 Q Regarding your plea, you've actually made requests
19 to be allowed to withdraw that plea, correct?

20 A Yes.

21 Q You don't like the negotiation that you signed up
22 for, correct?

23 A Yes.

24 Q Because you don't think you should have to have been
25 sentenced to a life sentence, correct?

1 A Correct.

2 Q You don't think that you should have the possibility
3 of spending the rest of your life in prison for what you did
4 to your children, correct?

5 A Yes.

6 MS. RADOSTA: Nothing further, Your Honor.

7 MR. SWEETIN: No questions, Judge.

8 THE COURT: All right. Anything? Okay. Are we
9 done with Terrie?

10 MR. SWEETIN: We are, Judge.

11 MS. RADOSTA: Yes.

12 THE COURT: All right. Ms. Sena, thank you so much
13 for your testimony. You can step down. Officer, however.
14 You want to assist him, Marshal, assist him. Okay.

15 MS. RADOSTA: Your Honor, if I could just grab
16 those --

17 THE COURT: Yeah.

18 MS. RADOSTA: -- transcripts that I left up there.

19 THE COURT: Yeah.

20 MS. RADOSTA: Thank you.

21 THE COURT: Go ahead. Are these the ones you
22 marked?

23 MS. RADOSTA: Yes, I did mark them right on the --

24 THE COURT: Okay.

25 MS. RADOSTA: -- page itself.

1 (Pause in the proceedings)

2 THE COURT: Okay. State, you can call your next

3 witness.

4 MR. SWEETIN: Your Honor, State would call Ryan

5 Sena.

6 THE COURT: Okay.

7 RYAN SENA, STATE'S WITNESS, SWORN

8 THE Clerk: Please state your full name, spelling

9 your first and last name for the record.

10 THE WITNESS: My name is Ryan, R-y-a-n, Sena,

11 S-e-n-a.

12 THE COURT: Ryan, you don't need to lean into like

13 that, but I appreciate that. Just scoot up a little bit.

14 Okay? That way we can hear you. All right?

15 THE WITNESS: All right.

16 THE COURT: Okay. Your witness.

17 MR. SWEETIN: Thank you, Judge.

18 DIRECT EXAMINATION

19 BY MR. SWEETIN:

20 Q Ryan, how old are you currently?

21 A 20.

22 Q And what's your date of birth?

23 A 06/14/1998.

24 Q And who is your biological mother?

25 A Terrie Sena.

1 Q Did you ever live at a residence located at 6012
2 Yellowstone Avenue here in Las Vegas, Clark County, Nevada?
3 A Yes.
4 Q And when did you live at that residence?
5 A My whole life until I was 16.
6 Q Okay. So from the time you were born until you were
7 16, would that be fair to say, right around June of 2014?
8 A Yes.
9 Q And over that period of time, do you remember
10 whether you lived there the whole time or were there times
11 when you left? Do you remember?
12 A There was times I left.
13 Q Do you remember about how many times over that
14 period of time that you left the residence for some period?
15 A No, I don't.
16 Q Okay. When you left the residence, would it be for
17 a long period of time or for short periods of time?
18 A Long periods of time.
19 Q When you say long periods of time, what do you mean
20 by that?
21 A About ten months.
22 Q Is that the longest that you ever left?
23 A Yes.
24 Q Okay. Were there shorter periods of time as well
25 that you left the residence and then came back?

1 A Yes.

2 Q Over that period of time, who was living there at
3 the residence with you when you were living at the residence?

4 A Anita, Brandon, Tails, Deborah, Terrie, and Chris.

5 Q Now, you mentioned someone, Chris. Do you see that
6 person in the courtroom today?

7 A Yes.

8 Q And what I'd like you to do is point that person out
9 and tell the Judge and the Court something that that person's
10 wearing today. All right?

11 A All right. Over there wearing white.

12 Q So is he sitting at the table next to me?

13 A Yes.

14 Q Okay. Where at on that table?

15 A At the end.

16 Q Okay. At the far end farthest away from me?

17 A Yes.

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

20 THE COURT: It will.

21 BY MR. SWEETIN:

22 Q You also mentioned that there was some other people
23 living there. I think you mentioned Terrie. Would that be
24 your mother, Terrie?

25 A Yes.

1 Q Whenever you lived there, was Terrie living there as
2 well?
3 A Yes.
4 Q You also mentioned a Deborah. Who is Deborah?
5 A Chris's wife.
6 Q And whenever you were there she was living there as
7 well?
8 A Correct.
9 Q Now, you also mentioned Tails; is that right?
10 A Yes.
11 Q Was Tails one of the children living at the
12 residence?
13 A Yes.
14 Q Was he older than you or younger than you?
15 A Older than me.
16 Q Do you know about how much older than you he was?
17 A Four.
18 Q About four years?
19 A Four years.
20 Q You also mentioned Anita; is that right?
21 A Right.
22 Q And was Anita living there whenever you were living
23 there?
24 A Yes.
25 Q And was Anita older or younger than you?

1 A Older.

2 Q And about how much older?

3 A Eight years.

4 Q And you also mentioned Brandon; is that right?

5 A Right.

6 Q Was he one of the children living there as well?

7 A Yes.

8 Q Is he older or younger than you?

9 A He's young are than me.

10 Q About how much younger?

11 A Two months.

12 Q So you were born both about the same time; is that

13 right?

14 A Right.

15 Q Now, while you were living there at that residence,

16 generally speaking, what was your relationship like with the

17 defendant?

18 A Bad.

19 Q Okay. Now, when you say, bad, what was it about the

20 relationship that made it bad?

21 A A lot was bad.

22 Q Are you okay?

23 A Um-h'm.

24 Q All right. Were there things that he said to you or

25 did to you when you didn't do exactly what he said to do?

1 A Yes.

2 Q Was that part of what made your relationship bad?

3 A Yes.

4 Q Was sort of things would he say to you?

5 A Yell at me.

6 MS. RADOSTA: Objection, Your Honor. Lack of

7 foundation. Timeframe.

8 THE COURT: Yeah. Little bit better foundation.

9 Sustained.

10 BY MR. SWEETIN:

11 Q Now, the questions that I'm asking you relate to

12 when you were living at that residence. And that's from the

13 time you were born up until 16; is that right?

14 A Right.

15 Q Was the contact that you had with the defendant

16 basically sort of the same throughout that whole period?

17 A Correct.

18 Q He treated you kind of the same way; would that be

19 accurate?

20 A Yes.

21 Q You indicated that he would sometimes say things to

22 you as a result of you not doing what he told you to do; is

23 that right?

24 A Right.

25 Q What sort of things would he say to you? Would he

1 call you names, say things to you, what would he do?

2 A Call me names.

3 Q What sort of names would he call you?

4 A Stupid, useless. He always told me my dad never
5 loved me, and called me worthless, all that other stuff.

6 Q Now, your dad, did you ever know your dad while you
7 were growing up?

8 A A little bit.

9 Q Okay. Did he ever play a big role in your life at
10 all when you were growing up?

11 A No.

12 Q So you mostly lived at that residence that we talked
13 about where the defendant lived; is that right?

14 A Right.

15 Q You said that your dad -- you said that he said your
16 dad didn't love you. Did he ever want you to call him dad?

17 A Yes.

18 Q Why would he tell you to call him dad?

19 A Because he said my dad would never be around.

20 Q Did he tell you he was the only one that could love
21 you?

22 MS. RADOSTA: Objection, Your Honor. Leading.

23 THE WITNESS: Correct.

24 THE COURT: Sustained.

25 BY MR. SWEETIN:

1 Q Do you recall him specifically making any references
2 to you as to whether your father could ever love you?

3 A He said my father would never love me.

4 Q Do you recall, as you were living there, that there
5 were specific rules that you had to live by?

6 A Yes.

7 Q What sort of rules?

8 A We had to be home at a certain time, and he always
9 had to know where we were.

10 Q Okay. Now, the rules that you had to be home at a
11 certain time, were they different than the people that -- or
12 the kids that you went to school and things of that sort?

13 A No.

14 Q What would happen if you weren't home when he told
15 you to be home?

16 A We'll get in trouble.

17 Q And what you say get in trouble, what would happen?

18 A Either get yelled at or get grounded.

19 Q And once you got home, what sort of things that
20 would you do within the home?

21 A Homework or chores.

22 Q When you say chores, can you be specific on that?

23 A Cleaning the house, making sure everything's
24 cleaned.

25 Q Would you get in trouble if you didn't do that?

1 A Yes.

2 Q Did you ever have to assist the defendant with any
3 other things outside the house?

4 A Yes.

5 Q Like what?

6 A We would have to go with him places.

7 Q Like for what purpose?

8 A For when he did his own DJ work or whatever.

9 Q For what purpose did you have to go with him?

10 A To help him.

11 Q And what happened if you did not help him?

12 A I'll get in trouble.

13 Q When you say get this trouble, what do you mean?

14 A Either get grounded or get yelled at.

15 Q When you say get yelled at, what specifically would
16 that mean by getting yelled at?

17 A By yelling, cussing at you, yelling at you.

18 Q Okay. Now, if after he yelled at you, you didn't do
19 what he wanted you to do, what would happen?

20 A Can you repeat?

21 Q If you didn't do what he wanted you to do after he
22 yelled at you, what would happen?

23 A He would either slap you or you would get grounded.

24 Q And when you say slap you, can you be specific in
25 regards to what you mean by that?

1 A Slap you across the face.

2 Q Okay. Did that happen to you as you were living in
3 the house?

4 A Yes.

5 Q Just once or more than once?

6 A More than once.

7 Q Did it happen often?

8 A Yes.

9 Q Now, you mentioned other kids that were living in
10 the house with you, Anita, Brandon, and also Tails; is that
11 right?

12 A Right.

13 Q Did you ever have occasion to observe him to slap
14 them across the face as you've detailed he did to you?

15 A Yes.

16 Q Did that just happen a few times or was that often
17 as well?

18 A Often.

19 Q You mentioned -- or let me ask you this, were there
20 cameras in your house as you were growing up?

21 A Yes.

22 Q And did that -- those cameras have significance in
23 your life as you were growing up?

24 A Yes.

25 Q How were they significant? Did you become aware

1 that the defendant sometimes watched those cameras?

2 A Yes.

3 Q How did you become aware of that?

4 A Because if he didn't see you doing something right
5 in the camera, he'll come and talk and come to you about it.

6 Q Okay. Now, you were at that residence until you
7 were 16 or just before you were 16; is that right?

8 A Correct.

9 Q Over that period of time, did you ever have a cell
10 phone yourself in that residence?

11 A No.

12 Q Did you feel as if you were treated like the other
13 children?

14 A No.

15 Q Why is that?

16 A I felt I was treated different than all the other
17 ones.

18 Q How were you treated different than the other
19 children?

20 A I was the least favorite one. I always got in
21 trouble.

22 Q You indicated you were the least favorite because
23 you believe you always got into troubling?

24 A Correct.

25 Q And when you said you got this trouble, why did you

1 get into trouble more than the other children?

2 A Because I always got blamed for what they did.

3 Q When -- you indicated that if you didn't do what the
4 defendant wanted, that he would yell at you or hit you; is
5 that right?

6 A Right.

7 Q Did he ever say anything to you as to that -- as to
8 potential additional violence to you as you were growing up?

9 A Yes.

10 Q What did he say?

11 A He would always be yelling at me.

12 Q I'm sorry?

13 A He would always be yelling at me.

14 Q He would be -- always be on you?

15 A Yes.

16 Q Did he mention anything to you about leaving marks?

17 A No.

18 Q Did he mention to you as to whether or not he knew
19 how to leave marks or not leave marks.

20 MS. RADOSTA: Objection, Your Honor.

21 THE WITNESS: He knew how not to.

22 MS. RADOSTA: Asked and answered and leading.

23 THE COURT: Overruled.

24 BY MR. SWEETIN:

25 Q Sorry go ahead, Ryan?

1 A He knew how not to make marks.

2 Q Okay. Did he ever talk to you as to what would
3 happen if you ever said anything to anyone about what was --
4 what he was doing to you in the house?

5 A He said if I ever told anybody, he'll come after me.

6 Q Now, do you recall an incident in which the
7 defendant asked you if you felt loved within the residence?

8 A Yes.

9 Q About how old were you when that happened?

10 A 12 or 13.

11 Q And where in the house did that happen? Did that
12 happen at the residence there on Yellowstone?

13 A Yes.

14 Q Where in the house did it happen?

15 A Living room.

16 Q Was there anybody else there?

17 A Anita.

18 Q What happened?

19 A He asked me if I felt love, and I told him the
20 truth, no, I didn't.

21 Q What happened then?

22 A He would slap me across the face and ask me again
23 and I told him no.

24 Q What happened next?

25 A Then I kept telling him the truth, then I got tired

1 of it, then I told him yes.

2 Q Besides him striking you and the other kids, as
3 you've described, was there other violence of things being
4 thrown and people being thrown around the house?

5 A Items thrown, yes.

6 Q What specifically do you remember by that?

7 A Like TV remotes.

8 Q And when you say, thrown, can you be more specific?

9 A Thrown at us or tried hitting us with it.

10 Q Was this done in a joking manner or something else?

11 A In a mad manner.

12 Q What?

13 A In a mad way.

14 Q Now, were there also sort of sexual things that were
15 happening around the house as you were growing up?

16 A Yes.

17 Q What sort of sexual things did you see around the
18 house as you were growing up?

19 A With me only.

20 Q Did you ever see your mother do anything sexual
21 around the house or around others besides you?

22 A No.

23 Q Do you remember ever seeing your mother flash her
24 breasts?

25 A Yes.

1 Q When she did that, were there other people around?

2 A Yes.

3 Q Who would be around?

4 A Me or Anita or Tails or Brandon.

5 Q How about the defendant, would he be around?

6 A Yes.

7 Q Did you ever see the defendant act sexually within

8 the household just generally?

9 A No.

10 Q Do you remember him doing anything sexual to Terrie

11 or Deborah within the household you saw?

12 A No.

13 Q Do you remember -- do you know whether or not when

14 the defendant slept at night, whether he slept in clothes or

15 without clothes?

16 A Without clothes.

17 Q Now, for the majority of the time that you're

18 remembering of living within that residence, about what time

19 would he normally get up in the morning?

20 A Around the afternoon time.

21 Q And when he did get up in the afternoon, did he want

22 the kids to go in and greet him?

23 A Yes.

24 Q How did that happen? What happened exactly?

25 A He always greet -- tell us to greet him good morning

1 or good afternoon.

2 Q Okay. And where was he when this was happening?

3 A In bed.

4 Q And did he have any clothes on?

5 A No.

6 Q And when you say greet you -- greet him, what does
7 that mean?

8 A Like, come in there say good morning, give him a
9 hug, give him a kiss.

10 Q Were there other things of a sexual nature that you
11 saw anywhere within that residence?

12 A No.

13 Q Now, I want to show you what's marked as State's
14 Exhibit No. 1. Do you recognize that?

15 A Yes.

16 Q And what is that?

17 A That's the residence I lived at.

18 Q Okay. That's the Yellowstone residence?

19 A Yes.

20 Q And it looks like there's a -- sort of a main house,
21 and then there's a sort of back area; is that right?

22 A Right.

23 Q Do you refer to this by any sort of name?

24 A That's the office.

25 Q Okay. Now, in this back office, there's sort of a

1 computer desk back here in the corner; is that right?

2 A Right.

3 Q Did you ever have occasion to be back there around

4 that computer desk?

5 A Yes.

6 Q And when you were, did you see anything of that

7 sexual nature around that computer desk?

8 A No.

9 Q Were there photos?

10 A There was one, yes.

11 Q What photo were you talking about?

12 A There was one behind his computer.

13 Q And what would that photo be of?

14 A I didn't really -- graphic depiction, but there was

15 one behind the computer.

16 Q Okay. And when you say, graphic depiction, what was

17 the subject matter? What was in the picture?

18 A I really didn't see -- see the picture.

19 Q Well, was it a person?

20 A Yes.

21 Q Okay. Did the person have any clothes on?

22 A No.

23 Q Now, I want to turn your attention to when you were

24 about 14 or 15. Did you have occasion to be back in that

25 office at that time?

1 A Yes.

2 Q Okay. Did there come a point in time when you were
3 shown something while you were back in that office by the
4 defendant?

5 A Yes.

6 Q And that was about when you were 14 or 15?

7 A Yes.

8 Q So how did you come to be back in that office at the
9 time?

10 A He called for me.

11 Q When you say, he, you're referring to the defendant?

12 A Yes.

13 Q And did you go back to the office?

14 A Yes.

15 Q And when you got back to the office, who was inside
16 the office?

17 A Just me and him.

18 Q Okay. And once you got back to the office, what
19 happened?

20 A He showed me a video.

21 Q And I'm showing you what's marked as State's Exhibit
22 39. Is this a picture of the back office there?

23 A Yes.

24 Q Okay. Now, during the time that there we're talking
25 about, when you're 14 or 15, was this the way it looked

1 around this desk or was it a little different?

2 A Different.

3 Q How was it different?

4 A There was a wall, a border around his computer desk.

5 Q Okay. So right now there's sort of, if you look
6 here on this diagram, there appears to be sort of a partition
7 here, right?

8 A Right.

9 Q But you're saying that there was a wall, so it would
10 be something higher?

11 A Yes.

12 Q Okay. Now, looking at this, just to orient us, the
13 front door to the office would be where in this picture?

14 A It would be away.

15 Q Away which direction, to the left or to the right?

16 A To the left.

17 Q Okay. So over to the left. And to the right is the
18 back of the office, and that's where the desk is?

19 A Yes.

20 Q All right. So it would be fair to say that when you
21 walked in the front door of that office, would you be able to
22 see the desk area as you walked in?

23 A No.

24 Q It would be blocked by that wall you've talked
25 about?

1 A Yes.

2 Q All right. Now, you said that when you went back
3 there, on this occasion when you were 14 or 15, that the
4 defendant was back there alone and he showed you something;
5 is that right?

6 A Right.

7 Q Where were you at in the office when he showed that
8 to you?

9 A I was sitting on the -- on a barstool near his desk.

10 Q Okay. So somewhere back here by his desk?

11 A Yes.

12 Q And you mentioned a barstool, what do you mean by
13 that?

14 A Like a chair -- like a -- like a chair, barstool,
15 that you sit on.

16 Q Okay. Is it square or round or what?

17 A It's square.

18 Q Okay. And were those chairs normally over here by
19 the drums and things of that sort?

20 A Right.

21 Q Okay. How do you come to be over here in the office
22 area, the area around his desk when you come into his office?

23 A He called me back there.

24 Q Okay. And when he called you back there, where was
25 he situated?

1 A He was in his computer chair.

2 Q Okay. And you said you sat down on this, you

3 indicated, barstool; is that right?

4 A Right.

5 Q Okay. And what happens next?

6 A He -- he was pulling up something, and then he was

7 showing me a video.

8 Q Okay. And what was the video he was showing you?

9 A It was -- I thought he was showing me a video of him

10 and my mom having sex.

11 Q All right. Him and Terrie?

12 A Yes.

13 Q Your mother? All right.

14 Did he say anything to you when he was showing you that?

15 A No.

16 Q Did you say anything to him?

17 A No.

18 Q How long was he showing you this?

19 A I don't remember.

20 Q Were there any other pictures or videos that he

21 showed you at that time?

22 A No.

23 Q You just remember the picture -- the video of him

24 and your mother?

25 A Yes.

1 Q All right. And they were having sex at the time?

2 A Right.

3 Q Now, are familiar with Erin Clark and Tamara

4 Grisham?

5 A Yes.

6 Q How do you know them?

7 A They're my cousins.

8 Q Now, while you were living there at the Yellowstone

9 residence, do you remember ever seeing your cousins?

10 A They came over every other weekend.

11 Q Okay. And when they came over, did they just visit

12 or did they spend the night or what?

13 A They spent the night with us.

14 Q Okay. Did you ever know either one of them, Erin or

15 Tamara, to go back to that same office that we've been

16 talking about?

17 A Yes.

18 Q How would it be that they would get back to the

19 office while they were -- they're staying at your residence?

20 A They would call -- he'll call them back there.

21 Q When you say, he, who are you referring to?

22 A Chris.

23 Q The defendant?

24 A Yes.

25 Q How would he end up calling them back there? How

1 would he do that?

2 A Either I would get them or he'll have somebody get
3 them.

4 Q Okay. You said he would have you get them?

5 A Um-h'm.

6 Q So how would that happen? He would tell you to go
7 get one of the two girls, Tamara or Erin?

8 A Yes.

9 Q Were they normally brought back there one at a time?

10 A Yes.

11 Q And would you go do what the defendant told you, go
12 get them?

13 A Yes.

14 Q And would you bring them back to the office?

15 A Yes.

16 Q And what happened once you got them back to the
17 office?

18 A When I brought them to him, he told me to leave.

19 Q So once you brought them back to this office, he
20 told you to leave the office?

21 A Right.

22 Q When you would bring them back there, was there
23 anybody else inside the office besides the defendant?

24 A No.

25 Q Did this happen just once or a number of times?

1 A Number of times.

2 Q And that would be both for Tamara and Erin?

3 A Yes.

4 Q Was there a time when the defendant had a
5 conversation with you about Erin?

6 A Yes.

7 Q About how old were you then?

8 A About 11 or 12.

9 Q And what was the conversation that he had with you
10 about Erin at that time?

11 A He would try to get me and Erin to have sex.

12 Q Do you remember what he said exactly to you?

13 A Not exactly, no.

14 Q What's your best memory of what he said?

15 A I actually don't remember.

16 Q But he wanted you to have sex with Erin; is that
17 correct?

18 A Correct.

19 Q How did you respond to that?

20 A I told him no.

21 Q How did he respond to you telling him no?

22 A He didn't respond.

23 Q You said earlier that normally whenever he wanted
24 something to happen, that you did it; is that right?

25 A Correct.

1 Q And if you didn't do it, you'd get in trouble? Is
2 that --
3 A Correct.
4 Q Was this a little different?
5 A I didn't get -- no. I didn't get in trouble.
6 Q Okay. Now, while you were living at that residence,
7 were you directly involved in any sexual conduct at that
8 residence?
9 A Yes.
10 Q When's the first time that -- or how does that
11 conduct start? What is -- are you initially involved with?
12 A When I was 11 or 12.
13 Q And what happened then?
14 A When I was 11 or 12, it happened to me three times.
15 Q When you said, it happened, what happened?
16 A He sexually abused me three times when I was 11 or
17 12.
18 Q You said, he. That's the defendant?
19 A Yes.
20 Q Now, you remember it happening specifically three
21 times; is that right?
22 A Correct.
23 Q Why do you know that it happened three times?
24 A Repeat.
25 Q Why do you know that it happened three times when

1 you were 12 or 13?

2 A I remember.

3 Q Do you remember where it happened on those three
4 times when you were 12 or 13?

5 A Living room, office, bedroom.

6 Q And when you say, bedroom, which bedroom?

7 A My bedroom.

8 Q Do you remember in what order that these incidents
9 happened?

10 A It was the bedroom, the -- the living room, and the
11 office.

12 Q So your best memory is your bedroom, the living room
13 and the office?

14 A Correct.

15 Q Do you know that that's the order or is that what
16 you're just thinking at this point?

17 A That's what I -- I think I remember.

18 Q All right. So let's talk about the first time that
19 you remember. The first time would have been in your
20 bedroom?

21 A Correct.

22 Q Now, I'm showing you, again, what's marked as
23 State's Exhibit 1. This is the residence; is that right?

24 A Right.

25 Q And where would your bedroom be within the

1 residence?

2 A Next to the living room.

3 Q So it will be fair to say it's up towards the front
4 of the house?

5 A The front of the house.

6 Q So it would be this bedroom?

7 A Yes.

8 Q All right. Now, that bedroom -- showing you what's
9 marked as State's Exhibit 10. Is that a picture of that
10 bedroom?

11 A Yes.

12 Q And there was a, sort of a bunk bed in this bedroom;
13 is that correct?

14 A Yes.

15 Q And State's Exhibit 11. Is that also that bedroom?

16 A Yes.

17 Q And that's sort of a picture, sort of, next to the
18 bed; is that right?

19 A Yes.

20 Q And that's, sort of, pictured, sort of, next to the
21 bed; is that right?

22 A Yes.

23 Q And State's Exhibit 12. And that's, sort of, a
24 picture of the area of the bedroom away from the bed; is that
25 right?

1 A Right.

2 Q All right. Now, you remember that this happened
3 when you were how old?

4 A 11 or 12.

5 Q All right. And do you remember at the time that
6 this incident you're referring to happened whether there was
7 anybody home at the residence besides yourself?

8 A No.

9 Q Was the defendant home at that time?

10 A Yes.

11 Q So it was just you and the defendant?

12 A Yes.

13 Q Do you recall where you were in the residence when
14 the incident starts?

15 A I was in the bedroom.

16 Q Was the defendant in the bedroom at that time?

17 A No.

18 Q Okay. So you were already in your bedroom that we
19 just looked at; is that right?

20 A Right.

21 Q What happens next?

22 A I was in the room by myself, and he comes in the
23 room, makes me take off all my clothes, makes me lay flat on
24 the floor, and then he puts his dick in me, in my butt, and
25 starts making -- starts having sex.

1 Q All right. And when he comes in there and does
2 this, does he say anything to you?

3 A No.

4 Q Does he tell you to take your clothes off?

5 A Yes.

6 Q Do you remember him saying anything else?

7 A No.

8 Q Do you say anything to him?

9 A No.

10 Q At the time that he places his penis in your anus,
11 what do you do?

12 A Try to -- try screaming and trying to get away.

13 Q And what happens?

14 A He would pull me closer and cover my mouth.

15 Q Do you have any idea how long this went on?

16 A I don't remember.

17 Q How did it end?

18 A He finally got up and let me go.

19 Q So what happened after he got up?

20 A Nothing. He got up, he left the room.

21 Q What did you do?

22 A Put my clothes back on.

23 Q Did there come a point in time when other family
24 members came home later that day?

25 A Yes. Deborah and Anita and Tails and Brandon came

1 home.

2 Q Did you say anything to him about what had happened
3 to you?

4 A No.

5 Q Why not?

6 A I was told not to.

7 Q By who?

8 A By Chris.

9 Q When did that happen?

10 A He told -- he told me not to tell anybody.

11 Q Did he say what would happen if you did?

12 A He said if I ever told anybody, he would come after
13 me.

14 Q All right. Now you said that it happened besides --
15 besides in your room, that it also happened other places
16 within the residence; is that right?

17 A Right.

18 Q Where else did it happen?

19 A In his room.

20 Q In the defendant's room?

21 A Yes.

22 Q All right. Now, I'm again showing you what's mark
23 the as State's Exhibit 1.

24 Where was his bedroom in this diagram?

25 A Back in the corner of the house.

1 Q Is it the one --
2 A Back of the house.
3 Q -- labeled master bedroom?
4 A Yes.
5 Q Right here. At the time that it happens, do you
6 remember whether there was anybody else in the house?
7 A No, they were outside.
8 Q So everyone was outside?
9 A Correct.
10 Q Let me ask you this, in that residence are there
11 locks on any of the doors inside the residence?
12 A On his door.
13 Q So there's only lock on a door in the residence, and
14 that would be, you said, his door. Would that be the
15 defendant's door?
16 A Yes.
17 Q So that would be to this bedroom here?
18 A Correct.
19 Q All right. You were in the house; is that right?
20 A Correct.
21 Q Was the defendant in the house?
22 A Correct.
23 Q What happens?
24 A He called me into the room.
25 Q What happens then?

1 A Then he makes me take off my clothes again, makes me
2 lay down on the bed, and puts his dick in my butt again, and
3 starts having sex with me.

4 Q Does he say anything to you besides taking your
5 clothes off or come here as you come into the room?

6 A He just told me to come here and take off my
7 clothes, that's what he said.

8 Q Did you say anything to him when he did -- when he
9 told you to do that?

10 A No.

11 Q Did you tell him you didn't want to do that?

12 A I didn't want do any of it.

13 Q Did you tell him that?

14 A Yes.

15 Q What did he say?

16 A He forced me to.

17 Q When you say he forced you to, what did he do?

18 A He forced me to take off clothes off.

19 Q What did you think with would happen if you try
20 today resist or leave or not do what he want you to do?

21 MS. RADOSTA: Objection, Your Honor. Speculation.

22 MR. SWEETIN: Goes to state of mind.

23 THE WITNESS: Come after --

24 THE COURT: Overruled. Go ahead. He said come
25 after him.

1 BY MR. SWEETIN:
2 Q About how long does that go on?
3 A Five minutes.
4 Q And how does it end?
5 A Brandon came in the house.
6 Q And what happens when Brandon comes in the house?
7 A He tells Brandon to go back outside.
8 Q And then what happens?
9 A Then he lets me up.
10 Q And then what happens?
11 A Then I walked out of his room.
12 Q Do you remember on that occasion whether the door to
13 the room was opened or closed?
14 A It was open.
15 Q You said that it happened on another occasion; is
16 that correct?
17 A Correct.
18 Q And where was that at?
19 A In the living room.
20 Q So I think you -- initially you spoke about the
21 office, but actually, it was in the living room when you were
22 -- it was in your bedroom, the defendant's bedroom, and in
23 the living room when you were younger or 12 or 13; is that
24 correct?
25 A Correct.

1 Q All right. So in regards to the living room, do you
2 recall who was in the house at the time that this occurs?

3 A Just Chris and me.

4 Q Do you know where everybody else was?

5 A No, I don't.

6 Q Okay. What happens on that occasion?

7 A He makes me take off his -- off my clothes, and he
8 makes me sit on his dick and then he starts having sex with
9 me.

10 Q Okay. Did he say anything to you as this starts
11 besides telling you to take your clothes off?

12 A No.

13 Q Where is he situated in the living room?

14 A On the couch.

15 Q How is he situated on the couch?

16 A He is sitting on the couch.

17 Q And you indicated that you took your clothes off; is
18 that correct?

19 A Correct.

20 Q Were his clothes on or off at the time as he's
21 sitting on the couch?

22 A Off.

23 Q And what happens?

24 A He makes me sit on his dick.

25 Q And at that point, did his penis go into your butt

1 or your anus?

2 A Yes.

3 Q And his penis into your butt or anus on the other
4 two occasions as well?

5 A Yes.

6 Q Now, did the -- these incidents that we talked
7 about, do you remember how close they were altogether as they
8 happened?

9 A No, I don't.

10 Q But you remember that they were when you were
11 younger? You indicated 12, 13, somewhere in that
12 neighborhood.

13 A Yes.

14 Q After those incidents, did they continue to happen
15 or did they stop happening for a while?

16 A They stopped happening for a while.

17 Q Okay. At some point in time, did it start again?

18 A Yes, at 14 or 15.

19 Q And what grade were you in at that time?

20 A Seventh or eighth.

21 Q Somewhere in that neighborhood?

22 A Yes.

23 Q Where did it happen when it started happening again?

24 A In the bedroom or in -- and in the office.

25 Q And when you say, the bedroom, which bedroom are you

1 referring to?

2 A The master bedroom.

3 Q All right. And let's talk about first in the
4 office. Do you remember that incident?

5 A Yes.

6 Q What happens?

7 A He calls me back there because he was supposed to
8 get my ingrown toenail out.

9 Q And what happened?

10 A Then he starts making my mom take my clothes off.

11 Q And what happens next?

12 A He makes her suck on my dick, and then he'll take
13 off his clothes and make her switch between his and mine.

14 Q Okay. So that was an incident involving someone
15 besides just the defendant; is that right?

16 A Correct.

17 Q Okay. And who would that involve also?

18 A My mom, Terrie.

19 Q All right. And I want to talk to you about that,
20 but I want to talk to you first about whether there was any
21 other incidents after you're about 14 or 15 that just
22 involved you and the defendant?

23 A No.

24 Q Do you remember previously testifying that there
25 were a couple incidents that happened, one in the office and

1 one in the bedroom? Do you understand my question?

2 A Yes.

3 Q Do you recall there being additional incidents that
4 happened after it stopped for a while involving just you and
5 the defendant?

6 A No.

7 Q And I'm going to first ask you about a time when
8 there were others involved in the conduct. You indicated
9 that your mother was involved in some conduct; is that
10 correct?

11 A Correct.

12 Q And you indicated a time when you went back to the
13 office; is that right?

14 A Correct.

15 Q Do you remember about how old were you at that time?

16 A I don't remember at this time, at this point, at
17 this moment.

18 Q Okay. Now, you moved out of the house when you were
19 about how old?

20 A 16. Or, well, 15, about to turn 16.

21 Q Okay. So it was two days before your birthday; is
22 that right?

23 A Correct.

24 Q All right. So at the time that you had this contact
25 in the office with your mother and the defendant, it would be

1 fair to say that that was prior to you turning 16 because --
2 A Correct.
3 Q -- you were still living residence, right?
4 A Correct.
5 Q Okay. Do you remember about what grade you were in?
6 A I think my freshman year.
7 Q Okay. And about how old would you have been in your
8 freshman year of high school?
9 A 14.
10 Q Okay. So about 13 or 14, somewhere in there?
11 A Correct.
12 Q All right. And what exactly happens? How do you
13 get back to the office on that occasion?
14 A He was supposed to get an ingrown toenail out my --
15 out of my foot.
16 Q Okay. So how did you know that that's why you were
17 going back to the office?
18 A Because that's what he was supposed to be doing was
19 getting my ingrown toenail out.
20 Q Who said that?
21 A He told me that he was going to call me back to get
22 it out.
23 Q Okay. And so you did go back to the office?
24 A Correct.
25 Q And when you got back to the office, who was in the

1 office?

2 A Chris and my mom.

3 Q When you say, Chris, that's the defendant?

4 A Correct.

5 Q And what happens once you go into the office?

6 A He started to look at my toe, then after he was

7 done, he made my mom take my pants down and my underwear off,

8 and made her suck on my -- my dick while he was sitting, and

9 then he made -- his clothes came off, and made her switch

10 from mine to his.

11 Q Okay. Now, when you said that he made her, what did

12 he do that caused her to think that he was making her?

13 A He forced her to.

14 Q What did he do exactly?

15 A He told her to and yelled at her to do it.

16 Q I'm showing you what's marked as State's Exhibit 77,

17 and I ask you if you recognize that?

18 A Correct.

19 Q What is that?

20 A That's the back office near his computer.

21 Q And whose -- is this a photo of that back office

22 area?

23 A Yes.

24 Q And who's in the photo?

25 A Me and my mom.

1 Q Okay. And it looks like you're actually looking at
2 your foot; is that right?

3 A Correct.

4 Q Is this a fair and accurate depiction of the
5 incident that you were describing?

6 A Yes.

7 Q A part of it?

8 A Yes.

9 Q Now, just to be clear, you mentioned that your
10 clothes were taken off; is that right?

11 A Correct.

12 Q And that your mom's mouth was put on your penis; is
13 that right?

14 A Correct.

15 Q Where was the defendant -- where were you and your
16 mom located in the office when that happened?

17 A In front of his chair.

18 Q Would that be back by the desk that we previously
19 talked about?

20 A Yes.

21 Q Where was the defendant?

22 A He was in his computer chair.

23 Q So he was right there?

24 A Yes.

25 Q Okay. And as this was happening, what is the

1 defendant doing?

2 A He was sitting there, and then he got up and took
3 off his clothes and made her suck on his, and then went back
4 and forth between me and him.

5 Q Okay. And when you say suck on his, your mother
6 took her mouth off your penis and put it on his penis; is
7 that --

8 A Correct.

9 Q And then would come back to your penis --

10 A Correct.

11 Q -- after that?

12 Do you remember about how long this went on?

13 A No, I don't.

14 Q Do you remember how it ended?

15 A No, I do not.

16 Q Do you remember whether or not you stayed in the
17 office or left the office after it was over?

18 A I left the office.

19 Q Now, besides, excuse me, that incident involving
20 your mother, Terrie, were there any other incidents involving
21 your mother, Terrie?

22 A Yes.

23 Q And where -- one incident, two incidents, how many
24 incidents?

25 A It was just the office and the bedroom, that was it.

1 Q Okay. And do you remember about how old you were
2 when the incident happened in the bedroom?

3 A I do not.

4 Q Okay. Would it be fair to say -- well, let me ask
5 you this, about what grade were you in?

6 A I think I was eighth or ninth grade.

7 Q Okay some of the eighth or ninth grade?

8 A Yes.

9 Q Okay. So fair to say you were right around 12, 13,
10 14, somewhere in that neighborhood?

11 A Correct.

12 Q Okay. And what happened on that occasion?

13 A He called me into the room, into the bedroom, and my
14 mom was in the bedroom, and so --

15 Q I'm sorry, go ahead.

16 A He called me, and I went in because my mom was in
17 there, and he's in the hallway, and he's in the hallway
18 telling me mom to take my clothes off. Then he makes me lay
19 down on the bed, makes my mom takes hers off, makes her suck
20 on my -- my dick while he was in the hallway, then he makes
21 her lay on her back flat, and then makes me get on top of
22 her, makes me put my dick in her, and then after -- after a
23 while, then he made me get off, and then lay back on my back,
24 make her -- then he started taking his clothes off in the
25 hallway. Then he -- he made her suck on my dick again, and

1 then he came up behind her, and started having sex with her.

2 Q Okay. Now, Ryan, you made reference to the fact
3 that when you went into that bedroom who was inside the
4 bedroom?

5 A My mom.

6 Q Okay. And where was the defendant or did you know
7 where the defendant was at that time when you went in?

8 A He was in the hallway.

9 Q Now, when you say the hallway, are you referring to
10 -- we're talking about this master bedroom; is that right?

11 A Correct.

12 Q So when you say the hallway, you're referring to
13 right here?

14 A Yes.

15 Q So he was right in that door?

16 A Yes.

17 Q And when he was in that door, do you remember
18 whether he had clothes on or he didn't have clothes on?

19 A He had clothes on.

20 Q Okay. Do you recall what he was doing while he was
21 standing in that door?

22 A I don't recall, no.

23 Q And you indicated that your mother while she was on
24 the bed performed these sexual acts on you; is that right?

25 A Correct.

1 Q Do you recall whether the defendant stays there at
2 the doorway or does he move as the sexual acts are being
3 done?

4 A He was moving.

5 Q Where was he moving?

6 A Well, he took off his clothes and then as she was
7 sucking, then he went behind her, and then he started having
8 sex with her.

9 Q Okay. Do you recall him talking during this
10 incident, saying --

11 A No, I cannot recall.

12 Q -- things? Okay.

13 Do you recall him positioning you or your mother on the
14 bed during this incident?

15 A He was telling my mom how to position me, yes.

16 Q And I'm going to show you what's marked as State's
17 Exhibit 76 and ask you if you recognize this?

18 A Yes.

19 Q What is that?

20 A Me and my mom.

21 Q Is that a picture inside that master bedroom that
22 we're talking about?

23 A Yes.

24 Q And who's in the picture?

25 A Me and my mom.

1 Q And do you have your clothes on?

2 A No.

3 Q You don't have your clothes on. How about your
4 mother?

5 A No.

6 Q Is this a picture of the incident that you've just
7 described?

8 A Yes.

9 Q And you indicated the defendant's back in the
10 doorway?

11 A Correct.

12 MR. SWEETIN: Court's indulgence.

13 BY MR. SWEETIN:

14 Q Now, we talked about some specific things happening.
15 Did you ever tell anybody about what was happening to you,
16 either just the things that happened just between you and the
17 defendant or the things that happened even while your mom's
18 there?

19 A I didn't tell nobody.

20 Q Why didn't you tell anyone?

21 A I was too scared to.

22 Q Why were you scared?

23 A I was scared that he would come after me.

24 Q Besides that first time when he told you not to tell
25 anybody, did he ever say anything like that to you ever

1 again?

2 A No.

3 Q Now I want to turn your attention to June 12, 2014.

4 Do you remember that day?

5 A Yes, I do.

6 Q Okay. And where were you living on that day?

7 A I was just moving out on June 12th of 2014.

8 Q I'm sorry?

9 A I was just moving out.

10 Q Just moving out of where?

11 A Out of the residence.

12 Q Okay. And that would be the Yellowstone residence?

13 A Yes.

14 Q Did something happen that day that caused you to

15 move out that day?

16 A Anita, Brandon, and Deborah took off.

17 Q Okay. Did you know that they were leaving that

18 night?

19 A No, I didn't.

20 Q How did you become aware that they were gone?

21 A Chris was looking at the -- the video cameras.

22 Q And that was on that day when you got up?

23 A Yes.

24 Q On June 12th of 2014?

25 A Correct.

1 Q Did you have an opportunity to observe what the
2 defendant was observing on the cameras?

3 A No, I could not.

4 Q You just heard the talk about that; is that right?

5 A Correct.

6 Q Do you know whether or not the defendant was saying
7 anything indicating he was trying to get Deborah, Anita, and
8 Brandon back?

9 A Yes.

10 Q What was he saying?

11 A He was trying to get Deborah and Anita and Tails
12 back and made me and my mom leave.

13 Q Okay. Now, when you say, he made you leave, did he
14 just have you leave for a period of time or did he tell you
15 to move out?

16 A He told us to move out.

17 Q Did he tell you why?

18 A He wanted Anita, Brandon, and Deborah to come back.

19 Q And he thought that you leaving might allow that to
20 happen?

21 MS. RADOSTA: Objection, Your Honor.

22 THE WITNESS: Correct.

23 MS. RADOSTA: Speculation.

24 THE COURT: Sustained.

25 BY MR. SWEETIN:

1 Q Did you have any contact with Deborah, Brandon, or
2 Anita after you stopped living at that residence?

3 A No, I did not.

4 Q Okay. Now, you indicated that while you were living
5 at that residence, that you never told anybody what had
6 happened, the things that you've told the jury today, right?

7 A Correct.

8 Q Did there come a point in you did tell somebody
9 about what had happened?

10 A I did tell my mom after I found out Chris was locked
11 up.

12 Q Okay. So you indicated that at some point after the
13 defendant was arrested, that you talked to your mother; is
14 that right?

15 A Correct.

16 Q And that would be Terrie, right?

17 A Correct.

18 Q Where were you living after you moved out of that
19 residence?

20 A My grandparents'.

21 Q Okay. And what was the conversation that you had
22 with Terrie?

23 A I was -- I was telling my mom everything that
24 happened to me after I found out he was in jail.

25 Q Okay. So you told her at that time about even the

1 things that you discussed here?

2 A Correct.

3 Q As you told her that, do you recall whether or not
4 you or her ever went down to the police station at that time
5 after you told her?

6 A No, I did not.

7 Q Okay. She didn't take you down to the police
8 station or anything like that?

9 A No.

10 Q And you didn't go tell anyone else?

11 A No.

12 Q Why did you not go tell anyone else at that time?

13 A Just told my mother, that's all -- that's everybody
14 I told.

15 Q Okay. And you would have been about 16 at this
16 time?

17 A Yes.

18 Q At some point in time, were you contacted by the
19 police?

20 A Yes.

21 Q And would that have been in about December of that
22 same year?

23 A Yes.

24 Q And do you remember where you were living at that
25 time or if you were living with your -- were you living with

1 your mother, Terrie, at that time?

2 A I was living with my mom, yes.

3 Q Okay. Do you remember a time when your mother left
4 to go to California for something?

5 A Yeah, she went to California to be a truck driver.

6 Q Okay. At the time that you were called to go down
7 to the police -- talk to the police, was she in California to
8 be a truck driver?

9 A Yes.

10 Q Okay. So it was just you who went to -- down to
11 talk to the police?

12 A Yes.

13 Q Okay. Do you recall how you got there? Did you go
14 by yourself or did someone take you, do you remember?

15 A I don't remember.

16 Q Okay. And once you got there, did you make contact
17 with the police? There were policemen there when you got
18 there; is that right?

19 A Correct.

20 Q Okay. Okay. And what happens when you make contact
21 or see the policemen?

22 A They talked to me, and they asked me what happened.

23 Q Now, when you say, they talked to you, when they
24 talked to you, did they just talk to you in an open room with
25 a bunch of people around or something different?

1 A They -- in a closed room.

2 Q Okay. And when you were in that closed room, who
3 was in the room? Just you and the police?

4 A Yes.

5 Q Did you know anything about why they wanted to talk
6 to you when you got called down there?

7 A No, I did not.

8 Q And at the time you called down there, had you had
9 contact with the other kids since you had moved out?

10 A Barely.

11 Q And when you say, barely, what do you mean by that?

12 A I barely talked to them. Like, it was on occasions
13 I talked to them.

14 Q Okay. How did you --

15 A But it wasn't often.

16 Q -- talk to them? How did you talk to them?

17 A I would either text them and ask them how they were
18 doing or what they were doing.

19 Q Okay. And which kids would those be that you made
20 contact with?

21 A Anita, Tails, and Brandon.

22 Q Okay. Did you ever talk about what had happened in
23 the home or anything like that when you texted them?

24 A No.

25 Q It was just to say how are you doing or how are

1 things going for you?

2 A Correct.

3 Q Okay. When the police talked to you, is that the

4 first time that anyone sat down and asked you about what had

5 been going on inside the house?

6 A Correct.

7 Q And at that time, did you tell them the things that

8 you've told us today?

9 A Yes.

10 Q Now, since that day, talking to the police, have you

11 had contact with Anita, Brandon, and Tails?

12 A Yes.

13 Q What sort of contact have you had with them?

14 A We -- we contacted each other once in a while, not

15 all the time.

16 Q Okay. And when you contact each other, did you talk

17 about this case?

18 A No, I do not.

19 Q What sort of things do you talk about?

20 A Just how their day was or how was work or how was

21 school, stuff like that.

22 Q Okay. Do you have contact with Deborah or Terrie

23 now?

24 A I do have visitation with my mom, yes.

25 Q Okay. Have you had any contact with Deborah since

1 you talked to the police?

2 A No.

3 Q Okay. Ryan, one thing that I didn't ask you was
4 that after you ended up talking to the police, did you end up
5 having a medical exam?

6 A Not that I remember, no.

7 Q Do you remember having what's called a sexual
8 assault exam having to do with this case?

9 A No, I do not.

10 Q Okay. Do you remember having any other involvement
11 after you talked to the police with this case?

12 A No.

13 Q I just wanted to -- well, strike that.

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

15 THE COURT: All right. Ladies and gentlemen, this
16 is a good time to take our lunch break. All right?

17 You're admonished not to converse amongst yourself
18 or with anyone else on any subject connected with this trial,
19 read, watch, or listen to any report or commentary on the
20 trial or any person connected with this case or by any medium
21 of information, including without limitation, newspapers,
22 television, the Internet, or radio, or form or express any
23 opinion on any subject connected with this case until the
24 case is finally submitted to you.

25 It's now 20 after. So if we're here by, let's see,

1 1:30, a quarter to 2:00, would that be enough time for you
2 all? Is that too much time? Nope? No one's answering.
3 Okay. So quarter to 2:00. Okay?
4 So we'll be at ease while they exit the courtroom.
5 (Jury recessed at 12:23 P.M.)
6 THE COURT: Okay. We're outside the presence of
7 the jury. Ryan, you can go ahead and step down. We're going
8 to need you back by a quarter to 2:00. Okay?
9 THE WITNESS: Okay.
10 THE COURT: All right. So go out and go with -- I
11 guess you're probably here with some family and the advocate.
12 Okay?
13 THE WITNESS: Okay.
14 THE COURT: We'll see you back then. All right?
15 Do not discuss your testimony with anybody.
16 THE WITNESS: Okay.
17 THE COURT: All right. Thank you.
18 (Witness exits at 12:24 P.M.)
19 THE COURT: Okay. Is there anything that needs to
20 be put on the record before we take our lunch?
21 MR. SWEETIN: No, Judge.
22 THE COURT: All right.
23 MS. RADOSTA: No, Judge.
24 THE COURT: See you back at quarter till.
25 MR. SWEETIN: Okay.

1 THE COURT: See if you guys can, if you have some
2 time, maybe write out your stipulation that you guys want to
3 try to get into. Okay?

4 MS. RADOSTA: Yeah, can we do it by Monday, Judge?

5 THE COURT: Yeah. I don't care.

6 MS. RADOSTA: Okay.

7 THE COURT: Okay.

8 (Court recessed at 12:24 p.m. until 1:47 p.m.)

9 (Outside the presence of the jury.)

10 THE COURT: Okay. We're back on the record in the
11 case of State of Nevada versus Christopher Sena in C-311453.
12 I'd like the record to reflect the presence of the defendant,
13 his counsel, and the State and their counsel. We're outside
14 the presence of the jury.

15 Is there anything that needs to be put on the
16 record before we get started?

17 MR. SWEETIN: There is, Judge. There's something
18 that happened over the break that the State just became aware
19 of.

20 What happened was that we had two witnesses who we
21 planned on potentially calling later today, and that would be
22 Brandon Sena and Tails Sena. We've heard their names many
23 times over the course of the trial.

24 They were expected to go to the third floor of
25 victim witness; however, they were running a little late

1 behind the time that we had told them we wanted them here,
2 and so they thought it would be better just to come directly
3 to the courtroom, which they knew because it was on their
4 subpoena.

5 So they came up to the courtroom, and they sat
6 outside the courtroom. There were some jurors out in the
7 hallway what they came up. They sat down. One of the young
8 men had a computer, and he was playing a video game on the
9 computer, and I guess it was making noise or something to
10 that effect, enough to draw the attention of one of our
11 jurors, who was Ms. Dolan, I believe.

12 And she commented on the game that he was playing.
13 At that point, he commented, yeah, that he liked the game or
14 said something to the effect in regards to the game. It was
15 about this time that as we were looking for our witnesses,
16 that we arrived upstairs, arrived upstairs, and at that
17 point, we observed the witnesses sitting out there with the
18 jury.

19 So we immediately went over and we removed the
20 witnesses, brought them outside of the purview of the jury,
21 and at that point, I had a discussion with them and
22 determined what I just laid out to the Court.

23 Now, my co-counsel, Ms. Sudano was with me when we
24 initially came upstairs, but we got separated in the course
25 of me trying to pull these witnesses out of the area of the

1 jurors. She was looking for me. She was in the courtroom,
2 and to that end, she went just out to the back door of the
3 courtroom, stuck her head out, and looked both ways, and as
4 she did that, one of our jurors, Mr. Hoolapa, I believe is
5 the way you pronounce his name, just said, they went around
6 that way. Probably referring to me and the witnesses moving.

7 So that's the extent of what happened over the
8 course of lunch hour.

9 THE COURT: Okay.

10 MR. SWEETIN: Just out of an abundance of caution,
11 clearly, we need to bring this to the Court's attention;
12 however, there was no discussion in regards to this case in
13 any regard based upon my conversation with the two witnesses.
14 Any contact was very brief, only lasting just a minute or so.

15

16 THE COURT: Okay. So when you -- you're saying
17 when you walked in -- up onto the floor, you saw your two
18 witnesses amongst the jury?

19 MR. SWEETIN: The two witnesses were sitting in
20 chairs against the wall by -- right by the door. There were
21 some jurors that were sitting in the area. They weren't
22 sitting right by them, but they were sitting across, I guess,
23 with their backs to the window, so on the opposite side of
24 the hall as them.

25 THE COURT: Okay. And then you said that Ms.

1 Dolan, you heard her say something to them or --

2 MR. SWEETIN: I did not hear it. They made

3 reference to the juror that had said that to them as being

4 the blond lady out there. I think Ms. Dolan was the only

5 blond lady that was out in the area.

6 THE COURT: Okay.

7 MR. SWEETIN: So I'm assuming that that's who they

8 were referring to.

9 THE COURT: Okay. And so they've not -- have they

10 been here prior to this?

11 MR. SWEETIN: No.

12 THE COURT: All right. So the chances are is that

13 the jury doesn't know who they are?

14 MR. SWEETIN: Correct.

15 THE COURT: Okay. And then I'm -- I think what I'm

16 going to do is I'm going to bring Ms. Dolan in, though, and

17 ask her if she had a discussion with them, if there was

18 anything that she heard that led her to believe that they had

19 anything to do with this case or, you know, see -- and then

20 you said that just when you stuck your head out. Duayne

21 Hoolapa, he said -- a Hoolapa, he said, they went around that

22 way?

23 MR. SWEETIN: Yes.

24 THE COURT: Okay. And that was to Ms. Sudano?

25 MR. SWEETIN: Yes.

1 THE COURT: All right. So -- and in the direction
2 in which you took the two jurors out.

3 MS. SUDANO: That's correct. And I think that
4 those two, Ms. Dolan and Mr. Hoolapa, were sitting at the
5 same -- sitting next to each other.

6 THE COURT: Okay. All right.

7 MS. SUDANO: So they should probably both come in.

8 THE COURT: So I'll bring him in as well and just
9 ask him what he meant by that and um -- does the defense have
10 any --

11 MS. RADOSTA: Well, at this point, Judge, I mean,
12 our inclination is, I mean, if the Court wants to inquire, of
13 course, we, you know, that's the Court's prerogative. But
14 right now we've had at least two that we know of -- well,
15 definitely one and potentially two jurors interacting with
16 witnesses that are about to testify in the trial.

17 They have not yet testified, and actually, that
18 would be less of worrisome, than jurors who have not yet
19 testified and that are on the -- on the witness list for this
20 afternoon. It's a concern for the defense.

21 THE COURT: So you'd be less concerned if they had
22 already testified?

23 MS. RADOSTA: In a sense, yes, because the
24 testimony had -- would have already happened. There wouldn't
25 be the potential of it -- I don't know, six and one-half

1 dozen of a another, I don't --

2 THE COURT: Yeah, but under those --

3 MS. RADOSTA: -- like it either way.

4 THE COURT: Under those circumstances, I think that

5 they would definitely have been violating my admonition --

6 MS. RADOSTA: Yes.

7 THE COURT: -- because they knew they were

8 witnesses and they --

9 MS. RADOSTA: Yes.

10 THE COURT: -- talked to them.

11 MS. RADOSTA: But --

12 THE COURT: Here, if they don't know --

13 MS. RADOSTA: -- the fact --

14 THE COURT: -- who they are --

15 MS. RADOSTA: But the fact that they -- it's --

16 they did not -- it's not that the jurors were in violation of

17 your admonition, Judge. It's just the fact that there's now

18 been contact between jurors and witnesses, and that is a

19 concern to the defense. If it's a pleasant interaction, that

20 could influence the jurors' opinions, so --

21 THE COURT: Well, that's why I'm going to bring

22 them in here and talk to them about it.

23 MS. RADOSTA: Okay.

24 THE COURT: That's what I'm saying, so --

25 MS. RADOSTA: But --

1 THE COURT: -- we'll bring them in here and see
2 what --
3 MS. RADOSTA: And so --
4 THE COURT: -- see what they took of that, and I'm
5 going to inform them that they were -- that they will be
6 potential witnesses in this matter, and ask them with that
7 understanding is there any -- and I'll give you chances to
8 question them as well, if you have any questions based on my
9 questions. Okay?
10 MS. RADOSTA: Um-h'm. Thanks.
11 THE COURT: Can you bring Ms. Dolan in?
12 (Juror No. 5 is present)
13 Ms. Dolan, can you come up here?
14 JUROR NO. 5: Sure.
15 THE COURT: And just have a seat in the front right
16 there.
17 JUROR NO. 5: Okay.
18 THE COURT: Yeah.
19 JUROR NO. 5: Um-h'm.
20 THE COURT: That's just because it's easier than
21 climbing back in the back.
22 JUROR NO. 5: Okay. I understand.
23 THE COURT: Ms. Dolan, it came to my attention that
24 during the break that you may have had some interaction with
25 a couple individuals outside the courtroom.

1 JUROR NO. 5: Um-h'm.

2 THE COURT: I -- do you remember having any
3 interaction with anyone outside the courtroom?

4 JUROR NO. 5: There was somebody sitting in the
5 hallway.

6 THE COURT: Okay.

7 JUROR NO. 5: I heard them -- I just -- they were
8 sitting next to each other. One was using a computer.

9 THE COURT: Okay. Can you tell us what they looked
10 like?

11 JUROR NO. 5: I --

12 THE COURT: The two individuals that --

13 JUROR NO. 5: They were young --

14 THE COURT: -- you said --

15 JUROR NO. 5: -- men.

16 THE COURT: Is there -- was there two individuals,
17 three individuals, four individuals?

18 JUROR NO. 5: There were two --

19 THE COURT: Two?

20 JUROR NO. 5: -- sitting side by side.

21 THE COURT: And they were young men?

22 JUROR NO. 5: Yeah. Young men. One was -- had a
23 laptop.

24 THE COURT: Okay. And what was the interaction?

25 JUROR NO. 5: I mean, other than they were talking

1 to each other, and one received a phone call, and then there
2 was -- I'm trying to remember. There was something that Mr.
3 -- I can't say his name -- Duayne said.

4 THE COURT: Okay. Hoolapa?

5 JUROR NO. 5: Yeah, yeah.

6 THE COURT: Okay.

7 JUROR NO. 5: I just remember something was said.
8 I can't remember what he said. But then I had asked is, the
9 sound I'm hearing Sonic the Hedgehog because it sounded
10 familiar, and they said yes.

11 THE COURT: Okay. Could you tell what they were
12 discussing amongst each other?

13 JUROR NO. 5: No.

14 THE COURT: When one of them received a phone call,
15 did you hear anything in their discussion on the phone call?

16 JUROR NO. 5: No, because I was reading.

17 THE COURT: Okay. I am going to tell you that both
18 of them are potential witnesses in this matter.

19 JUROR NO. 5: Okay.

20 THE COURT: Is there anything about what you
21 believe your discussion with them that you think would affect
22 your ability to continue to be fair and impartial in this
23 matter?

24 JUROR NO. 5: No, because it was -- it was
25 literally just am I hearing Sonic the Hedgehog.

1 THE COURT: Okay.

2 JUROR NO. 5: The game because the sound sounded

3 familiar, and they said yes.

4 THE COURT: Was there anything about --

5 JUROR NO. 5: [Inaudible].

6 THE COURT: -- their reaction to you that you think

7 that it would cause you to maybe be more partial to them or

8 want to -- I don't know how to use the words, but --

9 JUROR NO. 5: Right.

10 THE COURT: -- you want to give them more deference

11 or something --

12 JUROR NO. 5: No.

13 THE COURT: -- since -- based on their reaction to

14 you?

15 JUROR NO. 5: My purpose here is to be fair and

16 impartial.

17 THE COURT: Okay. So my concern is, is that you

18 had some interaction with a couple witnesses, and I want to

19 make sure that you can continue to be fair and impartial

20 here.

21 JUROR NO. 5: Oh, yes, absolutely.

22 THE COURT: Okay. Is there -- other than that, you

23 don't believe there was anything else said?

24 JUROR NO. 5. No, no, because then they left.

25 THE COURT: Okay. So all it was is that you heard

1 what it sounded like one of them playing a video game --
2 JUROR NO. 5: Yeah.
3 THE COURT: -- and there was a noise that came, and
4 you said is that --
5 JUROR NO. 5: Is that Sonic the Hedgehog --
6 THE COURT: The Hedgehog.
7 JUROR NO. 5: -- the game, because I hadn't heard
8 the game for so many years.
9 THE COURT: And he responded yes?
10 JUROR NO. 5: Yes.
11 THE COURT: Did you sit down next to him and watch
12 the game with him at all?
13 JUROR NO. 5: No. They were sitting across from --
14 THE COURT: Okay.
15 JUROR NO. 5: Literally, I was sitting facing these
16 doors --
17 THE COURT: Okay.
18 JUROR NO. 5: -- and they were sitting next to the
19 doors facing --
20 THE COURT: Okay.
21 JUROR NO. 5: -- the other direction.
22 THE COURT: Did you play the video game with them
23 at all?
24 JUROR NO. 5: No. I couldn't even see the computer
25 because the screen was on --

1 THE COURT: Okay.

2 JUROR NO. 5: -- the lap of one of them. So I

3 couldn't even see the screen. I could only hear the sound,

4 and that's --

5 THE COURT: Did you interact with the other one at

6 all?

7 JUROR NO. 5: No.

8 THE COURT: Which one was the one that got on the

9 phone? The other one?

10 JUROR NO. 5: It was the other one. Yeah, the --

11 THE COURT: Okay.

12 JUROR NO. 5: -- other one. The one that didn't

13 have a computer.

14 THE COURT: And you didn't hear anything on the

15 phone at all?

16 JUROR NO. 5: No.

17 THE COURT: Okay. All right. Do you have any

18 questions, Mr. Sweetin?

19 MR. SWEETIN: No, Your Honor.

20 THE COURT: Do you have any questions, Ms. Radosta?

21 MS. RADOSTA: Just a couple. Ms. Dolan, when you

22 asked the question, is that Sonic the Hedgehog game --

23 JUROR NO. 5: Um-h'm.

24 MS. RADOSTA: -- did the person you were asking,

25 did he look up at you?

1 JUROR NO. 5: Yes.

2 MS. RADOSTA: Did he make eye contact with you?

3 JUROR NO. 5: I -- I'm not sure because I -- I -- I

4 don't feel comfortable with eye contact with people I don't

5 know. I mean, here in court is different, but I don't feel

6 comfortable so I usually look -- don't look right at a

7 person.

8 MS. RADOSTA: Okay.

9 JUROR NO. 5: I usually look to the side or down,

10 so I don't know.

11 MS. RADOSTA: Okay. Did you happen to notice the

12 tone of his voice when he responded to you? Was it -- how

13 would you describe the tone of voice when he responded to

14 you?

15 JUROR NO. 5: Just casual like you would speak to

16 any stranger.

17 MS. RADOSTA: Not irritated that you were

18 interrupting his game?

19 JUROR NO. 5: Oh, no, no.

20 MS. RADOSTA: Just out of curiosity, Ms. Dolan,

21 like, why -- why did you start up the interaction with the

22 person?

23 JUROR NO. 5: As I said, I -- I didn't. It was --

24 I wish I could -- I don't know why I can't remember. Mr. --

25 THE COURT: A Hoolapa?

1 JUROR NO. 5: -- Hoolapa was sitting to the left of
2 me.
3 MS. RADOSTA: Okay. And he said something --
4 JUROR NO. 5: And --
5 MS. RADOSTA: -- first?
6 JUROR NO. 5: -- he said something first, and I --
7 I wish I could remember what he said.
8 MS. RADOSTA: Did he say that to you or did he --
9 JUROR NO. 5: No.
10 MS. RADOSTA: -- say that to them or to one of
11 them?
12 JUROR NO. 5: To them.
13 MS. RADOSTA: Okay.
14 JUROR NO. 5: Which is why they even looked up.
15 MS. RADOSTA: Okay.
16 JUROR NO. 5: But for the life of me I don't know
17 why I can't remember.
18 THE COURT: Okay.
19 JUROR NO. 5: This all makes me nervous.
20 THE COURT: No, I understand.
21 JUROR NO. 5: This like, court atmosphere makes me
22 nervous.
23 THE COURT: Okay. Okay. So you can't remember
24 what was said? It had nothing to do with you, did it?
25 JUROR NO. 5: No, it didn't. It was just

1 something --

2 THE COURT: All right. Okay. All right.

3 JUROR NO. 5: Something --

4 THE COURT: Anything further?

5 MS. RADOSTA: No.

6 THE COURT: All right. Ms. Dolan, thank you so
7 much. You can step back out. Do not discuss what we
8 discussed in here. Okay?

9 JUROR NO. 5: Okay.

10 THE COURT: All right. Thank you.

11 JUROR NO. 5. Thank you.

12 (Juror No. 5 exits the courtroom)

13 THE COURT: All right. You want to get
14 Mr. Hoolapa. Okay.

15 MS. RADOSTA: So it's kind of like going to Hawaii,
16 Judge, just getting to say his name over and over again,
17 right?

18 THE COURT: Yeah, I know.

19 MS. RADOSTA: Kind of like going to Hawaii.

20 THE COURT: No. It's not even close. Not even
21 close.

22 (Juror No. 9 is present)

23 THE COURT: Mr. Hoolapa, can you come up here and
24 have a seat in one of those chairs.

25 JUROR NO. 9: Yes, sir.

1 THE COURT: Okay. This is Duayne Hoolapa. Mr.
2 Hoolapa, it's come to our attention that during the break
3 that you may have had some interaction with some individuals
4 in the hallway.

5 Can you tell us about that at all?

6 JUROR NO. 9: We were sitting out there, Robyn -- I
7 forget her last name -- and I. She heard some music coming
8 from a computer, said that must be Sonic, and the young
9 gentleman across the way was playing on his laptop, and said
10 yes.

11 She said, I recognize the music.

12 THE COURT: Okay.

13 JUROR NO. 9: Wasn't anything else really said.

14 THE COURT: Did you say anything at all to them?

15 JUROR NO. 9: I may have said hi.

16 THE COURT: Okay. Did you -- other than maybe
17 saying hi, can you tell me how many men were there that you
18 were talking -- that --

19 JUROR NO. 9: There were two.

20 THE COURT: Okay. Did you talk to either one of
21 them other than say hi?

22 JUROR NO. 9: No.

23 THE COURT: Okay. Did you talk to Ms. Dolan about
24 the two?

25 JUROR NO. 9: Ms. Dolan? Is that Robyn?

1 THE COURT: Yeah, Robyn Dolan.

2 JUROR NO. 9: Yeah. She -- when they walked by,
3 somehow we got the idea of the game --

4 THE COURT: Okay.

5 JUROR NO. 9: -- because she remembered that -- a
6 description of one of the witnesses, Tails.

7 THE COURT: Okay.

8 JUROR NO. 9: That name came from the game Sonic.

9 THE COURT: Okay.

10 JUROR NO. 9: And she said that's what she
11 remembered hearing, that must be him.

12 THE COURT: Okay. So she -- you think she said,
13 that must be him?

14 JUROR NO. 9: That must be Tails, I think is what
15 she said.

16 THE COURT: Oh, okay. And did you say anything to
17 either one of them to confirm that?

18 JUROR NO. 9: No, sir.

19 THE COURT: Okay. So you know, the two individuals
20 that were in the hall may possibly be individuals that will
21 be testifying in this matter.

22 JUROR NO. 9: Yes.

23 THE COURT: Did you have any interaction with them
24 at all other than to say hi?

25 JUROR NO. 9: Other than just we saw them sitting

1 there, and I was turning off my phone because I didn't know
2 who they were, and I saw one playing on a computer. I -- I
3 normally get suspicious when I see some strangers playing
4 around with a computer and electronic devices running around,
5 so I shut my cell phone off, one of them looked up, I said,
6 hi.

7 THE COURT: Okay.

8 JUROR NO. 9: Pretty much it.

9 THE COURT: All right.

10 JUROR NO. 9: I mean, you know, there wasn't no
11 talking or anything like that except when -- when Ms. Dolan
12 remembered -- recognized the music, the Sonic --

13 THE COURT: Okay.

14 JUROR NO. 9: -- theme from the game.

15 THE COURT: When the -- did you see them move or
16 leave that area?

17 JUROR NO. 9: Yeah, we saw them get up when the
18 State came up and --

19 THE COURT: Okay.

20 JUROR NO. 9: -- they took them around to the back
21 door.

22 THE COURT: Okay.

23 JUROR NO. 9: Or the side door.

24 THE COURT: And did you say anything to any one of
25 them about that?

1 JUROR NO. 9: No.

2 THE COURT: How about later?

3 JUROR NO. 9: The -- I'm sorry, I can't remember
4 your name. The female State attorney --

5 THE COURT: All right.

6 JUROR NO. 9: -- came to the door, and they had
7 already left, and I was being cute. I says, oh, you're a day
8 late, dollar short.

9 THE COURT: Okay. And --

10 JUROR NO. 9: And she closed the door.

11 THE COURT: That's all you said, you're a day late,
12 a dollar short?

13 JUROR NO. 9: Yeah, when she --

14 THE COURT: You didn't say anything else?

15 JUROR NO. 9: -- started -- no, I didn't -- no, I
16 didn't say nothing else.

17 THE COURT: Okay. All right. Do you have any
18 questions, Mr. Sweetin?

19 MR. SWEETIN: No, Judge.

20 THE COURT: Any questions?

21 MS. RADOSTA: So you recall that Ms. Dolan, Robyn
22 actually was the first one to make a comment?

23 JUROR NO. 9: She made a comment about -- well, I
24 -- they were sitting there. One of them looked at the me, and
25 I says, hi. And then he -- the game got really going and the

1 noise or the music --

2 MS. RADOSTA: Uh-huh.

3 JUROR NO. 9: -- started playing, and she says, oh,

4 Sonic --

5 MS. RADOSTA: Okay.

6 JUROR NO. 9: -- because she recognized the music.

7 MS. RADOSTA: Right. Were the two men sitting

8 there when she made the comment about one of them must be

9 Tails?

10 JUROR NO. 9: No, they were leaving. They were

11 coming in the door.

12 MS. RADOSTA: Okay. And when she made the comment

13 that one of them must be Tails, you understood that Tails was

14 a reference to the case that we're dealing with here today?

15 JUROR NO. 9: When -- when she said what the --

16 what was said at the court, she said that must be Tails. I

17 says oh, okay.

18 MS. RADOSTA: And you said that when you saw the

19 one young man with a computer, that you reached for your

20 phone and turn it off.

21 JUROR NO. 9: I had been playing with it. I -- I

22 just -- I'm --

23 MS. RADOSTA: Were you being polite in that moment

24 or were you turning your phone off because you were worried

25 that he had a computer? I'm a little --

1 JUROR NO. 9: Well, I was worried that -- about the
2 computer. People getting hacked all the time, and I didn't
3 know who they were. They were just sitting there. He was
4 playing on the computer, so just my normal instinct is to do
5 something like that, is to turn it off.

6 MS. RADOSTA: Okay. And after they walked away,
7 you and Ms. -- you and Robyn, Ms. Dolan, did you have any
8 further conversation about --

9 JUROR NO. 9: No, not after that was said, no.

10 MS. RADOSTA: Even after you saw Mr. Sweetin come
11 and move them away? No?

12 JUROR NO. 9: No. I mean, nothing else was
13 discussed. Just that was said.

14 MS. RADOSTA: Were any of the other jurors near
15 enough to you --

16 JUROR NO. 9: No, it was just --

17 MS. RADOSTA: -- and Ms. Dolan to hear --

18 JUROR NO. 9: -- the two of us sitting there --

19 MS. RADOSTA: Okay.

20 JUROR NO. 9: -- across from them.

21 MS. RADOSTA: Were there any other jurors on the
22 floor when this was happening?

23 JUROR NO. 9: Yeah, there was one sitting down that
24 end behind the stanchion eating their lunch. There was
25 somebody -- there was another person sitting a couple seats

1 up, but they weren't paying attention to anything that was
2 said.

3 MS. RADOSTA: So the closest two people to the two
4 young men were you and Ms. Dolan.

5 JUROR NO. 9: Yes.

6 MS. RADOSTA: Nothing further, Judge.

7 THE COURT: Is there anything that you could think
8 of, based on what occurred out there, that you think would
9 affect your ability to be fair here?

10 JUROR NO. 9: No.

11 THE COURT: You've --

12 JUROR NO. 9: No.

13 THE COURT: -- been thinking about it, and as I've
14 told you, they may be testifying in this matter. Is there
15 anything about what you -- your interaction with them at all
16 that you think may cause you to be a little more partial
17 towards what they're telling you or --

18 JUROR NO. 9: No, I mean nothing --

19 THE COURT: -- maybe even affect you --

20 JUROR NO. 9: -- was really said. I -- you know, I
21 didn't really -- the only thing, like I said, was just I
22 turned off my cell phone because that's me. It was not them.
23 They -- they were just sitting there, one had a computer, I
24 get nervous around --

25 THE COURT: Okay.

1 JUROR NO. 9: -- people like that. But that won't
2 affect anything to do with this trial.

3 THE COURT: Okay. All right. Anything? Anything
4 else?

5 MS. RADOSTA: No, Judge.

6 THE COURT: All right. Mr. Hoolapa, could you wait
7 outside for me?

8 JUROR NO. 9: Yeah.

9 THE COURT: Please do not discuss what we discussed
10 in here.

11 JUROR NO. 9: Yes, sir.

12 (Juror No. 9 exits the courtroom)

13 THE COURT: Okay. Bring Ms. Dolan back in.

14 (Juror No. 5 is present)

15 THE COURT: Have a seat again, please, Ms. Dolan.

16 JUROR NO. 5: Of course.

17 THE COURT: Once again, we're talking to Robyn
18 Dolan.

19 Ms. Dolan, Mr. Hoolapa had indicated that he
20 believed after you had asked about if it's -- if it is the
21 Sonic game --

22 JUROR NO. 5: Um-h'm.

23 THE COURT: -- then you made another comment that
24 you believe that that's Tails. Do you remember saying that?

25 JUROR NO. 5: Yes.

1 THE COURT: Okay. Tell me what you mean by that?

2 JUROR NO. 5: Because in the testimony it was said

3 that he got his name from -- his nickname from the game.

4 THE COURT: From the game?

5 JUROR NO. 5: From the game, Sonic the Hedgehog. I

6 believe it's a character.

7 THE COURT: Okay. Is there any reason why you

8 didn't tell me earlier that you said that you believed it was

9 Tails?

10 JUROR NO. 5: No, other than nerves, no. Sorry.

11 THE COURT: Okay. You think you -- you're nervous?

12 JUROR NO. 5: Yeah, I'm nervous.

13 THE COURT: Do you feel like you've done something

14 wrong?

15 JUROR NO. 5: No, I'm nervous --

16 THE COURT: Am I making you feel that way? I don't

17 mean to.

18 JUROR NO. 5: No, no.

19 THE COURT: Okay.

20 JUROR NO. 5: No. I think you're very kind.

21 THE COURT: Okay.

22 JUROR NO. 5: It's just the whole being

23 questioned --

24 THE COURT: Okay.

25 JUROR NO. 5: -- always makes me nervous.

1 THE COURT: Okay. You may have -- you may be
2 right. I mean, you may have surmised based on that that one
3 individual is Tails. I don't know. I don't know either one
4 of them. Have you ever seen them before?

5 JUROR NO. 5: No.

6 THE COURT: Is there anything about that, the fact
7 that you were able to possibly identify him before he was
8 even in here that you think would cause you to be a little
9 more partial towards either one of them?

10 JUROR NO. 5: I wouldn't see why. It's --

11 THE COURT: Okay.

12 JUROR NO. 5: -- not -- this is not -- my job is
13 not to gauge people's popularity or likability or --

14 THE COURT: Okay.

15 JUROR NO. 5: -- or the -- it's the evidence.

16 THE COURT: Okay.

17 JUROR NO. 5: This is the whole job. And I've
18 taken careful notes and remember --

19 THE COURT: Okay.

20 JUROR NO. 5: -- everything that's been said, so --

21 THE COURT: Okay. And you understand anything you
22 may have seen or heard outside this courtroom is not
23 evidence?

24 JUROR NO. 5: Right. It has no bearing on the case
25 at all, which is why I'm not watching --

1 THE COURT: And you'll abide by that?

2 JUROR NO. 5: Absolutely. That's why I'm not even

3 watching the news at all right now.

4 THE COURT: Okay. Well, that includes what you may

5 see or hear outside --

6 JUROR NO. 5: Outside --

7 THE COURT: -- of my courtroom.

8 JUROR NO. 5: Absolutely. Everything gets set

9 aside except for the evidence was in this courtroom.

10 THE COURT: Okay.

11 JUROR NO. 5: That's my understanding.

12 THE COURT: Mr. Sweetin, any questions?

13 MR. SWEETIN: No, Your Honor.

14 THE COURT: Any further questions, Ms. Radosta?

15 MS. RADOSTA: No, Your Honor.

16 THE COURT: Okay. Ms. Dolan, thank you so much.

17 Go ahead and step outside. Okay. And once again, do not

18 discuss what we discussed. Okay?

19 JUROR NO. 5: Of course.

20 THE COURT: All right.

21 JUROR NO. 5: All right.

22 (Juror No. 5 exits the courtroom)

23 THE COURT: Anything further?

24 MS. RADOSTA: Yes, Judge. Just for the record, I

25 think unfortunately, we do have a issue here. We have first

1 that we have jurors discussing albeit minorly, they're still
2 discussing the case outside the courtroom. They're
3 discussing witnesses, oh, this -- making commentary to each
4 other, minimal, though it is, of this is an upcoming witness,
5 he must already be here for the case or whatever.

6 It may not have been anybody related to the case
7 whatsoever. Happens to be that it was them, but it could
8 have been two random people sitting out there, and Ms. Dolan
9 and Mr. Hoolapa are basically discussing the case.

10 So in our opinion, that is in violation of your
11 admonition. And for the record, we are making a motion for
12 mistrial at this particular time.

13 THE COURT: Okay.

14 MS. RADOSTA: It's unfortunate that the State's
15 witnesses came up here and didn't go where they were supposed
16 to go, but that's what happened. And so now we have
17 witnesses -- or I'm sorry, not witnesses. We have jurors not
18 abiding by your admonition to not discuss the case in any
19 detail outside of the courtroom and prior to deliberation,
20 and we have that here.

21 THE COURT: Okay.

22 MS. RADOSTA: And we also have unfortunately, Ms.
23 Dolan, I appreciate she said she was nervous, but she didn't
24 -- she wasn't completely forthright with us. Mr. Hoolapa
25 says that he doesn't feel that that's just a normal thing for

1 him to do, to turn off his cell phone as he sees somebody on
2 a computer, but that is -- that's somewhat of a lack of trust
3 element when he's seeing some of the witnesses in this case.

4 THE COURT: Okay.

5 MS. RADOSTA: Between those two --

6 THE COURT: So how does it raise to the level of a
7 mistrial? I mean, I -- that's why we have alternates.

8 MS. RADOSTA: Fair enough, Judge.

9 THE COURT: Okay.

10 MS. RADOSTA: I appreciate that. As I said, for
11 the record, I am making a motion for a mistrial at this time.

12 THE COURT: Okay.

13 MS. RADOSTA: If the Court feels that another
14 remedy is more appropriate, that's up to the Court to decide.

15 THE COURT: All right.

16 MS. RADOSTA: It's our position that this is --
17 it's an unfortunate circumstance, but it -- there's a couple
18 different things here that are bothering the defense. One,
19 just the conversation that occurred talking -- in violation
20 of the Court's admonition. And secondly, that we did not get
21 the entirety of the story the first time through --

22 THE COURT: All right.

23 MS. RADOSTA: -- from Ms. Dolan, and she actually
24 -- it's not that she didn't give us the entire story, she
25 actually said Mr. Hoolapa was the one that started the

1 conversation, and he came in here and said, no, it wasn't me,
2 it was her.

3 THE COURT: Yeah, all right.

4 MS. RADOSTA: So we don't really know which one is
5 being forthcoming, so --

6 THE COURT: Okay. Mr. Sweetin.

7 MR. SWEETIN: Yeah, and Judge, State's position is
8 that there's no reason to in any way release even the
9 witnesses or the jurors that they've made reference to in
10 this case.

11 The State submits it's clear that they had not
12 violated any Court admonishments. I mean, in regards to
13 contact with witnesses, they had no way of knowing that these
14 were potential witnesses in the case. Witnesses and jurors,
15 you know, walk the same streets, they might inadvertently see
16 each other, talk to each other, bump into each other.

17 That doesn't disqualify them before they're aware
18 that someone's a witness, and have to adhere to the
19 admonishment of the Court. As a matter of fact, you know, in
20 the courthouse that we have, it's not unusual to have witness
21 out in the same hallway that we have jurors there.

22 In this case, the contact that was had the State
23 submits was completely innocent, and wasn't extensive.
24 First, in regards to a comment of that must be Tails, that's
25 not a discussion of the case. This Court admonished the

1 jurors that they were --

2 THE COURT: Let me read my admonishment to you.

3 You're admonished not to converse amongst yourself
4 or with anyone else on any subject connected with this trial.
5 That's just the first portion of it. So how do you consider
6 that when they're talking specifically about a witness that
7 they learned, based on testimony, the name came from the game
8 Sonic or Hedgehog? How can you -- I mean, that right there
9 by itself is discussing some subject connected with this
10 case.

11 MR. SWEETIN: It ultimately, it's the Court's
12 decision. The State's position would be that that's not a
13 substantive --

14 THE COURT: Okay.

15 MR. SWEETIN: -- discussion of anything having to
16 do with this case.

17 THE COURT: Well, what concerns me, Mr. Sweetin, is
18 that they may think that. Maybe my admonition's not clear
19 enough, it's too broad, I don't know, but it seems to me that
20 at least Ms. Dolan and then Mr. Hoolapa, you know, responded
21 to it, and basically, agreed.

22 So I'm in a position at this point -- and that's
23 why I have alternates. I don't think there's grounds for a
24 mistrial, Ms. Radosta, but I do believe that I need to
25 release Ms. Dolan, and I'm also inclined to release

1 Mr. Hoolapa, if you're asking me to.

2 MS. RADOSTA: Well, the thing actually, that I'm
3 additionally concerned about, Judge, that I neglected to
4 mention when I first addressed the Court, is I don't actually
5 recall there being testimony that the name Tails comes --

6 THE COURT: There was.

7 MS. RADOSTA: -- from the game Hedgehog.

8 THE COURT: There was. I --

9 MS. RADOSTA: Was there?

10 THE COURT: Yeah. Oh, yeah.

11 MS. RADOSTA: Okay.

12 THE COURT: I remember it.

13 MS. RADOSTA: My apologies.

14 THE COURT: Because that was the question, how did
15 you -- how did he come up with the nickname Tails? And he
16 said, well, he plays the game Sonic Hedgehog all the time --

17 MS. RADOSTA: Okay.

18 THE COURT: -- and that's where this came from.

19 MS. RADOSTA: My apologies. I honestly just --

20 THE COURT: So --

21 MS. RADOSTA: -- must have missed that.

22 THE COURT: -- I like the fact that she's that --
23 that --

24 MS. RADOSTA: Um-h'm. She's paying enter attention
25 than I am apparently.

1 THE COURT: Yeah. And so --

2 MS. RADOSTA: So -- but --

3 THE COURT: But I -- and I can't get around that,

4 Mr. Sweetin. I think that that -- at least with Robyn and

5 just for safety -- I mean, not safety, but, I guess,

6 cautionary purposes, I think Mr. Hoolapa, you know, he was

7 caught up in it. And it's unfortunate because we're telling

8 him if I excuse him that he -- that, you know, he basically

9 did nothing but listened, said hello to him. So are you

10 asking me to strike him as well?

11 MS. RADOSTA: I would, Your Honor, only because I

12 get the sense -- I mean, this is what happens in trials, but

13 I get the sense that they kind of hang out together during

14 the lunch --

15 THE COURT: Yeah.

16 MS. RADOSTA: -- and --

17 THE COURT: Well, there's nothing wrong with that.

18 MS. RADOSTA: There's nothing wrong with that, but

19 given what just happened here, I think there is a likelihood

20 that there might pop up a conversation between the two of

21 them again. If you let her go, we don't know what effect

22 that's going to have on him. And actually, he is one of our

23 alternates, I believe.

24 THE COURT: Yeah, he is.

25 MS. RADOSTA: So --

1 THE COURT: He's an alternate, so I am going to --
2 I'm going to let Ms. Dolan leave, and I will just out of
3 abundance of caution strike -- or remove Duayne Hoolapa.
4 Okay?

5 MR. SWEETIN: So our only concern would be just
6 disruption to the panel as to they -- as to what they know or
7 don't know about everything that's going on, the two jurors
8 just disappear. I'm not sure --

9 THE COURT: Well, I can ask everybody in here and
10 ask them if there's any -- if they heard anything --

11 MR. SWEETIN: No.

12 THE COURT: -- you know or, I just -- I -- what I
13 would do is I would just have my Marshal let them both know
14 that they're excused, we'll bring in the jury, and there's
15 going to be it -- some open spots.

16 MR. SWEETIN: Okay.

17 THE COURT: They won't know. I mean, it's just
18 like when we were doing it before. Nobody knows other than
19 what they saw in here why individuals may -- and they could
20 surmise, but I -- but we run that risk every time we release
21 somebody for doing things that they, you know --

22 MR. SWEETIN: Um-h'm.

23 THE COURT: -- perceived couldn't be doing. I just
24 don't -- I just don't -- I -- I'm real concerned, I am, with
25 Ms. Dolan because I don't think she's followed my admonition.

1 But Mr. Hoolapa less so, but just simply because he was
2 caught up in that, I'm going to release him. That's why I
3 have alternates. That's what my -- so, Ed, take them aside,
4 not in the presence of any of the jurors, ask them to wait,
5 bring in the rest of the jurors, and then excuse them.

6 THE Marshal: All right.

7 THE COURT: Okay? All right.

8 (Pause in the proceedings)

9 THE Marshal: All rise for the presence of the
10 jury.

11 (Jury enters at 2:19 P.M.)

12 THE COURT: Ed, could you approach as well?

13 THE Marshal: Yes.

14 (Off-record bench conference.)

15 THE COURT: Okay. Everybody go ahead and have a
16 seat. We're back on the record in the presence of the jury
17 in Case No. C-311453, State of Nevada versus Christopher
18 Sena.

19 I'd like the record to reflect the presence of the
20 defendant, his counsel, as well as the State and their
21 counsel, and all members of the jury. Will the parties
22 stipulate to the presence of the jury?

23 MR. SWEETIN: Yes, Your Honor.

24 MS. RADOSTA: Yes, Your Honor.

25 THE COURT: All right. State, before we took our

1 lunch break, you were still in your case-in-chief. Call your
2 next witness. Oh, wait, we have cross of -- I'm sorry.
3 Sorry about that.

4 Could you have Ryan come back in?

5 (Witness enters)

6 THE COURT: Ryan, you want to come back up here
7 where you were? All right. Go ahead and have a seat. Okay?
8 Ryan, scoot up to the mic, and I want to remind you you're
9 still under oath. Okay?

10 THE WITNESS: Okay.

11 THE COURT: All right. Ms. Radosta.

12 MS. RADOSTA: Thank you, Judge.

13 CROSS-EXAMINATION

14 BY MR. RADOSTA:

15 Q Good afternoon, Ryan. How are you?

16 A I'm okay.

17 Q My name's --

18 A You?

19 Q -- Violet. I'm just going to ask you a few
20 questions. Okay?

21 A All right.

22 Q If you don't understand what I'm asking you, just
23 tell me.

24 A Okay.

25 Q Sometimes I talk like a lawyer. I don't mean to,

1 so --

2 A Okay.

3 Q Okay. Now, you told us before the lunch break that

4 your mom is Terrie Sena, right?

5 A Correct.

6 Q And you've previously testified against Christopher

7 Sena, right?

8 A Correct.

9 Q It was a few years ago.

10 A Correct.

11 Q At that time, when you testified, do you recall

12 telling the Judge there that you considered Terrie, at the

13 time, when you lived with her, she was pretty much your best

14 friend?

15 A Yes, she was.

16 Q And she -- you were pretty upset when you were

17 actually made to not live with her anymore, correct?

18 A Correct.

19 Q That was sometime in the fall of 2014, right?

20 A Correct.

21 Q You were living with Terrie, and do you know who

22 made the decision that you couldn't live with your mom

23 anymore?

24 A No, I do not.

25 Q Okay. But somebody came and said you had to go live

1 with your biological dad?

2 A Correct.

3 Q And you were very upset about that, right?

4 A Correct.

5 Q You were actually also living with your -- with

6 Terrie's -- was Ed her husband at that point?

7 A Yes.

8 Q He was also upset when they took you away, right?

9 A Correct.

10 Q And had you ever, prior to that, lived with your

11 biological dad?

12 A No.

13 Q So you didn't really know him that well, right?

14 A No, I did not.

15 Q And he was married as well?

16 A Yes, he was.

17 Q What's your biological dad's name?

18 A William.

19 Q William. So you move in with William or do you call

20 him dad now?

21 A Sometimes, yeah.

22 Q Okay. We'll just call him William here.

23 A Okay.

24 Q You move in with William and his wife. Did he have

25 any kids?

1 A He has two.

2 Q Okay. So --

3 A Well, three.

4 Q Okay. Okay. So you had some new brothers and

5 sisters that you were meeting for the first time?

6 A Well, I've known them when they were little, but not

7 as much.

8 Q Okay. So as you move in with your biological dad,

9 though, you are texting your mom constantly when you first

10 leave her, right?

11 A Correct.

12 Q Calling her on the phone constantly, right?

13 A Correct.

14 Q She's calling you constantly, right?

15 A Correct.

16 Q And she's texting you constantly?

17 A Correct.

18 Q Okay. How -- at some point you learn that she's

19 arrested, right?

20 A Correct.

21 Q And that made you even more upset than when they

22 took you away from her, correct?

23 A Correct.

24 Q Do you remember when your mom was arrested?

25 A December 11th.

1 Q December 11th, 2014?

2 A Correct.

3 Q Okay. And a few weeks, maybe month or two after

4 your mom was arrested, you heard that she was -- decided to

5 take a deal in the case against her, right?

6 A Correct.

7 Q And you didn't like that at all, did you?

8 A No, I did not.

9 Q Is that a no? Sorry, is that a no?

10 A No.

11 Q Okay. You were -- once again, you were just getting

12 more and more and more upset --

13 A Correct.

14 Q -- like as the whole process went on?

15 A Correct.

16 Q Now, you know that your mom is residing at the

17 women's prison, right?

18 A Correct.

19 Q You go and visit her, though?

20 A Correct.

21 Q How often do you get to visit her?

22 A I see her sometimes every Saturday, sometimes every

23 other Saturday.

24 Q Okay. And you, though, are able to receive phone

25 calls from her?

1 A Correct.

2 Q They're collect phone calls, though, right?

3 A Yes.

4 Q So you or your dad have to pay for the calls, right?

5 A Or my grandma or --

6 Q Or your grandma.

7 A -- or whoever has money, too.

8 Q Okay. So anybody in the family is willing to help

9 out with this --

10 A Correct.

11 Q -- so that you can talk to your mom?

12 A Correct.

13 Q Okay. Do you write letters to your mom?

14 A Yes, I do.

15 Q And she writes them to you?

16 A Yes, she does.

17 Q And what about e-mails? Are you able to e-mail with

18 her?

19 A No.

20 Q Okay. Prior to -- prior to you being taken away

21 from your mom, for the entirety of your life up until you're

22 about 15 when she get arrested; is that right?

23 A I was 16 when she --

24 Q 16 when she got arrested?

25 A -- arrested, yes.

1 Q Okay. Prior to that, wherever your mom went, you
2 went, right?

3 A Correct.

4 Q So if she was at the Yellowstone address, you were
5 at the Yellowstone address?

6 A Correct.

7 Q And if she left and went to her mom's house, you
8 went to what would be your grandma's house, right?

9 A Correct.

10 Q And then when you guys left the Yellowstone address,
11 you were -- she was with Ed, so you with Ed?

12 A Yes.

13 Q Okay. You talked a little bit on direct with
14 Mr. Sweetin about things that happened, how Chris treated you
15 when you were living at the Yellowstone address. Do you
16 remember talking about --

17 A Correct.

18 Q -- before lunch?

19 A Yes.

20 Q Chris said some mean things to you sometimes, right?

21 A Correct.

22 Q He said mean things to you about your mom, right?

23 A Correct.

24 Q He told you that you would be better off with him,
25 not with your mom, right?

1 A Correct.

2 Q You didn't like hearing that at all, did you?

3 A No, I did not.

4 Q Okay. And after -- do you remember actually talking
5 to the police about the things that you say Chris did to you
6 and your mom did to you?

7 A I did tell the police.

8 Q Okay. Do you remember that that was after your mom
9 was arrested?

10 A It was after.

11 Q Okay. So she wasn't at the truck driving school
12 when you talked to the police, right?

13 A No.

14 Q She was already arrested and in jail?

15 A Correct.

16 Q Okay. So when you were talking to the police, you
17 were worried about your mom, right?

18 A Correct.

19 Q And you were -- fair to say that you were worried
20 that maybe Chris might be able to get her in trouble?

21 A Correct.

22 Q Okay. And even when you were living at the
23 Yellowstone address, you were worried at times that Chris
24 could get your mom in trouble?

25 A Correct.

1 Q Okay. And you just wanted to make sure that your
2 mom was safe?

3 A Correct.

4 Q Right? So the conversation -- actually, I said you
5 talked to the police, but you talked to a woman. Do you
6 remember that?

7 A Yes.

8 Q Kristen or Kristine?

9 A I think it was Kristina.

10 Q Kristina?

11 A Kristina, something like that.

12 Q Okay. So -- yeah, Kristina Bernat. Does that sound
13 about right?

14 A Yeah.

15 Q Okay.

16 A I talked to is a many people I don't even know.

17 Q No problem, no problem. Did it feel like she was
18 helping the police out with the investigation when you talked
19 to her?

20 A Yes.

21 Q Okay. All right. And so this was right after your
22 mom got arrested you go down and you're -- you know your --
23 well, once you get there, you find out they want to talk
24 about Chris, right?

25 A Correct.

1 Q They also wanted to talk about your mom, though,
2 right?

3 A Correct.

4 Q You -- well, do you recall you went down to that
5 location on -- it was on Pecos Avenue, do you remember that,
6 like kind of near the Family Court Building?

7 A Yeah, it was in the Family Court, yes.

8 Q Okay. Did you go down there twice?

9 A I went there once, but I couldn't handle doing it.

10 Q Okay.

11 A And then I had to go back the next day.

12 Q Okay. So the first day that you went there that you
13 couldn't handle doing it, was -- what were you upset about
14 that you say you couldn't handle doing it?

15 A I didn't -- going to have the strength to talk about
16 it and --

17 Q Okay.

18 A -- just broke down every time.

19 Q Okay. You were upset to find out they also wanted
20 to talk about your mom, not just Chris, right?

21 A Correct.

22 Q Okay. So you came back you say the next day. Could
23 it have been maybe the next week?

24 A It was like two days after or maybe a week after.

25 Q Okay. Okay. So you had a few days to think about

1 it before you actually sat down and had a full conversation?

2 A Correct.

3 Q And then in that amount of time, you knew then that

4 they wanted to talk about Chris?

5 A Right.

6 Q And they wanted to talk about your mom?

7 A Correct.

8 Q Okay. Do you remember telling -- talking to Ms.

9 Bernat about your mom's reaction about Chris after you guys

10 had left the residence?

11 A When I very first told my mom about the case, she

12 was very upset about it.

13 Q Okay. Do you remember what she said to you?

14 A She said if she would have known --

15 MR. SWEETIN: Objection. Hearsay.

16 THE COURT: Sustained.

17 BY MR. RADOSTA:

18 Q Do you -- she -- you remember, though, that she was

19 -- your mom was very upset?

20 A Correct.

21 Q And by very upset, you don't mean just crying,

22 right?

23 A Crying, you know, everything.

24 Q Was she angry as well?

25 A Yeah, she was very angry.

1 Q And did you feel like she was going to try to help
2 you in this situation?

3 A Yes.

4 Q Okay. As a result of that conversation?

5 A Correct.

6 Q That you had with your mom?

7 A Correct.

8 Q As a result of that conversation with your mom, did
9 she ever -- did your mom ever come back to you and say, I
10 went to the police for you, you're going to go talk about
11 Chris to the police?

12 A She would have, yes.

13 Q But you don't recall her actually coming to you and
14 saying, hey, we're going to talk to the police, right?

15 A No.

16 Q Okay. At this point in time, you blame Chris for
17 your mom being in prison, right?

18 A Correct.

19 Q And you really, really don't think that your mom
20 ever wanted to touch you sexually at all, right?

21 A She never did, no.

22 Q Okay. She never wanted to do that?

23 A No.

24 Q It was always Chris making her, that's your opinion,
25 right?

1 A Correct.

2 Q Your mom has told you that, correct?

3 A Correct.

4 Q That it wasn't her, it was Chris making her?

5 A Correct.

6 Q Anybody else in the family tell you that same thing?

7 A No.

8 Q Okay. You haven't really talked to your grandma
9 about this?

10 A No.

11 Q Or your aunt Melissa or your aunt -- no?

12 A No.

13 Q Aunt Kim? Okay.

14 A No.

15 Q Not Erin, not --

16 A No.

17 Q -- Tamara?

18 A No.

19 Q No? Okay. But they are your family, right?

20 A Correct.

21 Q All those people I just mentioned. You want to make
22 them happy, right?

23 A Correct.

24 Q Okay. They're all pretty upset that your mom's in
25 prison right now, right?

1 A Correct.

2 Q You are -- well, actually, let me ask you this, are
3 you aware that she has a potential parole date coming up
4 sometime in the next few years?

5 A No, I am not.

6 Q Okay. Are you aware that she was trying to do some
7 stuff in court about the plea that she entered?

8 A I do not.

9 Q Okay. That's fine. I wasn't sure what you -- if
10 you knew about it or not, so. Now, you and your mom, I
11 mentioned this a little bit ago, where she went, you went,
12 right?

13 A Correct.

14 Q And you guys actually moved out of the Yellowstone
15 residence a bunch of times, right?

16 A Correct.

17 Q How many times do you remember moving in and out, if
18 you -- if you can give a number?

19 A I don't know a number, no.

20 Q Okay. Was it that many times, you just can't
21 remember?

22 A It was too many times, I can't remember.

23 Q Okay. So if you remember, how old were you the
24 first time you moved out?

25 A I think I was younger than ten.

1 Q Okay.

2 A I believe.

3 Q Okay. So younger than ten would put you at like,
4 what, fifth grade, maybe, fourth grade?

5 A About fifth grade.

6 Q Fifth grade. Okay.

7 A Yes.

8 Q And then from then until -- from ten until 16, you
9 are back and forth --

10 A Correct.

11 Q -- in and out of Yellowstone?

12 A Correct.

13 Q Okay. Whenever your mom wanted to move back into
14 Yellowstone, you just went with her?

15 A Correct.

16 Q Okay. And when you were not living at Yellowstone,
17 were you pretty consistently at grandma's house?

18 A Yes.

19 Q Okay. So any of the times that Terrie wanted to go
20 back, that your mom wanted to go back, you never asked to
21 stay with grandma, though, right?

22 A No, I did not.

23 Q You just wanted to be with your mom?

24 A Correct.

25 Q You also maybe wanted to keep an eye on Chris?

1 A I don't understand.

2 Q Did you want to keep an eye on Christopher?

3 A Correct.

4 Q Make sure that he couldn't hurt your mom?

5 A Correct.

6 Q Okay. Now, when you moved out not the last time,

7 not the, like the time you moved in with Ed, but the time

8 before that, it was right before your 15th birthday?

9 A Correct.

10 Q And you guys were out of the house for about eight,

11 nine months; is that about right?

12 A Correct.

13 Q Okay. It was your idea that time to move out of the

14 house, right?

15 A Correct.

16 Q You went to your mom and said, I want out, we got to

17 go?

18 A Correct.

19 Q And she said, okay, Ryan, you got it, we're out of

20 here?

21 A Correct.

22 Q Okay. During that eight months, though -- well,

23 actually, let me ask you this. Prior to that, there had been

24 sexual contact between you and your mom, right --

25 A Correct.

1 Q -- with Chris around as well?

2 A Correct.

3 Q So when you guys leave in -- right before your 15th
4 birthday, your mom doesn't call the police at that point,
5 right?

6 A No.

7 Q Okay. Even though she was in the room when that
8 stuff was happening?

9 A Correct.

10 Q She didn't call the police for you?

11 A No.

12 Q Okay. You didn't call the police either?

13 A No.

14 Q Right? Okay.

15 Now, let me ask you this. Well --

16 MS. RADOSTA: Court's indulgence.

17 BY MR. RADOSTA:

18 Q Do you recall in that conversation with Kristina
19 Bernat that you did talk about the -- an incident of sex with
20 your mom at the Yellowstone address?

21 A Correct.

22 Q Okay. But you told Kristina that there was only one
23 incident of sex with your mom, right? Do you remember that?

24 A No, I don't.

25 Q Okay. Is it possible that you told Kristina that

1 this was only one time with your mom?

2 A I'm not sure.

3 Q Okay. Well, you know that the interview was being
4 recorded, right?

5 A Yes.

6 Q So if I were to show you a transcript of what you
7 and Kristina talked about that day, would that help refresh
8 your memory?

9 A Yes.

10 Q Okay.

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

12 THE COURT: Yes.

13 MS. RADOSTA: May I approach the witness?

14 THE COURT: Yes.

15 BY MR. RADOSTA:

16 Q I'm handing you what's been marked for the record as
17 State's -- or I'm sorry, Defense Proposed for identification
18 H. Okay?

19 A Okay.

20 Q You see the H there? And does this -- do you see
21 your name there?

22 A Yes.

23 Q Okay. And then there's a date on here. It actually
24 says September 16, 2014, but you recall that you actually
25 talked to her in December, right?

1 A Yes.

2 Q Okay. So that's probably just a wrong date on
3 there.

4 A Yes.

5 Q Because you do remember talking to Kristina?

6 A Yes.

7 Q After your mom was arrested?

8 A Correct.

9 Q Okay. Hang on one second. Let me show you what the
10 -- tell you [inaudible] wrong page.

11 MS. RADOSTA: Court's indulgence. Me and page
12 numbers are just not going well.

13 BY MR. RADOSTA:

14 Q Could you turn to page -- like read through 48
15 through 50? Just read it to yourself, Ryan, and let me know
16 when you're done. And you can take your time.

17 A (Witness complies).

18 (Pause in the proceedings)

19 THE COURT: Are you done reading?

20 THE WITNESS: Correct.

21 THE COURT: All right.

22 MS. RADOSTA: Okay.

23 THE COURT: Ms. Radosta.

24 BY MR. RADOSTA:

25 Q Does that refresh your memory that you told Kristina

1 that this was only one time with you and your mom and Chris?

2 A Correct.

3 Q Okay.

4 MS. RADOSTA: Nothing further, Your Honor. I'd
5 pass the witness.

6 THE COURT: Okay. Anything further? Any redirect?

7 MR. SWEETIN: Yes, Judge.

8 REDIRECT EXAMINATION

9 BY MR. SWEETIN:

10 Q Now, you've testified here, Ryan, about a couple
11 incidents of sexual conduct involving your mother, is that
12 right, while you lived at that residence?

13 A Correct.

14 Q And, in fact, you've testified to those same
15 incidents previously; is that right?

16 A Correct.

17 Q There was a hearing that was held that you
18 previously testified at in regards to a preliminary hearing;
19 is that right?

20 A Correct.

21 Q And at that preliminary hearing you, in fact,
22 testified as you testified here today, to specific instances.
23 One in the office, and one in the bedroom; is that correct?

24 A Correct.

25 Q And as you sat here, you -- and testified here

1 today, you actually identified separate photos for each of
2 those two incidents; is that correct?

3 A Correct.

4 Q Okay. Now, when you went down and you initially
5 give area statement to the police, fair to say you were a
6 little nervous?

7 A Correct.

8 Q As you sit here today in this courtroom, in front of
9 these jurors, are you a little nervous?

10 A A little.

11 Q Is this something that you, you know, really enjoy
12 or want to talk about in a front of a room full of strangers?

13 A I do not.

14 Q Now, you've laid out very specifically certain
15 things that had happened to you both just you and the
16 defendant together as well as you, the defendant, and your
17 mother, as you've testified here today; is that correct?

18 A Correct.

19 Q And as you sit here today, do you remember each of
20 those incidents?

21 A Correct.

22 MR. SWEETIN: Nothing further, Judge.

23 THE COURT: Any recross?

24 MS. RADOSTA: No, Judge.

25 THE COURT: I have a question, Ryan.

1 THE WITNESS: Okay.

2 THE COURT: You had indicated that the defendant
3 would tell you that he would come after you if you ever said
4 anything.

5 THE WITNESS: Correct.

6 THE COURT: Did you -- did he tell you what he
7 would do if he caught you?

8 THE WITNESS: He -- if he caught me telling
9 anybody, he would try killing me or my mom.

10 THE COURT: Do you have any questions as a result
11 of my questions?

12 MR. SWEETIN: No, Judge.

13 THE COURT: Ms. Radosta?

14 MS. RADOSTA: Just one or two.

15 THE COURT: Okay.

16 RECROSS-EXAMINATION

17 BY MR. RADOSTA:

18 Q Ryan, when you and your mom went to -- when you left
19 in May of 2013 and we're gone for like eight months, you
20 didn't ever see Chris at your grandma's house during that
21 period of time, right?

22 A No, I did not.

23 Q And you and your mom were staying at your grandma's
24 house, right?

25 A Correct.

1 Q So you guys left Yellowstone and Chris left you guys
2 alone?
3 A Correct.
4 Q Okay. Thank you.
5 MS. RADOSTA: Nothing further.
6 THE COURT: Anything?
7 MR. SWEETIN: No, Your Honor.
8 THE COURT: All right. Ryan, thank you so much for
9 your testimony. You can step down. You're excused. Okay?
10 THE WITNESS: Okay.
11 THE COURT: All right. Ryan, don't take those with
12 you. I think those need to stay. Okay. All right.
13 Call your next witness, State.
14 MS. SUDANO: Thank you. State calls Terry Tails
15 Sena.
16 TERRY 'TAILS' SENA, STATE'S WITNESS, SWORN
17 THE Clerk: Thank you, please be seated. For the
18 record, can you please state your full name, spelling your
19 first and last name?
20 THE WITNESS: Terry Tails Sena, T-e-r-r-y, S-e-n-a.
21
22 THE COURT: Ms. Sudano.
23 MS. SUDANO: Thank you, Your Honor.
24 THE COURT: Okay. Your witness.
25 //

1 DIRECT EXAMINATION

2 BY MS. SUDANO:

3 Q I wasn't listening when you introduced yourself.

4 Did you tell us your middle name, too?

5 A Yes. Do you want me to spell that out, too?

6 Q No. Where did that name 'Tails' come from, if you

7 know?

8 A Sonic the Hedgehog.

9 Q Sonic the Hedgehog?

10 A Yes.

11 Q All right. What's your date of birth?

12 A December 2, 1994.

13 Q So that would make you 24?

14 A Yes.

15 Q All right. Do you mind if I call you Tails

16 throughout --

17 A No, that's fine.

18 Q -- this case? Is that how you were referred to --

19 A Growing up, yes.

20 Q -- growing up?

21 A Yes.

22 Q Okay. Can you tell us who your biological mother

23 is?

24 A Terrie Sena.

25 Q What about your biological father?

1 A Christopher Sena.

2 Q Do you see Christopher Sena here in the courtroom?

3 A Yes, I do.

4 Q Can you point to him and tell us something he's

5 wearing today?

6 A He's wearing a white collar shirt with a blue white

7 polka dotted tie.

8 Q Jacket or no jacket?

9 A No jacket.

10 MS. SUDANO: May the record reflect identification

11 of the defendant?

12 THE COURT: It will.

13 MS. SUDANO: Okay.

14 BY MS. SUDANO:

15 Q Do you have any full siblings?

16 A I have two.

17 Q Okay. Who are those?

18 A Anita Sena -- oh, well, (indecipherable) Johnson,

19 and Nova Johnson.

20 Q And Nova Johnson, are you referring to Brandon Sena?

21 A That's Brandon Sena, yes.

22 Q Okay. And then are you related in any way to Ryan

23 Sena?

24 A Yes, I am.

25 Q How are you related to Ryan Sena?

1 A By our mom.

2 Q Okay. So he -- his mom is Terrie?

3 A Yes.

4 Q But he has a different dad?

5 A Yes.

6 Q And then how about with Brandon?

7 A Brandon's same dad, different mom.

8 Q Okay. So dad is Christopher?

9 A Yes.

10 Q Different mom?

11 A Yes.

12 Q Who is Brandon's mom?

13 A Deborah Sena.

14 Q Where were you actually born?

15 A I was born in Colorado.

16 Q How long did you stay in Colorado?

17 A I don't remember.

18 Q Okay.

19 A Probably like a year or two.

20 Q What's the first house that you remember living in?

21 A It was a house right by my sister's old elementary

22 school.

23 Q Okay. How old were you when you lived there?

24 A I think three.

25 Q At some point, did you move into the 6012

1 Yellowstone house?

2 A Yes.

3 Q About how old were you when you moved in there?

4 A Probably five.

5 Q How long did you live in that address?

6 A I lived there until I was 18.

7 Q All right. Now, I want to talk about the family

8 dynamics when you were growing up. Was Terrie around a lot

9 when you were very little?

10 A Not that I remember, no.

11 Q Was there another mother figure that was around more

12 when you were very small?

13 A Yes.

14 Q Who was that?

15 A Deborah Sena.

16 Q Is Deborah your step-mom?

17 A Yes.

18 Q At what point did the defendant and Deborah get

19 married?

20 A I wouldn't remember.

21 Q Okay. Were you too small to remember?

22 A Yeah.

23 Q Was it hard on you growing up, the fact that Terrie

24 wasn't around that much?

25 A To me, I didn't really realize that my -- or Terrie

1 was my real mom until like she started coming into the
2 picture.

3 Q About when was that?

4 A Six.

5 Q All right.

6 A Six, seven.

7 Q So prior to that, was Deborah the one that you
8 considered to be your mom?

9 A Yes.

10 Q What about Terrie came back into the picture?

11 A Then she was my mom, but she still was like in and
12 out of the picture.

13 Q Okay. Deborah was around a little bit more?

14 A She was the main mom.

15 Q Okay. What was the family dynamic as you were
16 growing up in that house on Yellowstone? Did everyone get
17 along?

18 A At times with he did. Like, do you mean like
19 sibling wise, parenting wise? It was pretty fair. We all
20 grew up with every little argument, bickering, fighting, then
21 we were there for each other --

22 Q In that --

23 A -- when needed.

24 Q Sorry, I didn't mean to cut you off.

25 A We were there for each other when we were needed.

1 Q So that was the siblings? What about with the
2 parents in the house?

3 A Same thing. Deborah would step in when I needed
4 her. When my mom was babysitting me, she'd be there for me
5 when I needed it. Same thing goes my father when I was
6 little.

7 Q Okay. At some point did the relationship between
8 you and the defendant change?

9 A Not really. Just growing up, it just got a little
10 harsh because I was becoming more of a -- from a boy to a
11 young teenager into a young man.

12 Q All right. Were there ever instances of physical
13 violence in the house?

14 A Not really. For me, in my mind, I thought it was
15 basically punishment. Like, if you bad lipped, you got a
16 punishment. If you did something wrong or incorrect, you got
17 punishment.

18 Q Now, who would be the one that physically punish
19 you?

20 A My dad.

21 Q So the defendant would be the one that would
22 physically punish you?

23 A Yes.

24 Q At the time, you indicated that you thought it was
25 normal?

1 A Yes.

2 Q Did that change as you got older?

3 A No.

4 Q Okay. Were there times that you would be hit or
5 pushed?

6 A At times.

7 Q Did you ever see that happen with Ryan or Brandon?

8 A No.

9 Q Did the defendant treat all of the children the
10 same?

11 A No.

12 Q Who did he treat differently?

13 A At times, it just -- it would be at that time period
14 moment. Sometimes Brandon would get the upper hand and get
15 the special child treatment, then sometimes it was Anita.
16 The only person that didn't really get it was Ryan. As I
17 noticed, Ryan was like the odd one out, and the one pushed
18 away more.

19 Q Okay. What was different about the way the
20 defendant would treat Ryan than how he would treat yourself,
21 Anita, and Brandon?

22 A In my eyes, it would be like because he wasn't his
23 actual father, Ryan's, and it was just like something that my
24 mom would get back at from my dad.

25 Q So were there specific instances that you can

1 remember where Ryan was treated differently by the defendant?

2 A When my brothers got in fights, Deborah would just
3 overall pick Brandon's side instead of Ryan's side, and so it
4 came to the point that Ryan would get punished for this and
5 punished for that.

6 Q So Ryan kind of ended up being the one that was
7 always blamed or always responsible? Is that a yes?

8 A Yes.

9 Q All right. And then I want to talk about the
10 defendant's relationship with Anita. Did he have any sort of
11 nicknames for Anita?

12 A Yeah, he called her Pookie (phonetic).

13 Q Pookie?

14 A Yes.

15 Q Okay. Do you remember saying previously that Anita
16 was, sort of, always by the defendant's side?

17 A Yes.

18 Q What do you mean by that?

19 A Like, she was basically there getting just as much
20 treatment as any other child would, get favored or sometimes
21 get punished more than the others because she was the eldest
22 child.

23 Q Okay. Do you remember describing Anita as a pet to
24 the defendant?

25 A No.

1 Q Do you remember talking to a detective in this case
2 in September of 2014?

3 A Yes.

4 Q You don't recall telling that detective that Anita
5 was, sort of, a pet to the defendant?

6 A No.

7 Q Would looking at your statement refresh your memory
8 as to that?

9 A Yes.

10 Q Is that a yes? All right.

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

12 THE COURT: Yes.

13 MS. SUDANO: Page 27.

14 BY MS. SUDANO:

15 Q First, does that appear to be your statement to the
16 detective in this case?

17 A Yes.

18 Q All right. And it was given on September 30th of
19 2014?

20 A Yes.

21 Q All right. I'm going to refer you to page 27. Go
22 ahead and read that to yourself.

23 A (Witness complies).

24 Q Okay. Did that refresh your memory?

25 A Yeah.

1 Q Okay. Did you tell the detective that Anita was
2 something of a pet to the defendant?

3 A Well, yeah. It wasn't like -- I didn't mean like
4 pet, pet, pet. Like, I don't think that's what it's supposed
5 to come off as.

6 Q What did you mean it as?

7 A Like, a big supporter. Like, during my early
8 teenager she would do a lot of things with my father, like
9 animations, learning how to do animations, cartoons for his
10 home business.

11 Q Now, did you ever see the defendant yell at anybody
12 in the household?

13 A Yeah.

14 Q Was that something that was common or uncommon?

15 A Common. Common.

16 Q Did the defendant have a quick temper?

17 A Yes.

18 Q Now, how would Anita react when the defendant would
19 yell at Anita?

20 A She would grow a temper, too.

21 Q Okay. What about did you of see the defendant yell
22 at Brandon?

23 A Yes.

24 Q What about yelling at Ryan?

25 A Yes.

1 Q How would Ryan react?

2 A Ryan would go straight to his mom and kind of cry
3 and sob.

4 Q Did the defendant ever yell at you?

5 A Yes.

6 Q How did you respond to that?

7 A I kept to myself. I was filled with anger and rage,
8 but I kept it to myself and walk away.

9 Q Okay. Did the defendant ever make any threats to
10 you as you were growing up?

11 A Yeah. He'd tell me -- he'd pop me in the mouth,
12 smack me.

13 Q All right. So do you know Erin Clark and Tamara
14 Grisham?

15 A Yes.

16 Q Who are they to you?

17 A They are my cousins.

18 Q And are they related on your mom's --

19 A My mom's side.

20 Q -- side? Okay. And they're Terrie's nieces; is
21 that correct?

22 A Yes.

23 Q Would Erin or Tamara ever spend any time at the
24 Yellowstone house?

25 A Yes.

1 Q How often would they be there?

2 A It wasn't really often. It wasn't like every couple

3 months. It would --

4 Q Okay. Would they spend just a little bit of time

5 there or would they spend a weekend or do you remember?

6 A They would spend a weekend or a couple nights.

7 Q Okay. Were there ever times that you were around

8 when Erin and Tamara were spending the weekend?

9 A Um-h'm.

10 Q Is that a yes?

11 A Yes.

12 Q Did you ever notice anything unusual about Erin and

13 Tamara and what they would be doing at the house?

14 A No.

15 Q Were there ever surveillance cameras in the house or

16 outside the house?

17 A During my late teenager years, yes.

18 Q Okay. Did all of the cameras come at the same time?

19 A Yes.

20 Q So the cameras outside and the cameras inside were

21 about the same time?

22 A Yes.

23 Q If you know, who set the cameras up?

24 A My father.

25 Q Did he tell you why he was setting the cameras up?

1 A Because we just lived in a bad neighborhood, and he
2 wanted extra security in the house.

3 Q So was that the cameras outside, inside, or both?

4 A Both.

5 Q All right. At some point, were the cameras inside
6 used for anything different?

7 A No. Well, they were just there to make sure us
8 kids, when the adults weren't around, were doing what we were
9 supposed to do.

10 Q Okay. How would that work?

11 A So like we'll be out in the living room, and so they
12 can check the cameras to see if we're fighting, getting in an
13 argument, if we're not doing one be of our chores, or in one
14 of us were grounded, we were doing things behind their backs.

15 Q Were there times that you actually got phone calls
16 or had conversations with the defendant after he reviewed
17 something on the camera?

18 A No.

19 Q So the defendant never contacted you about anything
20 that you were doing?

21 A No.

22 Q All right. Now, at some point, you said you moved
23 out of the residence when you were about 18; is that right?

24 A Yes.

25 Q How did that come about?

1 A It was one morning, me and my dad got in a heated
2 argument, and it's to the point where I couldn't handle all
3 the strict rules and whatnot and all the fighting, so I just
4 decided to get up and leave.

5 Q Did you leave or were you kicked out?

6 A Both. Both -- well, it's kind of in the middle to
7 the point like he wanted me out, but then he's like, I'm
8 going to give you one more chance. But then, I was like, no,
9 I'm going to go out and move out.

10 Q All right. Had you finished high school at that
11 point?

12 A No, I was still in high school.

13 Q What year in high school?

14 A Senior year.

15 Q All right. Do you remember when you actually moved
16 out?

17 A No. Somewhere in January.

18 Q Of what year?

19 A 2013.

20 Q And then did you graduate in May of 2013?

21 A Yes.

22 Q Where did you go?

23 A I was couch surfing from friend to neighbor.

24 Q How long did you stay out of the house?

25 A For a full year.

1 Q All right. When did you move back into the house on
2 Yellowstone?
3 A Sometime in early June.
4 Q Of what year?
5 A Of 2014.
6 Q Okay. So you were gone actually about a year-and-a-
7 half?
8 A Yeah.
9 Q All right. Had there been nights prior to that that
10 you would actually spend at the Yellowstone house?
11 A A couple times.
12 Q Okay. Now, where did you sleep in the residence
13 before you moved out?
14 A Before I moved out? Bedroom.
15 Q Which bedroom?
16 A There was a bedroom right behind the living room.
17 Q All right. Turning to a diagram here. Exhibit 1,
18 what are we looking at there?
19 A We are looking on a map of the house.
20 Q All right. Which bedroom did you sleep in?
21 A I slept in the one right behind the living room
22 right here on the east side.
23 Q That one?
24 A Yes.
25 Q Okay. Who shared that room with you?

1 A Me, my two other siblings.

2 Q Okay. Which siblings?

3 A Brandon and Ryan.

4 Q All right. And then Exhibit 10, are we looking at
5 that bedroom?

6 A Yes.

7 Q So two bunk beds in that room; is that right?

8 A Yes.

9 Q Which bunk bed did you sleep on?

10 A The top.

11 Q Where were Ryan and Brandon?

12 A The bottom.

13 Q And is that bottom bed kind of like a double? Is it
14 bigger than the top one?

15 A Yeah.

16 Q After you moved back in, somewhere around June of
17 2014, were you still sleeping in that bedroom?

18 A No.

19 Q Where were you sleeping?

20 A I was sleeping on the couch in the living room.

21 Q Now, when you were sleeping on the couch in the
22 living room, was that an every night thing?

23 A Yes.

24 Q Okay. Were there ever nights that you were spending
25 the night somewhere else?

1 A No.

2 Q Did you spend a lot of time in the house in general
3 at that point, though?

4 A No. At that time, I was dating my ex-fiancé, and I
5 would be in and out of the house just spending time with her.

6 Q Okay. Times that you'd come home late?

7 A No.

8 Q Okay. Were you working at all at that point in you
9 moved back --

10 A No.

11 Q -- into the residence? All right.

12 So I want to talk about other jobs for a second in the
13 house. Did Deborah work throughout your childhood?

14 A Yes.

15 Q Where did Deborah work?

16 A Cox Communications.

17 Q She had that same job the whole period?

18 A Yes, as I know of.

19 Q Was she still working there in June of 2014?

20 A Yes.

21 Q What about Terrie, did she work consistently?

22 A No.

23 Q What would Terrie do for work?

24 A The beginning, when I was the early child, I don't
25 remember. But as things went on, she went to schooling for

1 attorney, and then she started becoming a teacher or a
2 substitute teacher in my late teens.

3 Q When she was working as a substitute teacher, was
4 that something that was consistently going on?

5 A Yes.

6 Q Okay. Would she work pretty much every data point?

7 A Not every day. Sometimes she had more days off than
8 others, and more times she was working than having days off.

9 Q Sort of depended on when they needed substitutes?

10 A Yes.

11 Q What about Anita? Was Anita working --

12 A Yes.

13 Q -- towards your late teens?

14 A Yes.

15 Q Where was Anita working?

16 A I think it was a 7-Eleven.

17 Q Okay. Did she also work at an Albertson's at some
18 point?

19 A Yes.

20 Q What about the defendant, did he have steady work
21 while you were growing up?

22 A He did, and before my pre-teens.

23 Q What about during your teenage years?

24 A He had a home business.

25 Q Okay. So was supporting the family in your teenage

1 years?

2 A I would say Deborah.

3 Q All right. Was Anita helping out towards the end?

4 A No, I don't know.

5 Q Now, I want to fast forward to June of 2014, so

6 shortly after you moved back into the residence; is that

7 right?

8 A Um-h'm.

9 Q Do you recall a time where Deborah, Anita, and

10 Brandon left the house?

11 A Yes.

12 Q Okay. And was that in June of 2014?

13 A I don't remember the exact date they left.

14 Q Okay. Did you know that they were going to leave?

15 A No.

16 Q Were you actually in the house when they left?

17 A Yes.

18 Q Were you aware that they had left in the middle of

19 the night?

20 A No.

21 Q How did you find out that they were gone?

22 A My dad woke me up and said they're gone. And I was

23 like, who's gone? And he's like, well, Deborah and your

24 siblings are gone. And so that's when we reviewed the

25 cameras, and we saw that they actually did leave.

1 Q What was your dad's reaction as he was telling you
2 that they were gone?

3 A Surprised and shocked.

4 Q Okay. What about as you were reviewing the
5 surveillance footage?

6 A He was still shocked, and nothing much really
7 changed.

8 Q When you were reviewing the surveillance footage,
9 could you actually see yourself in that footage?

10 A Yes.

11 Q What -- did anything happen regarding you?

12 A No.

13 Q Did you see anybody kind of come up and make sure
14 that you were actually asleep?

15 A Yes.

16 Q Who did that?

17 A Brandon.

18 Q Okay. What was your reaction to Deborah, Anita, and
19 Brandon leaving?

20 A I felt kind of betrayed and abandoned.

21 Q What about the defendant?

22 A Clarify.

23 Q What was his reaction to them leaving?

24 A Still shocked and confused and dazed.

25 Q At some point, did the defendant have a conversation

1 with Terrie and Ryan that day that everybody else had left?

2 A Yes.

3 Q Were you present for that?

4 A Yes.

5 Q What did the defendant tell Terrie and Ryan?

6 A He thought that if they would leave and get out,
7 that Deborah would return. So immediately just made them
8 leave.

9 Q Was the defendant calm when he was saying that?

10 A Yes.

11 Q When did Ryan and Terrie leave?

12 A Within a few hours.

13 Q So was that a calm packing situation or what was
14 going on?

15 A Oh, no, she got kind of upset, and just went off on
16 my dad, and then just grabbed Ryan and started packing
17 things.

18 Q Was it your impression that Terrie wanted to leave
19 at that point?

20 A No.

21 Q Why was Terrie leaving?

22 A Because she was told to leave.

23 Q By the defendant?

24 A Yes.

25 Q Did you stay in the house after everybody else had

1 left?

2 A Yes.

3 Q What was going on in the house after everyone else
4 had left?

5 A It was pretty much calm. Most of the time my dad
6 spent time in the office or in the back house of the house.
7 And during that time, I was up and about just with my
8 girlfriend.

9 Q Did the defendant ever ask you to have contact with
10 Deborah, Anita, or Brandon after they left?

11 A Yes.

12 Q What was he saying about that?

13 A He was trying to tell me get them back, say like
14 apologize and see what was going on, see why they left and
15 whatnot.

16 Q Was that something that you did?

17 A No.

18 Q Do you know if the defendant was making any
19 additional attempts to contact Deborah, Anita, or Brandon?

20 A I mean, he had all access to my media and my phone.

21 Q Okay. Do you remember the defendant doing anything
22 with e-mail?

23 A He was sending e-mails to Deborah, I guess. During
24 that time, he made me read a couple of them to see if they
25 were good enough for him to send out.

1 Q So the defendant was actually having you review
2 e-mails that he was then going to send to Deborah?

3 A Yes.

4 Q Throughout that period, did the defendant continue
5 to talk to you about why it was that Deborah, Anita, and
6 Brandon had left?

7 A Slowly, he just kind of -- it just started stopping.

8 Q During that period, was the defendant asking you to
9 contact Terrie or Ryan at all?

10 A No.

11 Q To your knowledge, was the defendant making any
12 efforts to get Terrie or Ryan back into the house?

13 A No.

14 Q At any point while that was going on, was the
15 defendant making any comments to you about the police?

16 A Here and there at the end of it, like probably like
17 late August.

18 Q What did the defendant say to you about the police?

19 A He just warned me if he gets arrested, just be
20 aware.

21 Q Did you have any idea what the defendant was talking
22 about at that point?

23 A No.

24 Q Okay. Did you follow up and say, what do you mean?

25 A No.

1 Q Okay.

2 A I just kind of like pushed it away.

3 Q Now, I want to fast forward to September 17th of

4 2014. Were you still living at the house on Yellowstone on

5 that day?

6 A Yes.

7 Q Anything unusual happen that day or into the morning

8 of the 18th?

9 A Do you mean early morning? Yeah.

10 Q What happened?

11 A I had SWAT show up at the door.

12 Q Where were you when the SWAT team showed up?

13 A Sleeping on the couch.

14 Q Was your dad, the defendant, present in the

15 residence?

16 A Yes, he was already awake on the phone in the living

17 room.

18 Q Okay. So how did you wake up?

19 A I woke up -- I heard them calling out for my dad.

20 Q Okay. And you indicated that the defendant was on

21 the phone?

22 A Yes.

23 Q Any idea who he was on the phone with?

24 A No.

25 Q All right. What happened at that point?

1 A He got off the phone, and he's like call Steve and
2 Patty, and then he left the door -- or left out the
3 residence.

4 Q Who are Steve and Patty?

5 A Steve and daddy -- or Steve and Patty's my dad's
6 closest friends.

7 Q Now, fair to say that the defendant was arrested
8 that day?

9 A Um-h'm.

10 Q Is that yes?

11 A Yes.

12 Q At that point, did you know why the defendant had
13 been arrested?

14 A No.

15 Q Did you continue to talk to him after he got
16 arrested?

17 A Yes.

18 Q Was he asking you to contact anybody else while --
19 after he was arrested?

20 A Mainly my aunt.

21 Q Okay. And that had more to do with you than --

22 A Yes.

23 Q -- anything going on with --

24 A Yes.

25 Q -- anybody else? And that's -- did you ultimately

1 living with your aunt for a little while?

2 A Yes, after that year in the summer.

3 Q So defendant is arrested September 17th or September

4 18 the of to 2014. Do you remember then going and talking to

5 to the police September 30th of 2014?

6 A Um-h'm.

7 Q Is this a yes?

8 A Yes.

9 Q Okay. Do you remember how you got -- or where you

10 went to talk to the police?

11 A I think it was a child court system.

12 Q Okay. That building kind of over on Pecos?

13 A Yeah.

14 Q When you went to talk to them, how did you get over

15 there?

16 A I drove my dad's van.

17 Q Were you still living in the house at Yellowstone at

18 that point?

19 A Yes.

20 Q And were you still in contact with the defendant?

21 A Yes.

22 Q Did you know specifically anything about the

23 allegations at that point?

24 A No. At that time, no.

25 Q Had the defendant told you anything about the

1 allegations?

2 A No.

3 Q Had you heard anything about the allegations from

4 either -- any of your siblings?

5 A No.

6 Q What about Terrie or Deborah?

7 A Um-um.

8 Q No?

9 A No.

10 Q Okay. When you talked to the police at that day,

11 did you indicate to them that you didn't know anything at all

12 about the sexual conduct that was going on in the house?

13 A Yes, ma'am.

14 Q Was that the truth or was it not the truth?

15 A That was the truth.

16 Q All right. Had you previously been involved in some

17 sexual contact in the house, though?

18 A Yes.

19 Q So you obviously, knew about the sexual conduct

20 involving yourself, right?

21 A Um-h'm.

22 Q Is that a yes?

23 A Yes.

24 Q Did you tell the police about the incidents that you

25 personally had been involved in?

1 A No.

2 Q Why not?

3 A Because at that time, I was shocked and scared that
4 they even knew, and that I was shocked that stuff like this
5 was coming out. So my first response was just to deny it,
6 and I was just frightened. I didn't know what to do or how
7 to cope with it.

8 Q Okay. So you denied everything in that interview to
9 the police; is that right?

10 A Yes, ma'am.

11 Q You said a lot of things in that first interview
12 with the police that were not true --

13 A Yes, ma'am.

14 Q -- is that right?

15 Do you also remember indicating previously that you
16 didn't want your name out there?

17 A Yes.

18 Q What did you mean by that?

19 A Like, I don't -- because I know the media has that
20 first right of pressing news and whatnot. I didn't want my
21 name being out there. I didn't want my friends and other
22 people I was really close to, to think different of me, to
23 think I'm some type of monster or beast or that I become
24 something like that.

25 Q Why were you concerned that people would think that

1 you were a monster or a beast or that was something you could
2 become?

3 A I don't know, just thought in process. Think of the
4 possibilities that could have happened.

5 Q Okay. And you indicated you didn't want people to
6 know that anything like this had happened; is that right?

7 A Yes.

8 Q Were you embarrassed?

9 A Yes.

10 Q Were you ashamed?

11 A Yes.

12 Q Do you recall telling the police during that
13 interview that if anything had happened to you, you would
14 have left immediately?

15 A Yes.

16 Q Okay. Had things like that happened to you, like
17 what the police were asking you about?

18 A Like what do you mean?

19 Q Had there been sexual abuse in the house involving
20 you?

21 A Yes.

22 Q Had you left?

23 A No. Well, I was at a young age at that time.

24 Q Okay. Had you told anybody what was going on?

25 A No.

1 Q Okay. At that point in, did you indicate to the
2 police that you thought that this was all just based on
3 Brandon being punished?

4 A Yes.

5 Q Did you indicate to the police that you felt that
6 this was all kind of a simple way for a woman to get revenge?

7 A Yes.

8 Q Okay. As you sit here today, do you still think
9 that that's the case?

10 A No.

11 Q So after that first interview with the police, do
12 you continue to have contact with the defendant?

13 A Yes.

14 Q Now, at some point in February of 2015, do you have
15 to come in and testify for a hearing regarding Deborah?

16 A Yes.

17 Q Okay. Do you actually remember it being February of
18 2015?

19 A Well, I didn't remember that one. I knew there was
20 one in the summer after that.

21 Q Okay. And was that the one involving the defendant?

22 A Yes.

23 Q All right. If I told you that you went and
24 testified in February of 2015 for Deborah, would you have any
25 reason to dispute that date?

1 A I don't know what that word means.

2 Q All right. You did go and testify for Deborah,

3 right?

4 A Um-h'm.

5 Q You just don't remember when?

6 A Yeah, I don't remember when. I don't remember what

7 I said and --

8 Q All right. So if I told you it was February 17th of

9 2015, would you have any reason to disagree with that?

10 A No.

11 Q Do you actually want to see the transcript?

12 A Yeah.

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

14 THE COURT: Yes.

15 BY MS. SUDANO:

16 Q All right. So I'm just showing you the first page.

17 Do you see the date there, February 17, 2015? And the second

18 page, do you see your testimony?

19 Did that refresh your memory?

20 A Not really, no.

21 Q But you can at least now see that that's the date

22 that's on here, right?

23 A Um-h'm.

24 Q Is that right?

25 A Yes.

1 Q All right. Now, before that hearing with Deborah,
2 did you actually learn that there was video of some of the
3 incidents involving you?

4 A No, I did not know.

5 Q Okay. Did you learn that at that hearing?

6 A Yes.

7 Q Now, as you sit here today, who do you remember
8 being involved in the sexual abuse involving yourself?

9 A Me, my dad, and my step-mom.

10 Q So you, the defendant, and Deborah; is that correct?

11 A Yes.

12 Q How many incidents are we talking about?

13 A Two.

14 Q Where's the first incident that you remember?

15 A In the shower in the bathroom.

16 Q The shower where?

17 A In the bathroom of the house.

18 Q All right. I'm going to put Exhibit 1 back up here.
19 So there's a bathroom in the main trailer; is that correct?

20 A Yes.

21 Q And then there's the other one back in the office;
22 is that right?

23 A Yes.

24 Q Which bathroom are we talking about?

25 A The bathroom in the main trailer.

1 Q All right. How old were you for this incident
2 involving the bathroom in the main trailer?

3 A I must have been about 13 or 14. Even 14 or 15
4 maybe.

5 Q All right. So 13, 14, 15; is that correct?

6 A Yes, ma'am.

7 Q Do you remember where you were in school?

8 A Eighth grade, I would say.

9 Q Do you remember what led up to the incident in the
10 shower?

11 A We were painting the house at the time.

12 Q Can you be a little bit more specific who was
13 painting?

14 A My dad was painting some type of paint on the house
15 of the trailer, and then it got somewhere on the trailer, and
16 so all of us decided to find out which way to get the paint
17 off the trailer itself.

18 Q All right. So that your dad, the defendant, was
19 painting the trailer. Do you remember what part of the
20 trailer?

21 A The roof.

22 Q The --

23 A The roof.

24 Q The roof? And he got paint where?

25 A On the trailer. Like, we had a business trailer,

1 and it would be like right on the side of the boys' bedroom
2 on the east side of the house.

3 Q All right. So he's painting the roof of the
4 residence --

5 A Um-h'm.

6 Q -- and then he got paint on the business trailer as
7 well?

8 A Yes.

9 Q So those are two separate structures?

10 A Yes.

11 Q Okay. What happened after the defendant got paint
12 on the actual mobile trailer? The business trailer?

13 A He asked all of us to see what we can do to take off
14 the paint.

15 Q Were you able to get all of the paint off?

16 A I don't remember.

17 Q All right. How was the defendant reacting as you
18 were trying to get the paint off?

19 A He was getting a little tempermatic (sic) because we
20 couldn't find out and figuring out how to get paint off.

21 Q All right. When you say that he was getting
22 tempermatic, what do you mean by that?

23 A Screaming, yelling.

24 Q Who all was there for that incident?

25 A I think the whole family.

1 Q All right. So Deborah, Terrie, yourself, Anita,
2 Brandon, and Ryan were all there?

3 A Yes.

4 Q Was anybody else helping the defendant paint?

5 A No.

6 Q What was everybody else doing?

7 A Everyone else was helping getting the paint off the
8 trailer.

9 Q Okay. Do you remember him saying anything specific
10 as he's getting frustrated or upset that you can't get the
11 paint off --

12 A No.

13 Q -- the trailer?

14 A No.

15 Q What happened at that point?

16 A We still couldn't figure a way to get it out. He
17 still got tempermatic, started shouting and whatnot. It got
18 worse a little bit to the point where we just kind of gave up
19 and --

20 Q Do you remember getting paint on yourself during
21 that incident?

22 A Yes.

23 Q How did you end up with paint on you?

24 A My dad threw the paintbrush at us.

25 Q Okay. Who did he throw the paintbrush at?

1 A I think the majority of the family got -- I don't
2 know who exactly remember. I know it was me, my step-mom.

3 Q All right. So yourself and Deborah ended up with
4 paint on you?

5 A Yes.

6 Q At some point, does everybody give up and go back
7 inside?

8 A Yes.

9 Q What's the defendant's attitude like when you give
10 up and go back inside?

11 A Still tempermatic, but he was calming down and just
12 giving up and walked away.

13 Q What happened once he went into the residence?

14 A The parents were in the back. Me and my siblings,
15 we were playing video games on the couch just trying to relax
16 and calm down from the issue.

17 Q What happened while you were playing video games?

18 A My dad calls me in the back and towards the bed --
19 bathroom and bedroom.

20 Q What did the defendant say to you once he called you
21 back towards --

22 A He wanted me to take a shower.

23 Q Okay. Did you go into the bathroom to take a
24 shower?

25 A Yes.

1 Q Was there anybody else in the bathroom --
2 A Yes.
3 Q -- when you went in there? Who?
4 A My step-mom.
5 Q Deborah?
6 A Yes.
7 Q Was Deborah wearing clothes or was she naked at that
8 point?
9 A Naked.
10 Q What did you do when you saw Deborah naked in -- was
11 she already in the shower?
12 A No, she was going on and off in the bedroom to the
13 bathroom.
14 Q All right. What did you do once you saw Deborah
15 naked back there?
16 A I thought she was just getting dressed and whatnot,
17 finishing her shower at that time.
18 Q So what did you do?
19 A I just listened to my dad. I was like, okay, I will
20 take a shower.
21 Q What happened after you got in the shower?
22 A Deborah got in the shower, too.
23 Q Do you know why Deborah got in the shower?
24 A No.
25 Q Okay. Was the defendant still around at that point?

1 A Yes.

2 Q Where was the defendant?

3 A He was going back and forth from the bathroom to the
4 bedroom.

5 Q Was the defendant saying anything at that point?

6 A Not that I remember.

7 Q At some point does Deborah actually get into the
8 shower?

9 A Yes.

10 Q Where was the defendant at that point?

11 A Back and forth from bedroom to the bathroom.

12 Q Was the defendant saying anything at that point?

13 MS. RADOSTA: Objection, Your Honor. Asked and
14 answered.

15 THE COURT: Sustained.

16 MS. SUDANO: All right.

17 BY MS. SUDANO:

18 Q At some point, did the defendant direct you to do
19 anything?

20 A I just washed my body down with soap and tried to
21 get the paint off.

22 Q Did you have any contact with Deborah while you were
23 washing the paint off?

24 A Not at that point.

25 Q At some point, did Deborah have contact with you?

1 A Yes.

2 Q What was Deborah doing?

3 A Helping get my back area off with the paint.

4 Q Did the defendant direct Deborah to do that?

5 A Yes.

6 Q And at some point, do you start helping Deborah get

7 paint off of her?

8 A Yes.

9 Q Did the defendant direct that?

10 A Yes.

11 Q What happened after you and Deborah are getting

12 paint off of each other?

13 A It started leading to sexual acts.

14 Q Who was directing the sexual acts?

15 A Her.

16 Q Was anybody telling Deborah to perform the sexual

17 acts?

18 A Not that I know, at that time, no.

19 Q What was the first sexual act that took place?

20 A Fellatio.

21 Q When you say fellatio, can you describe --

22 A She was -- she was doing fellatio on me.

23 Q She what part of her body was in contact with what

24 part of your body?

25 A Her mouth on my penis.

1 Q So Deborah had her mouth on your penis?

2 A Um-h'm.

3 Q Is that a yes?

4 A Yes.

5 Q And we're still in that shower in the main -- or in

6 the main residence?

7 A Yes.

8 Q Where was the defendant at that point?

9 A Still walking in between from the bedroom to the

10 bathroom.

11 Q At some point, does the defendant direct anything --

12 Deborah to do anything else?

13 A Yes.

14 Q What does the defendant --

15 A Tells her to turn around and bend over.

16 Q Did Deborah then turn around and bend over?

17 A Yes.

18 Q Where was Deborah in relation to you when she had

19 turned around and bent over?

20 A Like, what do you mean.

21 Q Was she still in that shower?

22 A Yes.

23 Q Was she facing you go or was she facing away from

24 you at that point?

25 A Away from me.

1 Q Did the defendant tell you to do anything at that
2 point?
3 A Yes.
4 Q What did he direct you to do?
5 A He wanted me to have my penis insert in her vagina.
6 Q Did you do that?
7 A No.
8 Q Did you attempt to do that?
9 A Yes.
10 Q Can you describe what happened as you attempted to
11 put your penis in Deborah's vagina?
12 A I tried, but it just got frustration, and wasn't
13 really hard, so there was no way for me to put it in.
14 Q Does anything else take place in that shower?
15 A No. After that, it was done.
16 Q All right. Did your penis actually make contact
17 with Deborah's body, though?
18 A Yes.
19 Q Can you describe where?
20 A Her -- like, I don't know what it's called. Her
21 vagina lips, I guess.
22 Q Okay. So you actually made contact with the lips of
23 Deborah's vagina?
24 A Yes.
25 Q But you did not actually insert yourself into

1 Deborah's vagina?

2 A No.

3 Q And I apologize. Nothing else happened. What
4 happened after that?

5 A We were all done, and just said, all right, go back
6 to your siblings.

7 Q Who said you were all done?

8 A My dad.

9 Q And then he indicated you could go back to your
10 siblings?

11 A Yes.

12 Q If you know, where did Deborah go at that point?

13 A Back to the bedroom with my dad.

14 Q Was that something that you wanted to have happen?

15 A No.

16 Q Why did you do that?

17 A Just told -- being told what to do, and just keeping
18 peace and not trying to argue or start a fight with my
19 family.

20 Q What did you think would happen if you didn't say --

21 A Arguments.

22 Q -- or if you said no?

23 A Arguments between my dad and step-mom, and then
24 argument between me and my dad.

25 MS. SUDANO: Court's indulgence. May I approach

1 the Clerk again?

2 THE COURT: Yes.

3 MS. SUDANO: Your Honor, may I approach the
4 witness?

5 THE COURT: Yes.

6 MS. SUDANO: All right.

7 BY MS. SUDANO:

8 Q So Tails, I'm going to show you Exhibit 74-A. Do you
9 recognize what we're looking there?

10 A Yes.

11 Q What are we looking at there?

12 A That's me and Deborah in the shower.

13 Q All right. And is that that same incident you just
14 described to us?

15 A Yes, ma'am.

16 Q The time when you were right around eighth grade, I
17 think?

18 A Um-h'm.

19 Q Is that a yes?

20 A Yes.

21 Q Now, did you know that that incident was being
22 recorded?

23 A No, ma'am.

24 Q Is there another incident that you remember take
25 being place between yourself, the defendant, and Deborah?

1 A Briefly.

2 Q How old were you for that particular incident?

3 A I'm going to say probably early 15s -- 15s or
4 beginning 16.

5 Q I'm sorry?

6 A 15 to 16.

7 Q Okay. So you said early 15s, and then you said
8 maybe 15 or 16; is that right?

9 A Yes.

10 Q Do you remember what year of school you were in for
11 that incident?

12 A No.

13 Q Okay. Do you remember whether you were still in
14 middle school or whether you were in high school?

15 A It was probably in high school.

16 Q Okay. What do you remember about how that incident
17 started?

18 A I have no idea or remember how that incident just
19 started. It just --

20 Q What's the --

21 A It was just something that just popped up and
22 happened.

23 Q What's the first thing that you remember happening?

24 A Coming to my parents' bedroom, being told to take
25 off my clothes and laying on the bed.

1 Q Who had called you back to the master bedroom?
2 A My dad.
3 Q When you got back into the master bedroom, who was
4 in there?
5 A Just him.
6 Q At some point, does Deborah come into the room?
7 A Yes.
8 Q When did Deborah come in?
9 A Shortly after.
10 Q How did Deborah get into the room?
11 A She was already naked and she came in.
12 Q Was she called in?
13 A Yes.
14 Q By who?
15 A My dad.
16 Q And you indicated that you had taken your clothes
17 off or you were told to take your clothes off?
18 A Um-h'm.
19 Q Is that a yes?
20 A Yes.
21 Q Yes. Who told you to take your clothes off?
22 A My father.
23 Q What did you do after you took your clothes off?
24 A Laid on the bed like I was told to.
25 Q Who had told you to lay on the bed.

1 A My dad.

2 Q What happened after you were laying on the bed?

3 A My dad -- or my step-mom came in.

4 Q What happened once Deborah came in?

5 A Sexual acts started happening.

6 Q Can you describe for us the first sexual act?

7 A Mouth covering my penis, blow job.

8 Q And whose mouth was on your penis?

9 A Deborah's.

10 Q Who directed Deborah to put her mouth on your penis?

11 A My dad.

12 Q Where was your dad when this was taking place?

13 A Standing on the side.

14 Q Was he in the bedroom?

15 A Yes.

16 Q Was he wearing clothing at this point?

17 A I don't believe so.

18 Q Was he naked?

19 A Yes.

20 Q So after the defendant directed Deborah to place her

21 penis on your mouth, what happened next?

22 A She became -- she stood up and sat on top of me and

23 started having sexual intercourse.

24 Q Did your penis actually go into Deborah's vagina on

25 that incident?

1 A Yes.

2 Q All right. You indicated that you were on your back
3 and Deborah was --

4 A Riding me.

5 Q -- on top of you? Okay.
6 What happened after that?

7 A Sexual acts started continuing. I think at one
8 point my dad joined in from behind her.

9 Q Do you recall at some point you actually being an
10 top of Deborah?

11 A Not that I remember.

12 Q All right. You indicated that the sexual acts
13 continued?

14 A Um-h'm.

15 Q And you indicated that the defendant joined in; is
16 that right?

17 A Yes.

18 Q What do you remember about that?

19 A Not much. I just know he just joined in, and he was
20 getting satisfied.

21 Q How was he being satisfied? What do you mean by
22 that?

23 A Well, I don't know how else to explain sex.
24 Satisfaction from sex. Just something he enjoyed. Don't
25 know how to describe it.

1 Q I guess what I'm asking you is what act he was
2 performing on Deborah or what act Deborah was performing on
3 him?
4 A Oh, what act he was performing Deborah.
5 Q What was he -- what act was he performing on
6 Deborah?
7 A I -- he was having sex with her from behind.
8 Q Okay. Were you still in the room at that point?
9 A Yes.
10 Q Was there any act that was being performed on you at
11 that point?
12 A I actually was still doing the same thing.
13 Q She was still --
14 A On top of me.
15 Q -- on top of you? Do you recall her performing
16 fellatio at all at that point?
17 A Right after.
18 Q Okay. What do you recall about that?
19 A It wasn't for long. She just did it for a little
20 bit, and then she got on top again, and that's to the point
21 where got me from hard to soft, hard so soft, and that's when
22 I was dismissed right after.
23 Q Who dismissed you?
24 A My dad.
25 Q What did you do once you were dismissed from the

1 room?

2 A I just grabbed my clothes and left.

3 Q What did the defendant and Deborah do when you left?

4 A I don't -- I don't know.

5 Q Okay. Were they still in the room when you left?

6 A Yes.

7 Q All right.

8 MS. SUDANO: And may I approach the witness, Your

9 Honor?

10 THE COURT: Yes.

11 BY MS. SUDANO:

12 Q Tails, I'm going to show you one more photograph.

13 Showing you Exhibit 74. Do you recognize that photo?

14 A Yes.

15 Q What are we looking at there?

16 A We're switching positions.

17 Q Who is switching positions?

18 A Me and Deborah.

19 Q And so that's you and Deborah in the photograph?

20 A Um-h'm.

21 Q You're both nude; is that right?

22 A Yes.

23 Q And you indicated you're switching positions?

24 A Yes.

25 Q Where are you switching positions to?

1 A To missionary.

2 Q So at that point, you were going to be on top of
3 Deborah?

4 A Yeah.

5 Q All right. So Tails, you had indicated that
6 initially Deborah was on top of you; is that correct?

7 A Yes.

8 Q And then that photograph shows you getting on top of
9 Deborah; is that right?

10 A Um-h'm, yes, ma'am.

11 Q Did your penis go into Deborah's vagina both of
12 those times?

13 A Yes, ma'am.

14 Q So once when Deborah was on top of you, your penis
15 was in Deborah's vagina, and then again, when you were on top
16 of Deborah, your penis was in her vagina?

17 A Yes, ma'am.

18 Q And the defendant was present for all of that?

19 A Yes.

20 Q And the defendant was directing all of that contact?

21 A Yes, ma'am.

22 Q Did you want that second incident in the bedroom to
23 take place?

24 A No, ma'am.

25 Q Why did you let it take place?

1 A Same thing as the first one, I didn't want to cause
2 any problems, and I didn't want any arguments or kind of any
3 punishment going on.

4 Q Did you know that that incident was being filmed?

5 A No, ma'am.

6 MS. SUDANO: Thank you, Your Honor. Nothing
7 further.

8 THE COURT: All right. Any cross?

9 MS. RADOSTA: Your Honor, can we take a brief
10 recess for like ten minutes?

11 THE COURT: Can you just come back?

12 MS. RADOSTA: No, that's fine, Judge. I can go.
13 That's fine.

14 THE COURT: Okay.

15 MS. RADOSTA: Court's indulgence just for a second.

16 CROSS-EXAMINATION

17 BY MR. RADOSTA:

18 Q Good afternoon, Tails, how are you?

19 A Tired.

20 Q Sorry, caught you messing around with your -- is it
21 your -- is it a watch or your --

22 A No, it's something my wife got me.

23 Q Oh, that's nice. Well, I don't have too many
24 questions for you. So you'll hopefully be out of here pretty
25 quickly?

1 A I work late tonight.

2 Q I'm sorry?

3 A I work late tonight.

4 Q Oh, no. That's -- well, that's always a drag.

5 So when you went to speak to the police back in, I

6 think, it was --

7 A '14, something --

8 Q Well, 2014.

9 A Yes.

10 Q Sometime in September? Was that about --

11 A I want to say October.

12 Q October 2014. That point in time, your father had

13 already been arrested, correct?

14 A Yes, ma'am.

15 Q But your mother, Terrie, had not yet been arrested,

16 correct?

17 A Yes, ma'am.

18 Q And Deborah had not yet been arrested, correct?

19 A Yes, ma'am.

20 Q Were you -- when you went to go speak to the police,

21 were you just living at Yellowstone?

22 A Yes.

23 Q By yourself?

24 A Yes.

25 Q Were you having regular contact with Deborah --

1 A No.

2 Q -- at that point in time?

3 A No.

4 Q No? What about Terrie?

5 A No.

6 Q Okay. What about any of your siblings?

7 A No.

8 Q No? None of them?

9 A Um-h'm.

10 Q Since your mom and your dad and Deborah have all
11 been arrested, you have reestablished contact with all of
12 your siblings, right?

13 A Yes, ma'am.

14 Q You've actually for a period of time even lived with
15 Anita and Brandon --

16 A Yes.

17 Q -- here in town?

18 A Yes.

19 Q Do you actually get to see Ryan all that regularly?

20 A Every time I get a chance to see my grandparents --

21 Q Okay.

22 A -- for mail and whatnot, yes.

23 Q Okay. So --

24 A I sometimes do.

25 Q -- Ryan's living with his -- with --

1 A His grandparents.

2 Q -- with your mom's parents?

3 A Yes.

4 Q Okay. So when you first spoke to the police and you
5 said nothing was happening in the house, do you recall that?

6 A Yes, ma'am.

7 Q You also -- you said that you were embarrassed by
8 what was happening in the house, fair enough?

9 A Yes.

10 Q You knew, though, that incidents had happened
11 between you and Deborah --

12 A Yes.

13 Q -- in the house?

14 A Yes, ma'am.

15 Q And I think you testified on direct that for a long
16 time -- well, when you were younger, you didn't even really
17 realize Terrie was your mom, right?

18 A Yes, ma'am.

19 Q Your first caregiver was Deborah, right?

20 A Yes, ma'am.

21 Q And even once Terrie moved into the house, which I
22 think you said was maybe around, you were six or seven years
23 old?

24 A Yes, ma'am.

25 Q You still considered Deb to be more your mom?

1 A Yes.

2 Q She was more of the nurturer in the family?

3 A Well, she went from mom to mother.

4 Q She went from I'm sorry?

5 A A mom to a mother.

6 Q Okay. And what do you mean by that?

7 A Mom is a word for me as a care -- or not like a

8 caretaker, but someone that just gives birth to you.

9 Q Um-h'm.

10 A And there's a mother that steps up and takes care of

11 you.

12 Q Okay. And considered Deborah going from mom to

13 mother?

14 A Yes.

15 Q Okay. And Terrie went from mother to mom?

16 A No, she's just my mom.

17 Q She just -- okay. Just somebody that gave birth to

18 you kind of?

19 A Yeah.

20 Q At this point in time, are you visiting either Deb

21 or Terrie out at the prison?

22 A Just my mom.

23 Q Okay. Terrie?

24 A Yes.

25 Q Okay. So -- but when you first went and spoke to

1 the police, when you said nothing was happening, was there
2 some part of your mind that you were protecting yourself?

3 A I was protecting just me, my siblings at that time,
4 because I didn't know what was happening towards them.

5 Q Okay.

6 A I just wanted to make sure that they weren't getting
7 involved to what was going on with me.

8 Q Okay. Did you -- were you aware that by the time
9 you speak to police that Anita had already spoken to the
10 police?

11 A No, I was not aware.

12 Q You're aware of that now, though?

13 A Yes, I am.

14 Q That Anita spoke to the police before you did?

15 A Rephrase.

16 Q Sorry. As we sit here today --

17 A Um-h'm.

18 Q -- are you aware that Anita spoke to the police
19 before you spoke to the police?

20 A Yes, I'm aware now.

21 Q Okay. And are you aware today that before you spoke
22 to the police back then, Brandon had already spoken to the
23 police?

24 A Yes, ma'am.

25 Q And also that Deborah spoke to the police before you

1 spoke to the police?

2 A Yes, ma'am.

3 Q Okay. Was there some part of you that was also

4 protecting Deborah when you spoke to the police?

5 A No, I wasn't thinking that. I was just thinking of

6 me and my siblings.

7 Q Okay. When you spoke to the police the first time,

8 though, you had no idea that there was any videotapes of any

9 -- of these incidents that you were just speaking about?

10 A No, ma'am.

11 Q When did you learn that there were videotapes?

12 Was --

13 A I think it's the second or third time they came in

14 and talked to me.

15 Q Okay. Who is they?

16 A The detective. I forgot what his -- the detective's

17 name is.

18 Q Was it Samples?

19 A Yeah.

20 Q Does that sound right?

21 A I'm pretty sure it was Samples.

22 Q Okay. So it was before you ever testified in any of

23 the hearings, right?

24 A Yes.

25 Q Okay. Did you ever have a chance to actually watch

1 the videotapes?

2 A Yes.

3 Q Okay. And was that before -- again, before you

4 testified in any of the hearings?

5 A I believe so.

6 Q Okay. Were you only shown videos that you were part

7 of?

8 A Yes, ma'am.

9 Q You didn't see anything else?

10 A No.

11 Q So you didn't know any of the charges -- potential

12 charges involving your siblings?

13 A No, ma'am.

14 Q Did you ever talk about any of the videos --

15 A No.

16 Q -- with any of your siblings?

17 A No.

18 Q When -- you did speak to the police, though.

19 Although you were not completely truthful about the sexual

20 acts that were going on inside the home, there were other

21 parts of your statement that were truthful, correct?

22 A Yes, ma'am.

23 Q You were surprised that Anita was saying anything

24 negative about your dad?

25 A Yes.

1 Q Because that was just not the behavior you were
2 seeing in Anita inside the home?

3 A Yes, correct.

4 Q You said that she was kind of glued to his side; is
5 that fair to say?

6 A Yes.

7 Q She tried, I think you said, computer graphics?

8 A Yes, computer animations.

9 Q Computer animations?

10 A All hand drawn.

11 Q Okay.

12 A And whatnot.

13 Q And that was something that your father was into as
14 well?

15 A Yes.

16 Q Okay. So was she learning that from him?

17 A Yes.

18 Q Was she learning that because of him?

19 A To be honest, I wouldn't know.

20 Q Okay.

21 A I -- it just happened that she would do this. I
22 knew she drew when she was younger --

23 Q Right.

24 A -- and she loved drawing.

25 Q Okay.

1 A I didn't know if, like, it came into that she wanted
2 to do computer programming and learn how to create animations
3 through a computer.

4 Q Um-h'm.

5 A But I did know that she wanted to draw animations --

6 Q Okay.

7 A -- and create story lines in comics and whatnot.

8 Q Okay. And was she able to use the computer in the
9 back office to do those computer animations?

10 A I don't believe so.

11 Q Okay. So she had her own?

12 A Yeah, she had her own laptop.

13 Q Her own laptop that she was able to do that on?

14 A Yes, ma'am.

15 Q Do you know who purchased the laptop?

16 A No.

17 Q Okay. You don't -- she might have done it from her
18 own money?

19 A I'm -- her own money, my mom, my dad.

20 Q Okay. Your dad might have been the one to buy it
21 for her as well?

22 A Yeah.

23 Q Okay.

24 A Yeah. It could be up in the air, but I don't know
25 who bought it for her.

1 Q Okay. So have you -- so it was a little confusing
2 to you when you heard that Anita was making accusations
3 against your dad, correct?

4 A Yes, ma'am.

5 Q Now, regarding the cameras that were in the house,
6 you said at times the parents would be watching you kids?

7 A Yes.

8 Q Watching to see you guys weren't getting into
9 fights?

10 A Yeah.

11 Q So it was not just Christopher that was watching the
12 computer -- or the cameras, right?

13 A Yeah.

14 Q So Deborah had -- was watching them sometimes, too?

15 A Yeah, I believe Deborah and my real mom had access
16 through their phones.

17 Q And they -- you could tell they were watching
18 sometimes because they would come in and talk about what you
19 guys had done in the room?

20 A Um-h'm.

21 Q When they weren't in the room?

22 A Um-h'm.

23 Q Okay. Did you get -- did you kids like the fact
24 that there were cameras in the --

25 A To me, it did really feel ensuring that it was safe

1 around the house because our neighborhood wasn't the best.

2 Q Okay.

3 A And we'd get like a lot of meth heads and coke

4 addicts around the house.

5 Q Okay.

6 A And just because some of our friends would steal a

7 lot.

8 Q Okay.

9 A So that's another purpose the cameras were around.

10 Q Okay. So there were cameras inside the house

11 because you actually had friends that were -- you thought

12 were maybe stealing stuff inside the house?

13 A Yeah.

14 Q Okay. All right. And as far as you know, did Anita

15 have access to those cameras as well?

16 A Not that I know of, no.

17 Q Okay. You didn't have access?

18 A No.

19 Q Okay. When -- you said, I believe, just a second

20 ago you said that you had watched the videos associated with

21 you sometime before you testified back in 2015; is that

22 right?

23 A Yes, ma'am.

24 Q And you have not watched them since then?

25 A No.

1 Q Is that correct?

2 A Yes, ma'am.

3 Q You only watched them the one time?

4 A Well, a couple times when we were interviewing they
5 would play it back a couple times, too.

6 Q Okay. But that was back in 2015?

7 A Yes.

8 Q You didn't do that again before this testimony
9 today?

10 A No.

11 Q Okay. So you are really kind of speaking from the
12 best of your memory --

13 A Yes.

14 Q -- about the incidents that happened?

15 A Yes, ma'am.

16 Q It's possible that the videos will show something a
17 little bit different than what you're saying?

18 A No.

19 Q No, not possible?

20 A No.

21 Q Is it possible that -- is it possible that -- well,
22 let me ask. When you were watching the videos, do you recall
23 if there was audio on them?

24 A No.

25 Q Okay. So the best of your memory there was no audio

1 on these videos?

2 A I was just in shock when I saw the videos, so I
3 didn't really focus on the audio. I was just in shock
4 knowing that there was actual footage of me.

5 Q Okay. Fair enough.

6 So just -- just to clarify. There was audio and you
7 don't remember what it was -- what it said or you don't even
8 remember --

9 MS. SUDANO: Your Honor, I'm going to object as to
10 asked and answered.

11 THE COURT: Overruled. Go ahead.

12 BY MR. RADOSTA:

13 Q Just -- and I'm just trying to clarify. There was
14 audio and you don't remember what was on it or you don't
15 recall there even being audio?

16 A There was probably audio, and I was just in shock to
17 even pay attention to it.

18 Q Okay.

19 MS. RADOSTA: Court's indulgence. Nothing further.
20 Pass the witness.

21 THE COURT: Anything further?

22 MS. SUDANO: No. Thank you, Your Honor.

23 THE COURT: All right. I've got to clarify
24 something here. Okay?

25 THE WITNESS: Yes, sir.

1 THE COURT: Tails, can you tell me, you talked --
2 you just testified, so I understand, to two different
3 instances; one was in a shower and one was in the master
4 bedroom?
5 THE WITNESS: Yes.
6 THE COURT: Is that right?
7 THE WITNESS: Yes, sir.
8 THE COURT: Am I -- okay. In the shower, you were
9 there cleaning paint off?
10 THE WITNESS: Yes, sir.
11 THE COURT: Did anything happen sexually there?
12 THE WITNESS: Yes.
13 THE COURT: Okay. Can you describe that again?
14 THE WITNESS: So after we started cleaning paint
15 off each other, she was instructed to do fellatio with her
16 mouth around my penis.
17 THE COURT: Okay. Okay. Anything else?
18 THE WITNESS: Then she was told to turn around and
19 bend over and for me to do sexual encounters with her with my
20 penis inside of her.
21 THE COURT: Okay. And then the second one was in
22 the bedroom?
23 THE WITNESS: Yes, sir.
24 THE COURT: Is that right? Okay. Do you have any
25 questions as a result of my questions?

1 MS. SUDANO: Yes, Your Honor.

2 THE COURT: Okay.

3 REDIRECT EXAMINATION

4 BY MS. SUDANO:

5 Q I just have a couple clarifications on that. All
6 right.

7 So the shower incident that we were just talking
8 about, you indicated that Deborah was instructed to turn
9 around and bend over --

10 A Um-h'm.

11 Q -- and that you were instructed to penetrate --

12 A Deborah.

13 Q -- her vagina?

14 A Yes.

15 Q You indicated that you were unable to do that.

16 A Yes.

17 Q But that you did kind of make physical contact with
18 her penis and her vagina; is that right?

19 A Yes.

20 Q Do you remember Deborah's hand ever being involved
21 in that part of it?

22 A No.

23 Q Do you remember her hand ever being on your penis?

24 A No.

25 Q You just remember your penis being on her kind of

1 around her vagina?

2 A Yes.

3 MS. SUDANO: Thank you, Your Honor. Nothing
4 further.

5 THE COURT: Ms. Radosta, anything from that?

6 MS. RADOSTA: Just regarding your questions, Your
7 Honor.

8 THE COURT: Okay.

9 RECROSS-EXAMINATION

10 BY MR. RADOSTA:

11 Q Tails, when Deborah first got in -- or when you
12 first got into the shower, Deborah got in with you, correct?

13 A Yes, ma'am.

14 Q And your dad was just kind of going back and
15 forth --

16 A Yes, ma'am.

17 Q -- in and out of the room, in and out of the room,
18 right?

19 A Yes, ma'am.

20 Q And you guys were washing each other at some point,
21 correct?

22 A (No audible response).

23 Q And I believe you testified on direct that she
24 wasn't directed to give you a blow job, she just did it; is
25 that right?

1 A No.

2 Q No? You didn't say that on direct, that she just --

3 A Like what do you mean by direct? Like --

4 Q I'm sorry, when -- that was me talking like a

5 lawyer. When Ms. Sudano was asking you questions earlier --

6 A Um-h'm.

7 Q -- you testified that Deborah just gave you a blow

8 job, nobody today her to do that, correct?

9 A Yeah.

10 Q Okay.

11 A So --

12 Q Is that right?

13 A Yes.

14 Q Okay. Just making sure. Thank you.

15 MS. RADOSTA: Nothing further, Judge.

16 THE COURT: Ms. Sudano.

17 THE WITNESS: I'm getting confused.

18 FURTHER REDIRECT EXAMINATION

19 BY MS. SUDANO:

20 Q Now, I'm confused.

21 A Yeah, I am confused, too.

22 Q Okay.

23 A All the (indecipherable) questions to be worded and

24 whatnot, it's confusing.

25 Q Did the defendant direct Deborah to perform oral sex

1 on you in the shower?

2 A Now you guys are going back and forth and it's all
3 reworded and whatnot.

4 Q Did -- I can try and ask it again. Did the
5 defendant tell Deborah to put her mouth on your penis in the
6 shower?

7 A No. No.

8 Q Okay.

9 MS. SUDANO: Thank you, Your Honor. Nothing
10 further.

11 THE COURT: Anything?

12 MS. RADOSTA: No, Judge.

13 THE COURT: Did he say anything to you about that?
14 Didn't you just tell me --

15 THE WITNESS: Like I said, I'm getting confused.
16 I'm --

17 THE COURT: Okay.

18 THE WITNESS: -- nervous right now and --

19 THE COURT: That's why I'm trying to -- that's I'm
20 trying to clarify.

21 THE WITNESS: I'm nervous. All right.

22 THE COURT: Didn't you -- did you just now tell me
23 that he told you to commit -- I mean, told Deborah to commit
24 fellatio on you?

25 THE WITNESS: Um-h'm.

1 THE COURT: Okay. So what happened?

2 THE WITNESS: That I'm just -- like I said, I'm
3 dazed and now I'm getting confused and --

4 THE COURT: Okay. All right.

5 THE WITNESS: -- nervous and whatnot.

6 THE COURT: I don't want to confuse you at all. I
7 know parties don't want to confuse at all.

8 When you're in the shower, what happened? Just
9 tell us what happened.

10 THE WITNESS: So basically, we start cleaning each
11 other off --

12 THE COURT: Okay.

13 THE WITNESS: -- right? So I don't know if I was
14 instructed beforehand or whatnot. Like I said, I wasn't
15 paying attention, and she started to perform fellatio. Now
16 for her being instructed, I wasn't paying attention as well,
17 so there's an opportunity where he could have instructed
18 her --

19 THE COURT: Okay.

20 THE WITNESS: -- and I wasn't paying attention or
21 she just did it willingly.

22 THE COURT: Okay. So you don't know?

23 THE WITNESS: Basically.

24 THE COURT: Okay. All right. There now I'm clear.
25 Okay. Any questions as a result of those? Any questions?

1 MS. RADOSTA: No, Judge.

2 THE COURT: All right. Okay. Are we done with
3 Tails?

4 THE WITNESS: Yes.

5 MS. SUDANO: Yes. Thank you, Your Honor.

6 THE COURT: Tails, thank you so much for your
7 testimony. You can step down. You're excused.

8 All right. Do you want to break now?

9 MR. SWEETIN: If we could, Judge.

10 MS. RADOSTA: Sure. Thanks.

11 THE COURT: You know what, can you approach?

12 MR. SWEETIN: Yeah.

13 THE COURT: Okay.

14 (Off-record bench conference.)

15 THE COURT: All right. Ladies and gentlemen, the
16 State had indicated they do have another witness, but we
17 anticipate that the witness would take considerable time.

18 I have to go take a verdict for another judge
19 that's not here and is next door. So I'm going to give you
20 your -- let you go for the weekend.

21 I want you -- we are not going to be in session on
22 Tuesday. So if you have something to do, if you need to go
23 to work, or you need to check in with your work or whatever,
24 go ahead and do so. But remind them that you're still in
25 session.

1 So if you have an issue with that, like, if you go
2 back and they say, well, no, you're here now, you have to
3 stay, let us know. Okay? But we should be able to get
4 started Wednesday by, I would say, 11:00 o'clock. That --
5 okay, Ms. Turner?

6 UNIDENTIFIED JUROR: So we come back Wednesday?

7 THE COURT: No, no. I --

8 UNIDENTIFIED JUROR: Oh.

9 THE COURT: I'm sorry. You know what, thanks for
10 listening. No, we can get started Monday by 11:00 o'clock.

11 (Court/Clerk conferring)

12 THE COURT: It's my criminal calendar on Monday and
13 Wednesday, and those go a little bit longer sometimes. So be
14 ready to get started by 11:00.

15 Once again, eat before you come. Okay? And then I
16 think probably Wednesday I'll talk to you more on Monday
17 before you leave, but like I said, plan on something if you
18 need to for Tuesday for work or however -- whatever you need
19 to get yourself kind of back together for a while. And then
20 on Wednesday we'll probably get started at the same time
21 around 11:00. Okay? Do you have any questions? All right.
22 Ya'll have a good weekend. Okay? All right.

23 UNIDENTIFIED JUROR: Be admonished.

24 THE COURT: What's that?

25 UNIDENTIFIED JUROR: We need to be admonished.

1 THE COURT: Oh, see, you know what, here, come put
2 this on. No. Okay.

3 You are admonished not to converse amongst yourself
4 or with anyone else on any subject connected with this trial
5 or to read, watch, or listen to any report or commentary on
6 the trial by any person connected with this case or by any
7 medium of information, including without limitation, to
8 newspapers, television, Internet, or radio.

9 You are further admonished not to form or express
10 any opinion on any subject connected with this case until it
11 is finally submitted to you.

12 All right, guys. Thank you. Have a good weekend.
13 Okay?

14 (Jury recessed at 3:44 P.M.)

15 THE COURT: Okay. We're outside the presence of
16 the jury. Does anything need to be put on the record before
17 we take our recess?

18 MR. SWEETIN: No, Judge.

19 MS. RADOSTA: No, Judge.

20 THE COURT: All right. Ya'll have a good weekend.
21 Okay?

22 MS. RADOSTA: Thanks, you too.

23 MR. SWEETIN: Thank you, Judge.

24 THE COURT: All right.

25 (Court recessed at 3:45 P.M., until Monday,
26 February 11, 2019, at 11:02 A.M.)

INDEX

WITNESSES

<u>NAME</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
<u>STATE'S WITNESSES:</u>				
TERRIE SENA		3	107/127	117/128
RYAN SENA	130	218	237	239
TERRY TAILS SENA	241	291	306/308	307/--

* * * * *

EXHIBITS

<u>DESCRIPTION</u>	<u>ADMITTED</u>
--------------------	-----------------

(NO EXHIBITS ADMITTED)

* * * * *

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

JULIE LORD, TRANSCRIBER
VERBATIM DIGITAL REPORTING, LLC

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

CHRISTOPHER SENA,) No. 79036
)
 Appellant,)
)
 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
---	--

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:

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