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Respondent.

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Clerk of Supreme Court

Docket 79036 Document 2020-19253

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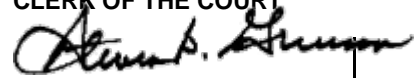
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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

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

BEFORE THE HONORABLE WILLIAM D. KEPHART, DISTRICT COURT JUDGE

MONDAY, FEBRUARY 11, 2019

**RECORDER'S TRANSCRIPT OF HEARING
JURY TRIAL - DAY 11**

APPEARANCES:

FOR THE STATE:

JAMES R. SWEETIN, ESQ.
Chief Deputy District Attorney

MICHELLE L. SUDANO, ESQ.
Deputy District Attorney

FOR THE DEFENDANT:

VIOLET R. RADOSTA, ESQ.
DAVID E. LOPEZ-NEGRETE, ESQ.
Deputy Public Defenders

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

1 LAS VEGAS, NEVADA, MONDAY, FEBRUARY 11, 2019

2 (Case called at 11:02 A.M.)

3 (Outside the presence of the jury)

4 THE COURT: Okay. We're on the record in the case
5 of State of Nevada versus Christopher Sena in C-311453. I'd
6 like the record to reflect the presence of the defendant, his
7 counsel, as well as the State, and their counsel.

8 We're outside the presence of the jury. Before we
9 get started, you indicated you need to put something on the
10 record.

11 MR. SWEETIN: The State just wanted to address some
12 scheduling issues that we have today.

13 THE COURT: Okay.

14 MR. SWEETIN: We're planning on calling Brandon
15 Sena, and then Deborah Sena. We also have, though, our
16 sexual assault examiner doctor, set to testify via video at
17 4:00 p.m.

18 THE COURT: Okay.

19 MR. SWEETIN: So it's possible that we might have
20 to break with Deborah in order to do that -- that testimony
21 and then come back.

22 THE COURT: Okay. So we've finished with Tails,
23 right?

24 MS. RADOSTA: Yes.

25 THE COURT: Cross is done?

1 MS. RADOSTA: Yes.

2 THE COURT: Okay. All right. So --

3 MS. RADOSTA: You don't remember it, Judge?

4 THE COURT: No, I do, but I had -- I wrote in a
5 note here, and it kind of got me confused, so -- because we
6 went back and forth a couple of times, and so -- okay.

7 So we're ready to get started, then?

8 MR. SWEETIN: Yes.

9 MS. RADOSTA: Yes.

10 THE COURT: All right. And we're going to take all
11 tomorrow off, right, Ms. Radosta?

12 MS. RADOSTA: Yes.

13 THE COURT: Okay.

14 MS. RADOSTA: Yes.

15 THE COURT: All right. Okay. So get them in, Ed.

16 THE MARSHAL: All rise for the presence of the
17 jury.

18 (In the presence of the jury)

19 THE COURT: Okay. Everybody go ahead and have a
20 seat.

21 We're back on the record in the presence of the
22 jury. Just so the record's clear --

23 (JURY ROLL CALL)

24 THE COURT: Everyone has answered to the call.

25 Will the parties stipulate to the presence of the jury?

1 MR. SWEETIN: Yes, Your Honor.
2 MS. RADOSTA: Yes, Your Honor.
3 THE COURT: Good morning, ladies and gentlemen.
4 Hopefully, you had a good weekend.
5 So the State was -- when we took our break, the
6 State was still in their case-in-chief.
7 State, call your next witness.
8 MR. SWEETIN: Your Honor, the State would call
9 Brandon Sena.
10 THE COURT: Okay.
11 BRANDON SENA, STATE'S WITNESS, SWORN
12 THE CLERK: Thank you. Please be seated.
13 Please state your full name, spelling your first
14 and last name for the record.
15 THE WITNESS: Brandon Sena, B-r-a-n-d-o-n, S-e-n-a.
16 THE COURT: Mr. Sweetin, your witness.
17 MR. SWEETIN: Thank you.
18 DIRECT EXAMINATION
19 BY MR. SWEETIN:
20 Q Good morning, Brandon.
21 A Hello.
22 Q How old are you now?
23 A 20.
24 Q And what's your date of birth?
25 A August 13, 1998.

1 Q And what are you doing now? Are you currently
2 employed or going to school or what?

3 A I am working and going to school.

4 Q Where are you working?

5 A I'm working at Valet Living.

6 Q And what do they do?

7 A Just take out trash.

8 Q Okay. And you indicated you're going to school as
9 well?

10 A Yes, sir.

11 Q And where are you going to school?

12 A Going to school at CSN.

13 Q And what are you studying there?

14 A Computer programming.

15 Q Now, are you familiar with a residence located at
16 6012 Yellowstone here in Las Vegas, Clark County, Nevada?

17 A Yes, sir.

18 Q How are you familiar with that residence?

19 A I lived there growing up for 16 years.

20 Q Okay. When you say you lived there growing up, as
21 you were born and began living in a residence, do you recall
22 that that was the residence you were living in?

23 A Yes, sir.

24 Q And you said you were living there for 16 years.
25 Would it be fair to say that you stayed at that residence

1 until you were -- just before you turned 16?

2 A Yes, sir.

3 Q After you moved out of that residence, just before
4 you turned 16, did you ever return to that residence?

5 A No, sir.

6 Q Okay. Now, over that period of time that you were
7 living at that residence, was there anyone else living there
8 with you?

9 A Seven -- six other people, not including me.

10 Q Okay. Who was living there?

11 A Deborah Sena, Christopher Sena, Terrie Sena, Anita
12 Sena, Ryan Sena, and Terry Sena.

13 Q Okay. Now, you made mention of Christopher Sena; is
14 that right?

15 A Yes, sir.

16 Q Do you see that person in the courtroom today?

17 A Yes, sir.

18 Q What I'd like you to do is to point to that person
19 for the Judge and tell the Judge something that that person
20 is wearing today.

21 A A blue shirt.

22 Q Okay. Sitting at the table next to me?

23 A Yes, sir.

24 Q Is that at the end of the table, middle of the
25 table, where?

1 A End of the table.

2 MR. SWEETIN: May the record reflect the witness
3 identified the defendant?

4 THE COURT: It will.

5 BY MR. SWEETIN:

6 Q You also indicated that there were others living
7 there. You mentioned Deborah Sena as well; is that correct?

8 A Yes, sir.

9 Q Now, how were you related or how did you know
10 Deborah Sena?

11 A Deborah Sena was my mother.

12 Q Okay. And she's your biological mother?

13 A Yes, sir.

14 Q You also mentioned Terrie Sena; is that right?

15 A Yes, sir.

16 Q And who is Terrie Sena?

17 A Was my stepmother.

18 Q Okay. So she was an adult; is that right?

19 A Yes, sir.

20 Q And she -- and you indicated she was your
21 stepmother. She lived there at the residence with you; is
22 that right?

23 A Yes, sir.

24 Q Did she function sort of as a mother similar to your
25 mother, Deborah?

1 A Yes, sir.

2 Q You also mentioned someone by the name of Tails; is
3 that right?

4 A Yes, sir.

5 Q Okay. And who was Tails?

6 A Tails is my half-brother.

7 Q Is Tails older than you or younger than you?

8 A Older.

9 Q And up said half-brother. Who did you have in
10 common that made him a half brother?

11 A My father.

12 Q Okay. So you both had the same father, which would
13 be the defendant?

14 A Yes, sir.

15 Q Okay. And you indicated also Anita; is that
16 correct?

17 A Yes, sir.

18 Q And how is Anita related to you?

19 A My father.

20 Q Okay. And she was your sister; is that correct?

21 A Yes, sir.

22 Q Was she older or younger than you?

23 A Older.

24 Q About how much older than you was she?

25 A About eight to nine years.

1 Q Okay. And then you also mentioned Ryan; is that
2 correct?
3 A Yes, sir.
4 Q And how was -- how were you related or how did you
5 know Ryan?
6 A All -- he wasn't related to me, but he lived with
7 me.
8 Q Okay. Do you know if he was related to anyone else
9 in the house?
10 A He was related to Terrie Sena.
11 Q How was he related to her?
12 A That is his mother.
13 Q Okay. And was he older or younger than you?
14 A Older.
15 Q About how much older?
16 A Two months.
17 Q So you were both about the same age?
18 A Yes, sir.
19 Q Now, while you were living at that house, and we've
20 talked about the range, from the time you were born until you
21 were 16; is that right?
22 A Yes, sir.
23 Q So while you were living at that house, what was
24 your relationship like with the defendant, Christopher Sena?
25 A Abusive, controlling.

1 Q Now, when you say controlling, what do you mean by
2 that?

3 A Everything had to be done his way. If not,
4 punishments were in order.

5 Q Were there rules inside the house that you had to
6 live by?

7 A Yes, sir.

8 Q What sort of rules?

9 A Everything had to be done his way. You had to be
10 home at like certain times. If he needed you for anything,
11 you had to be there, just stuff like that.

12 Q Okay. And when you said if he needed you for
13 anything, you had to be there, what do you mean by that?

14 A So if he called you to his office for a simple --
15 simple thing to get him a drink of Coke, you had to be
16 there --

17 Q Okay.

18 A -- and get it to him.

19 Q Did you also help him with work around the house or
20 even outside of the house?

21 A Yes, sir.

22 Q Could you be more specific?

23 A Working on pools, cars, lawn mowing.

24 Q Okay. And you indicated that when he wanted
25 something done, you had to do it?

1 A Yes, sir.

2 Q Now, if -- let me ask you this, were there cameras
3 around the house?

4 A Yes, sir.

5 Q Were the cameras around the house the whole time as
6 far back as you can remember or did they come later or when
7 exactly were they there?

8 A They came later on.

9 Q About when? How old were you when you remembered
10 there being cameras in the house?

11 A I can't remember the exact date, sir, but about
12 maybe when I was 11.

13 Q Okay. And now, the cameras in the house, did that
14 impact the way you did things around the house, the fact that
15 there were cameras?

16 A Yes, sir.

17 Q How so?

18 A Always being worried that I'm being watched 24/7.

19 Q By who?

20 A My father.

21 Q The defendant?

22 A Yes, sir.

23 Q Why were you worried that he was watching you?

24 A Because he would always call us if we're not in the
25 living room or if we're doing -- like, calling us to see

1 where we are, if we're not in camera's view.

2 Q Okay. So it was your belief that he kept pretty
3 close tabs of you through the cameras?

4 A Yes, sir.

5 Q Now, you mentioned that if things didn't go the way
6 that the defendant wanted to get them to go, that there would
7 be repercussions for that; is that correct?

8 A Yes, sir.

9 Q Did those repercussions include violence?

10 A Yes, sir.

11 Q Could you describe what you recall?

12 A They could involve beatings, yelling, screamings,
13 more of stuff like that.

14 Q Now, when you said beatings, can you be more
15 specific as to what you mean by that?

16 A You could be hit, thrown, pushed to the ground,
17 threatened.

18 Q Okay. Now, when you say hit, were you hit?

19 A Yes, sir.

20 Q And when you say hit, how were you hit by the
21 defendant?

22 A I've been slapped multiple times across the face, I
23 have been pushed down, and so on and so force --

24 Q Now, you --

25 A -- so forth.

1 Q -- you've gone through a list of the others that
2 were living there with you, the other children, including
3 Anita, Tails, and Ryan; is that right?

4 A Yes, sir.

5 Q Did you see them disciplined in the way that you've
6 described that you were disciplined by the defendant hitting
7 you sometimes across the face?

8 A Yes, sometimes even worse.

9 Q When you say worse, what do you mean by that?

10 A For Ryan Sena, he has been thrown against the table.
11 My brother, Tails, he has been pushed down to the ground and
12 had a foot on his like chest.

13 Q Do you recall a time when you got in trouble having
14 to do with something of identifying a color or something of
15 that sort around the pool?

16 A Yes, sir.

17 Q About how old were you when that happened?

18 A I was about 14.

19 Q And what happened exactly?

20 A I was in the house, I don't remember if I was
21 playing video games or not. I -- yeah, I was playing video
22 games with my buddy, and I got asked to come outside to come
23 help do something with a -- like hold something down. It was
24 in the pool. I couldn't identify the color, and he got
25 really mad, sending my friend home and taking me inside the

1 house.

2 When we got taken inside the house, he started
3 screaming at me, saying, I can't remember what words, but it
4 ended up in me saying I prefer not to live here anymore.

5 Right after that, he got really aggressive, slapped
6 me, he grabbed me to the floor, pinned down both my arms, and
7 started just whaling down on me with massive hits.

8 Q Okay. Do you remember if anyone else was present
9 when that happened?

10 A My mother.

11 Q Which mother?

12 A Deborah Sena.

13 Q Now, you made reference to him yelling and making
14 threats. What exactly -- what sort of threats would he make?

15 A I brought you into this world, I can bring you out.

16 Q Did he make mention of hurting you in any way?

17 A Yes, sir. Oh, he has also threatened to break our
18 legs. He knows how to hide a body. And if you try calling
19 the police, I can do a lot more before they can show up in
20 time.

21 Q Okay. Now, you mentioned the police. Did you ever
22 think about going to the police and telling them what was
23 happening in the house --

24 A No, sir.

25 Q -- at that time? Why is that?

1 A Because he was friends with a lot of cops.

2 Q And what did that cause you to believe because he
3 was friends with cops?

4 A He's had cops over multiple times and was
5 buddy/buddy with them, and if we told the cops, then they
6 would not believe us and bring us back.

7 Q Okay. Now, you mentioned that he also yelled at
8 you; is that correct?

9 A Yes, sir.

10 Q When he was yell at you, would he say things to you
11 that were hurtful in any way?

12 A Yes, sir.

13 Q What would he say?

14 A I'm stupid. And of more just the death threats that
15 hurt the most.

16 Q Okay. Do you recall seeing him say similar things
17 to others in the house?

18 A Yes, sir.

19 Q Who did he say those things to?

20 A To Ryan Sena. He's called him stupid. He's also
21 did some death threats to him. He's done it to my sister, to
22 my brother.

23 Q Okay. Now, inside of that house, as you were
24 growing up, do you recall seeing anything just open in the
25 household of a sexual nature?

1 A Yes, sir.

2 Q Could you describe those things to the jury?

3 A Starting out with the basic just him normally

4 walking bare ass naked. We got him --

5 Q Are you okay?

6 A Yeah, I'm losing my train of thought.

7 Q Let me ask you this, did you get much sleep last

8 night?

9 A No, sir.

10 Q You're a little apprehensive about testifying here

11 today.

12 A Yes, sir.

13 Q Just relax.

14 You indicated that you saw some sexual things around

15 the house; is that right?

16 A Yes, sir.

17 THE COURT: Mr. Sweetin, hold on a minute.

18 Mr. Sena, why don't you pour yourself a glass of water there,

19 if you'd like to. Is there a cup there for you?

20 THE WITNESS: No, sir. Oh, there is. Oh, my God.

21 THE COURT: Okay.

22 THE WITNESS: Sorry about that.

23 BY MR. SWEETIN:

24 Q No, it's fine.

25 THE COURT: Go ahead.

1 THE WITNESS: There -- there would be times he also
2 flashes Terrie's tits at me.

3 BY MR. SWEETIN:

4 Q Was that within the household?

5 A Yes, sir.

6 Q Did that ever happen when the defendant wasn't
7 around that Terrie would flash her breasts to you?

8 A When the defendant wasn't around, no, never.

9 Q Only when he was around?

10 A Yes, sir.

11 Q Okay. Do you recall -- you mentioned that he walked
12 around the residence nude from time to time; is that correct?

13 A Yes, sir.

14 Q Were there others in the residence when he did that?

15 A Yes, sir.

16 Q Who would be in the residence when he did that?

17 A My brother, Ryan, sometimes; my brother, Tails, and
18 most positive my sister.

19 Q When you say your sister; Anita?

20 A Yes, sir.

21 Q Now, was there a routine or -- that happened
22 periodically when the defendant woke up in the residence?

23 A Normally, he would wake up and call us in to get him
24 a glass of water or come to hug him in the morning.

25 Q Okay. And when you say call you in, call you in

1 where?

2 A Call us into his bedroom.

3 Q Okay. Now, do you know whether the defendant slept
4 with clothes on or not?

5 A He slept with his clothing off.

6 Q Okay. When you were called into the bedroom, was he
7 nude in the bedroom?

8 A Yes, sir.

9 Q Okay. Was he under the covers, over the covers?

10 A Under the covers.

11 Q Were there other sexual oriented things that were
12 left laying around the house?

13 A Not as I know of, sir.

14 Q Now, the house itself -- and I'm going to show you
15 what's marked as State's Exhibit 1. It should come up on the
16 TV right there in front of you. Do you recognize that?

17 A Yes, sir.

18 Q And what is that?

19 A That would be a layout of the whole yard.

20 Q Okay. Now, would it be fair to say that this also
21 is kind of a diagram of the residence or the interior of the
22 residence?

23 A Yes, sir.

24 Q Okay. Would it be fair to say that there's two
25 separate sections --

1 A Yes, sir.

2 Q -- of the residence?

3 How would you describe the two separate sections of the

4 residence?

5 A One as his main office, and one as the main trailer.

6 Q Okay. And his main office would be in back here; is

7 that correct?

8 A Yes, sir.

9 Q Now, I want to direct your attention specifically to

10 that main office. Was there anything in that office that was

11 -- when you went in, that you observed and it's sexually

12 oriented?

13 A A lot, sir.

14 Q Could you describe to the jury what you mean?

15 A Naked photos behind his computer desk, photos of

16 different naked like cartoon characters, pretty thick. I

17 think he had one or two figures, like, collectible -- like

18 not collectible, but figures on his desk.

19 Q And when you say figures, those would be sexually

20 oriented --

21 A Yes, sir.

22 Q -- figures?

23 And you mentioned that there was also photos; is

24 that correct?

25 A Yes, sir.

1 Q So there were photos of actual naked women --
2 A Yes, sir.
3 Q -- back in that area?
4 Now, the area that you're referring to in this office,
5 you mentioned something about a desk; is that correct?
6 A Yes, sir.
7 Q And there is -- on this diagram, actually, on
8 State's Exhibit 1, there's a computer desk noted back in the
9 corner. So the front door is here, and back in that corner
10 is a computer desk?
11 A Yes, sir.
12 Q Would that be the area you're referring to?
13 A Yes, sir.
14 Q Did you have occasion to be back in that office from
15 time to time?
16 A Yes, sir.
17 Q Did others in the family have occasion to be back in
18 that office from time to time?
19 A Yes, sir.
20 Q Was the sexual items that you made reference to
21 always on display as you remember growing up in that
22 residence when individuals went back there?
23 A Yes, sir.
24 Q Now, are you familiar with Erin Clark and Tamara
25 Grisham?

1 A Yes, sir.

2 Q How are you familiar with them?

3 A They were my brother's cousins.

4 Q Okay. And when you say your brother, which brother
5 would that been?

6 A Ryan Sena.

7 Q Okay. Were they older or younger than you, do you
8 remember?

9 A Erin was younger. Tamara, I do not remember. I
10 think older.

11 Q Okay. Did you have occasion or did they have
12 occasion to visit your residence while you were living there?

13 A Yes, sir.

14 Q And when they visited, did they just visit for the
15 day or did they stay for a night, or what happened exactly?

16 A Depends on the day. Sometimes the day, sometimes
17 comes stays for the night.

18 Q Okay. Now, did you ever have any knowledge of
19 either Erin or Tamara going back to this office that we
20 talked about?

21 A Yes, sir.

22 Q How did you have -- have knowledge of them going
23 back to that office?

24 A My father would ask me or one of my brothers to go
25 get them.

1 Q And when you say you or one of your brothers, which
2 brothers?

3 A Me or Ryan or Tails.

4 Q Okay. And what specifically would he tell you to
5 do?

6 A Go get one of them and bring them back to the office
7 and as soon as we did, to get out of there.

8 Q Okay. And when you say go get one of those, would
9 he -- one of them, would he specify which one he wanted you
10 to bring?

11 A Yes, sir.

12 Q Okay. And you did what he told you to do; is that
13 right?

14 A Yes, sir.

15 Q Did you always do what he told you to do?

16 A Yes, sir.

17 Q And you indicated that when you brought that person
18 back to the office, do you recall whether or not there was
19 anybody in the office besides the defendant when you would
20 bring someone -- or one of those girls back typically?

21 A That's more of just if Terrie was home or not.

22 Q Okay. Were there types that you would take these
23 girls back to the office when it would only be the defendant
24 back in the office?

25 A Yes, sir.

1 Q And then once you would take them back in the off, I
2 think you indicated that you would not stay; is that right?

3 A Yes, sir.

4 Q And why is that, that you wouldn't stay in the
5 office?

6 A Because I would be told to leave.

7 Q And who tell you to the leave?

8 A The -- my father.

9 Q The defendant?

10 A Yes, sir.

11 Q Now, while you were living at that residence, were
12 things of a sexual nature that happened to you?

13 A Yes, sir.

14 Q All right. When do you remember those things
15 starting?

16 A Started when I was 14 years old.

17 Q And do you remember who was involved in those
18 incidents of a sexual nature that happened to you?

19 A Yes, sir.

20 Q Who would that be?

21 A Two times with -- every time with the defendant.
22 Two times with the defendant there with Terrie and one time
23 with my mom with the defendant in there.

24 Q Okay. And your mom would be Deborah; is that
25 correct?

1 A Yes, sir.

2 Q So let's talk about Terrie first. You said you were
3 about 14 years old; is that right?

4 A Yes, sir.

5 Q The incidents that you've described, did they all
6 happen there at that residence you referred to of 6012
7 Yellowstone?

8 A Yes, sir.

9 Q The incidents with Terrie, did they happen in a
10 specific place within that residence?

11 A Yes, sir.

12 Q And where would that be?

13 A The office.

14 Q And that's the office we've been talking about back
15 here; is that correct?

16 A Yes, sir.

17 Q You indicated it happened two times. Do you have a
18 memory of those times?

19 A Yes, sir.

20 Q And I'm going to have to ask you to describe, best
21 as you can, each of those incidents as you remember them.

22 A Okay. The first time was, I think it was one during
23 national thing. I think it was like a volcano exploded or
24 something like that, and I was back there, I think, talking
25 to my father. I was going to ask him to play video games or

1 something. And Terrie was also back there.

2 He called her over, and I don't know what fully led
3 up to it, but he ended up having her flash her tits at me,
4 having me play with -- play with them, and had her get down,
5 suck my penis, and eventually have me get on top of her and
6 switch around while he was in the back corner masturbating.

7 Q All right. And I know this is difficult, Brandon.
8 I got to ask you just a few more specific questions about
9 this. All right?

10 A Yes, sir.

11 Q All right. Now, you indicated that each of these
12 things, you indicated that defendant had; is that correct?
13 That the defendant had you do this or had you do that?

14 A Yes, sir.

15 Q What was it that caused you to believe that the
16 defendant was having you do these things?

17 A He would be telling us how to do everything exactly
18 what to do.

19 Q And you said that you remember as part of it that
20 was Terrie flashed her breasts at you; is that correct?

21 A Yes.

22 Q And then you indicated that you touched her breasts
23 in some way?

24 A Yes, sir.

25 Q Okay. What did you touch her breasts with?

1 A My hands.

2 Q Did you touch her breasts skin to skin or over the
3 clothes or do you remember?

4 A Skin to skin.

5 Q All right. At some point in time, did Terrie's
6 clothes come off of her?

7 A Yes, sir.

8 Q Okay. Do you remember how that happened?

9 A He ended up telling her to take down her -- take off
10 her clothes while having me take off my pants.

11 Q All right. Beyond you touching Terrie's breasts,
12 you indicated that the defendant had Terrie put her mouth on
13 you in some way; is that right?

14 A Yes, sir.

15 Q And where did she put her mouth?

16 A Right on my penis, sir.

17 Q Okay. So your penis went inside of her mouth?

18 A Yes, sir.

19 Q And the reason that happened was what?

20 A Because he told her to.

21 Q And you indicated that there was also another sex
22 act that happened during that time; is that right?

23 A Yes, sir.

24 Q At the time that you were touching Terrie's breasts
25 and Terrie's mouth went onto your penis, do you remember how

1 you were situated? Were you standing, sitting, laying?

2 A Rephrase that one more time, sir.

3 Q Sure. At the time those first two acts happened,

4 where you touched Terrie's breasts with your hands, and your

5 penis went into her mouth, do you remember whether you were

6 standing, laying, sitting, do you remember?

7 A I think -- I think it was standing, sir.

8 Q Okay. Did your position change at some point?

9 A Yes, sir.

10 Q How did it change?

11 A To where we were on the ground.

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

13 A Me and Terrie.

14 Q Okay. And when you were on the ground, do you

15 remember how Terrie was situated and how you were situated?

16 A I don't remember fully exactly, sir.

17 Q Okay.

18 A But laying on the ground.

19 Q And do you remember that there was a sexual act that

20 happened while you were on the ground; is that correct?

21 A Yes, sir.

22 Q And what happened exactly?

23 A Her -- Terrie riding me.

24 Q Okay.

25 A Like on top of me.

1 Q Okay.

2 A Sorry.

3 Q And when she was on top of you, did you penetrate
4 her in some way?

5 A Yes, sir.

6 Q And what did you penetrate her with?

7 A My penis.

8 Q And where did your penis go? I'm sorry.

9 A Inside of her vagina.

10 Q Now, you've indicated all of these acts happened.
11 You made mention before that the defendant was masturbating;
12 is that correct?

13 A Yes, sir.

14 Q Was the defendant masturbating through all of these
15 acts or just part of them or --

16 A Through all of them.

17 Q Did you -- when -- as the defendant was
18 masturbating, did you see the defendant's penis to be
19 exposed?

20 A Yes, sir.

21 Q Did you want to do this?

22 A No, sir.

23 Q Why did you do it?

24 A I was told to. I was threatened.

25 Q And when you say threatened, what do you mean?

1 A I -- he could end up hurting me, ending my life.

2 Q Okay. And that's kind of what had been said in the

3 house the entire time you were growing up --

4 A Yes, sir.

5 Q -- is that correct?

6 Now, after this happened, do you remember telling

7 anybody what happened?

8 A Are we talking about future wise or just --

9 Q No. Just at that time. Just after --

10 A No, sir.

11 Q -- it happened? Okay.

12 And why didn't you tell anybody?

13 A He threatened to end my life if I told anyone.

14 Q Now, you mentioned that there was another time that

15 you remember; is that right?

16 A Yes, sir.

17 Q And that involved the same individuals you just

18 described, and that would be the defendant, Terrie, and then

19 yourself; is that right?

20 A Yes, sir.

21 Q Okay. And that second time, where did it happen

22 within the residence?

23 A In the back office.

24 Q Same office?

25 A Yes, sir.

1 Q And do you remember how that second incident
2 occurred?

3 A Yes, sir.

4 Q Could you describe that to the jury?

5 A I was heading back there early in the morning to go
6 ask to play some video games because that was my favorite
7 thing to do, and so I went back there to find out he was
8 having sex with Terrie at the time. I tried to get out of
9 there because -- and he ended up calling me back, and
10 technically forcing me to join -- join in.

11 Q All right. Now, you indicated that he was -- he was
12 having sex with Terrie; is that correct?

13 A Yes, sir.

14 Q Do you remember where he and Terrie were within the
15 office?

16 A On her bed on the other side of the computer desk.

17 Q Okay. You made reference to the computer desk; is
18 that right?

19 A Yes, sir.

20 Q You said on the other side of the computer desk, so
21 that would be in this area?

22 A Yes, sir.

23 Q Okay. Now, I want to show you what's marked as
24 State's Exhibit 44. Is that sort of a picture of that office
25 area?

1 A Yeah. Yeah, and the desk, yes.

2 Q Okay. Now, you say behind the desk. Where would
3 the desk that you're referring to be on this? Would it be on
4 the left-hand side or the right-hand side or somewhere --

5 A In the back.

6 Q I'm sorry?

7 A In the back right past the monitor on the left side.

8 Q Okay. You made reference to an area where Terrie's
9 bed was; is that right?

10 A Yet.

11 Q Which side of the office would that be on?

12 A On the other side of the monitor closer towards the
13 beginning of the photo.

14 Q Okay. Would that also be on the left side of the
15 photo?

16 A Yes, sir.

17 Q Okay. So that would be sort of closer up to the
18 front; is that correct?

19 A Yes, sir.

20 Q Okay. Now, just to be clear, this -- this area
21 here --

22 A Yes.

23 Q -- did it look like this when you were living there?

24 A No, sir.

25 Q How is it different?

1 A There is a T-shaped barrier wall. From where that
2 monitor is -- where the monitor is at to where the filing
3 cabinets are making a -- the starting T where the monitors
4 are.

5 Q Okay. So there was a wall kind of shaded off the
6 office area previously; would that be accurate?

7 A Yes, sir.

8 Q All right. Now, you indicated that the defendant
9 called you back as you observed him having sex with Terrie;
10 is that correct?

11 A Yes, sir.

12 Q And what happened then?

13 A He ended up telling me to take my pants off and get
14 on the bed.

15 Q And did you do that?

16 A Yes, sir.

17 Q Did you want to do that?

18 A No, sir.

19 Q And why did you do it?

20 A Because I was told to do it.

21 Q And what happened next?

22 A I ended up having my -- I don't remember exactly
23 what order, but having my penis go inside of her.

24 Q Okay. When you say inside her, inside her where --

25 A Inside her vagina.

1 Q Okay. What else happened?

2 A He ended up masturbating in the back corner again,
3 and had me go until I finished, and then he got on top of her
4 on the ground while she was -- had my penis inside her mouth.

5 Q So your penis also went inside of her mouth?

6 A Yes, sir.

7 Q Now, you mentioned on the time before that your
8 hands also went on Terrie's breasts; do you remember that?

9 A Yes, sir.

10 Q Did that happen on this occasion as well?

11 A Yes, sir.

12 Q Okay. Now, Brandon, as you sit here, do you know
13 that there were only two times involving Terrie back in that
14 office?

15 A Yes, at a minimal.

16 Q Okay. So there could have been more?

17 A Could have.

18 Q But you have a memory of those two times?

19 A Yes, sir.

20 Q After that occasion, do you recall whether or not
21 you told anybody at that time what was happening?

22 A No, I have not.

23 Q Okay. And why didn't you tell anyone then?

24 A Because my life was threatened.

25 Q Now, you mentioned that there was another time when

1 there was sexual conduct involving you as well, and that
2 incident involved you and the defendant as well as Deborah,
3 your biological mother; is that right?

4 A Yes, sir.

5 Q Do you remember how old you were when that incident
6 happened?

7 A Roughly between 14 and 15.

8 Q Okay. And did it occur at that same residence, the
9 Yellowstone residence?

10 A Yes, sir.

11 Q Do you remember -- and let me make sure I'm clear.
12 On the prior incidences in the office, was there anybody
13 present besides the three of you that you've described?

14 A No, sir.

15 Q Okay. So it was just the three of you on those
16 occasions?

17 A Yes, sir.

18 Q Now, when you were 14 or 15, you indicated there was
19 another incident involving Deborah and the defendant. How
20 does that incident start; do you remember?

21 A I was inside playing some more video games, and he
22 ended up giving me a call to come outside to the pool. I
23 head outside to the pool to find out he -- him and Deborah
24 were in the pool.

25 It leads up to where I try to go back to the house,

1 and he tells me to hop on in. So I was being told, I go into
2 the house, change into my swim trunks, and head to the pool.

3 I realize they were having sex -- or some type of
4 sexual activity, and I try to, like, stay away. But he ended
5 up telling me to come closer and to watch.

6 After the whole incident happened, we all went
7 inside, and I ended up changing out of my bathing suit to my
8 normal clothing.

9 Q Okay. Now, let me stop you there for a minute.

10 So as this incidents begins, you indicated you're called
11 out to the pool; is that right?

12 A Yes, sir.

13 Q When you get out to the pool, you mentioned to the
14 defendant and Deborah were in the pool; is that correct?

15 A Yes, sir.

16 Q Was there anybody else around the pool at that time?

17 A No, sir.

18 Q Now, did you stay out of the pool or did you get in
19 the pool at that time?

20 A When I was called out, I tried to stay out, but was
21 told to come in.

22 Q Okay. And did you get in the pool?

23 A Yes, sir.

24 Q While you were in the pool, you mentioned that you
25 saw some sexual activity; is that right?

1 A Yes, sir.

2 Q What did you see exactly?

3 A I ended up seeing my mom -- my dad holding my mom up
4 on top of him. It's -- I don't even know what you -- how you
5 would explain it.

6 Q Okay. Did your mother and the defendant have
7 clothes on at that time as they were in the pool?

8 A No, sir.

9 Q So they were nude?

10 A Yes, sir.

11 Q And you said on top of him. I'm sorry to have
12 you --

13 A It's -- like I said, I don't know really how to
14 explain it, but him holding kind of like her up with her legs
15 wrapped around him.

16 Q Okay. All right. And at the time he was holding
17 her up with her legs wrapped around him, she was facing him?

18 A Yes, sir.

19 Q So the front of him was facing the front of her?

20 A Yes, sir.

21 Q You said that while that was happening, that
22 defendant was saying something to you?

23 A Yes, sir.

24 Q What was he saying?

25 A He ended up telling me to come closer and watch when

1 I was in the pool because I tried to stay on the other end.

2 Q All right. After this, you indicated that at some
3 point everybody gets out of the pool; is that correct?

4 A Yes, sir.

5 Q And you come into the house?

6 A Yes, sir.

7 Q And they come into the house as well?

8 A Yes, sir.

9 Q Do you remember there being anybody else around the
10 house at that time?

11 A No, sir.

12 Q Once you came inside the house, where do you go and
13 where do they go?

14 A They go straight to the room -- their room and the
15 bathroom. I go straight to my room.

16 Q Okay. Now, when you say their room, I'm going to
17 show you what's marked again as State's Exhibit 21. You
18 mentioned their room. Where would their room be on this
19 diagram?

20 A The master bedroom.

21 Q Okay. So that would be right here; is that correct?

22 A Yes, sir.

23 Q And you indicated that you went to where?

24 A The bedroom, but with it spaced out.

25 Q I'm sorry?

1 A But the bedroom where it says, bed, space room.
2 Because you have two bedrooms right in --
3 Q So would that be this bedroom?
4 A Yes, sir.
5 Q Is that the bedroom that you normally slept in?
6 A Yes, sir.
7 Q Okay. And what happens next?
8 A I end up going out into the living room and turning
9 on the TV to try to watch something or get back to my game.
10 Q Okay.
11 A And --
12 Q And when you say the living room, are we talking
13 about this area right here that's labeled living room?
14 A Yes, sir.
15 Q Okay. And you indicated that you started to play
16 video games or something of that sort of; is that right?
17 A Yes, sir.
18 Q What happened next?
19 A He comes walking -- the defendant coming walking out
20 to the living room bare naked, and tells me to follow him,
21 and I end up doing what he says, and there's my mom laying on
22 the bed naked.
23 Q Okay. I know this is hard. I apologize.
24 When you say he -- you followed him, where did you
25 follow him to?

1 A I followed him to the master bedroom.

2 Q All right. At the time that you went in the master
3 bedroom, you indicated that your mom was there naked; is that
4 correct?

5 A Yes, sir.

6 Q And you indicated that when the defendant came out
7 into the living room to get you, he was naked; is that right?

8 A Yes, sir.

9 Q Once you go into that bedroom and you're there with
10 your mother, where is the defendant?

11 A He is on the side of the door of the bedroom.

12 Q Okay. And when we say the side of the door, there's
13 a door that goes into that master bedroom; is that right,
14 right there?

15 A Yes, sir.

16 Q So when you say on the side of the door where he's
17 just standing --

18 A To the left.

19 Q I'm sorry?

20 A To the left.

21 Q So he's in the door standing to the left?

22 A Yes, sir.

23 Q Okay. So sort of in this corner over here?

24 A Yes, sir.

25 Q What happens next?

1 A He ends up telling me to strip down again and get on
2 the bed and proceeds to have my mother stick her mouth over
3 my penis and later on has her get on top of me, penis in the
4 vagina, and later on has me -- has us switch around,
5 directing the whole time in the back corner while
6 masturbating.

7 Q And when you say switch around, what do you mean?

8 A To where I'm on top of her and she's -- her back is
9 on the bed.

10 Q And what happens at that time?

11 A He's still in the back corner masturbating and
12 directing.

13 Q When you're on top of her, do you penetrate her in
14 any way?

15 A Yes, sir.

16 Q Could you describe that, and I'm sorry, to the jury?

17 A Penis in the vagina.

18 Q All right. What happens next?

19 A He has me go until I finish, and then has -- then he
20 gets on top of her and tells me to go clean up.

21 Q Okay. Do you remember whether or not your penis
22 goes into your mother's mouth one final time?

23 A I think it does.

24 Q And is that at the end?

25 A Yes, sir.

1 Q And at the end, when your penis goes into her mouth,
2 you indicated that he's doing something?

3 A Yes, sir.

4 Q What is he doing?

5 A He is on top of her having his penis in her vagina.

6 Q How does this all end?

7 A With him threatening me again to say not to tell
8 anyone type deal.

9 Q Did he say what would happen if you did tell
10 somebody?

11 A End my life.

12 Q Now, I'm going to show you what's marked as State's
13 Exhibit 72.

14 I'm going to ask you if you recognize this?

15 A Yes, sir.

16 Q Okay. And what is that?

17 A It's a photo of me and my mom.

18 Q Okay. Is this a photo from the time that you were
19 -- you've just described that happened in that bedroom?

20 A Yes, sir.

21 Q Did you know whether or not there were pictures or
22 videos being taken of that incident?

23 A I was not aware, sir.

24 Q Now, you've mentioned that you never told anybody
25 what was going on; is that right?

1 A No, sir.

2 Q Now, did there come a time when you did confide in
3 somebody as to what was going on?

4 A Yes, sir.

5 Q About how old were you?

6 A I was about 15 years old, sir.

7 Q And do you recall, was that somebody in the family
8 that you confided to?

9 A Yes, sir.

10 Q And who was that?

11 A My sister, Anita Sena.

12 Q Now, how did you come to confide in Anita?

13 Well, let me ask you this. At the time that you
14 confided in Anita, you hadn't confided in anybody; is that
15 correct?

16 A Yes, sir.

17 Q No one in the family?

18 A No one at all.

19 Q Okay. When caused you to finally confide in Anita?

20 A I was losing my grip. I was snapping. I wanted to
21 get out of there. I was suicidal, starting to become
22 suicidal, and just losing hope.

23 Q When you talked to Anita, did you tell her that?

24 A Yes, sir.

25 Q Did you tell her anything else about why you felt

1 that way?

2 A I -- I ended up -- what came up to be that way is
3 she was depressed in the backyard, and I wanted to know why.
4 So in order to get her to talk to me, I ended up spilling
5 about something I didn't want to talk about, which was with
6 the Terrie incident to her for her to talk to me on what was
7 bothering her.

8 Q Okay. So you were telling her about how you felt,
9 that you were suicidal, you're at the end of your rope; is
10 that right?

11 A Yes, sir.

12 Q And you mentioned that the reason for that was
13 because you were being caused to have sex with Terrie; is
14 that right?

15 A Yes, sir. And also with all the abuse.

16 Q Okay. At that time, did you say anything about you
17 being caused to have sex with Deborah?

18 A No, sir.

19 Q Had that happened previous to you talking to Anita,
20 the incident with Deborah that yes just talked about?

21 A Yes, sir.

22 Q Why didn't you tell Anita about the incident with
23 Deborah?

24 A Because that's something that's not as easy to talk
25 about as what people would think. It's not -- it's something

1 hard to explain and something I can't put into words.

2 Q Okay. She's your biological mother; is that right?

3 A Yes, sir.

4 Q Does that make it different?

5 A Yes. A little bit bigger difference, yes.

6 Q All right. Now, at the time you tell Anita this,

7 does Anita confide in you at that time as well?

8 A Yes, sir.

9 Q Now, previous to you talking to Anita, did you have

10 any reason to believe that any other kids in that house were

11 being sexually abused?

12 A It never crossed my mind, no.

13 Q After you talked to Anita, did you think

14 differently?

15 A Yes, sir.

16 Q What did you believe after you talked to Anita?

17 A I believed that we needed to get out of the psycho

18 house.

19 Q Did you think that Anita was a victim as well?

20 A Yes, sir.

21 Q So what happens at that time?

22 A I ended up telling her what my plan was, and she

23 ended up telling me to kind of like wait a little bit. But

24 like I said, I already had plans to wait a little bit.

25 Wanted to finish up high school first and get into summer so

1 I couldn't be retracked down when I'm in class.

2 Q Okay. When you said that you couldn't be tracked
3 down when you were in class, so the defendant couldn't find
4 you?

5 A Yes, sir.

6 Q Okay. So you wouldn't be going to school?

7 A Yes, sir.

8 Q All right. Did you come to find out that there was
9 a plan put together to get you out of that house?

10 A A little bit after I talked to my sister, yes.

11 Q And what did that plan, as you understood it at that
12 time, include?

13 A At the time with the plan all I knew was we were
14 going to get out there -- out at some point at night, a
15 little bit around after what I had planned.

16 Q Okay. You said you were getting out of there at
17 night; is that right?

18 A Yes, sir.

19 Q When you say, you were, who was going to get out of
20 there?

21 A Me, my sister, and my mother.

22 Q And that would be your biological mother, Deborah;
23 is that correct?

24 A Yes, sir.

25 Q Now, you mentioned that there were other kids living

1 at the house; is that right?

2 A Yes, sir.

3 Q Did you guys at that time to think to talk to them
4 about leaving as well?

5 A We did think about it, and decided if not, we do not
6 trust them enough to inform of what we were doing.

7 Q Okay. The other kids would have been Tails; is that
8 correct?

9 A Yes, sir.

10 Q So you didn't know if Tails could be trusted?

11 A I wasn't sure at the time. It didn't feel like it
12 was right at the time.

13 Q And you also mentioned that Terrie and Ryan were
14 living there; is that correct?

15 A Yes, sir.

16 Q Did you feel that you could talk to either one of
17 them?

18 A No.

19 Q Why?

20 A Well, one, Terrie, always normally went back, so
21 that would kind of counteract what we had, and Ryan was
22 Terrie's son. He kind of didn't talk a lot about everything,
23 so --

24 Q Okay. So now, you mentioned that you were thinking
25 about trying to get out after school was out. Would this be

1 during the 2013/2014 school year?

2 A I think that's the year, yes.

3 Q So school would have been out about what time in
4 2014?

5 A I think it was January 7th or 8th.

6 Q The school would be out for the summer, then?

7 A Yes, to get out for the summer.

8 Q Is that January?

9 A Sorry, June -- June 8th.

10 Q All right.

11 A It's -- that's when I got out for the summer.

12 Q That's fine.

13 Now, do you recall when that conversation with Anita
14 happened? Was it much before that?

15 A It was maybe a month before, a month or two.

16 Q Okay. So somewhere in that spring area, sometime
17 there?

18 A Yes, sir.

19 Q All right. Now, you had this plan in place. Did
20 violent things continue to happen around the house while that
21 plan was in place?

22 A Yes, sir.

23 Q Do you remember something occurring, which caused
24 you to decide you needed to get out quickly?

25 A Yes, sir. The incident happened with my father was

1 cleaning the pool, my sister was trying to get ready to work,
2 and she ended up asking me, hey, can you go make me a
3 sandwich.

4 And being the kind brother I was and how much I was
5 bonding with her at the time, I was like, I got you, sis.
6 And I went inside to try to make her a sandwich.

7 My mother was also in the kitchen, I guess,
8 prepping food for something, and my --

9 Q And just to be clear, when you say your mother, you
10 mean Deborah; is that correct?

11 A Yes, sir.

12 Q Okay. And what happens next?

13 A My father comes barging in, screaming and shouting,
14 where are you, why aren't you outside helping me, why are you
15 making her a sandwich, and all that stuff like that.

16 Q And what happens next?

17 A He ends up pushing me into a corner, backing me up,
18 and threatening to fight me, saying I'm not drunk now, and
19 all that, with his fists up.

20 Q What do you do as a result of him coming in and
21 doing these things?

22 A I do nothing because I don't really have any choice
23 in the matter. So I plead -- not plead, I crack down and
24 stop making her a sandwich and go help him on his pool thing.

25 Q Because in that house whatever he said, went?

1 A Yes, sir.

2 Q Did there come a point in time when you ended up
3 leaving the house?

4 A Yes, sir.

5 Q Do you remember when that was?

6 A June 14 -- no, June 13th, I think it was.

7 Q Sometime right in there?

8 A Yes, sir.

9 Q And how does that happen?

10 A We make a plan to wake me up at -- well, they woke
11 up -- we made the plan to leave when my mom -- my mother,
12 Deborah, had to go to work, which was around 3:00 or 4:00 in
13 the morning to when everyone was passed out.

14 We end up -- I get up -- end up getting woken up,
15 we end up trying to grab whatever we can, put it to the door.
16 My brother was on the bed sleeping. Ryan was on the same bed
17 I was sleeping. My father was passed out, and Terrie was in
18 the office.

19 Q Okay.

20 A We end up getting our stuff, waiting for the correct
21 time, avoiding all cameras and not trying to make any sounds
22 to wake him up and get in the truck and leave.

23 Q Okay. Now, you made mention that Terrie was back in
24 the office; is that right?

25 A Yes, sir.

1 Q You made reference to Ryan being asleep in the
2 house. I think you said that he was asleep on the bed; is
3 that right?

4 A Yes, sir.

5 Q Again, showing you what's marked as State's Exhibit
6 1. You indicated that you guys slept in this bedroom here;
7 is that correct?

8 A Yes, sir.

9 Q So Ryan is asleep in this bedroom; is that right?

10 A Yes, sir.

11 Q Terrie's back in the office; is that right?

12 A Yes, sir.

13 Q And you mentioned something about Tails also being
14 asleep; is that right?

15 A Yes, sir.

16 Q And where was Tails at?

17 A In the living room.

18 Q In the living room. So is there -- fair to say
19 there was a couch here in the living room?

20 A Yes, sir, but on the other side of the door.

21 Q Okay. So on this side --

22 A Yes, sir.

23 Q -- is that correct? And that's where Tails was
24 asleep?

25 A Yes, sir.

1 Q Now, you indicated that, I think you said, we, is
2 that going to be referring to who?
3 A Me -- escaping-wise --
4 Q Yes.
5 A -- me, my sister, Anita, and my mother, Deborah.
6 Q Okay. Was the defendant present at the residence on
7 that morning?
8 A He was present.
9 Q Where was he at?
10 A He was in the master bedroom sleeping.
11 Q That was back here?
12 A Yes, sir.
13 Q Okay. Now, you made mention something about
14 crawling around; is that right?
15 A Yes, sir.
16 Q Why were you crawling around?
17 A Because the house had multiple squeak points and
18 light -- when our motion detectors went off, it would shine a
19 light as well towards the door, and it's mainly to not make a
20 sound and not be seen easy by the camera, which was
21 designated in the living room.
22 Q Okay. You made mention of sounds. Did you have
23 like a swamp cooler on the house?
24 A We did. Yes, sir.
25 Q Did that cause problems with sound as well?

1 A Not -- not really. It didn't really, I don't think,
2 cause any problems.

3 Q Okay. And you indicated that at some point, you
4 left the residence; is that correct?

5 A Yes, sir.

6 Q And when you say, we, I think you indicated that's
7 going to be yourself and Anita and Deborah; is that correct?

8 A Yes, sir.

9 Q When you left the residence, did you take anything
10 with you?

11 A I mainly just took the small necessities of my --
12 some of my clothing and just one of the consoles. Other than
13 that, it was just stuff my sister needed and my mom needed.

14 Q And when you say one of the consoles, what do you
15 mean by that?

16 A I just took the PS3.

17 Q Okay. The video game player?

18 A Yes, sir.

19 Q All right. Did you leave anything specifically at
20 the residence when you left?

21 A I left my cell phone and my iPod.

22 Q Besides you leaving a cell phone, did anyone else
23 leave a cell phone?

24 A Just my mother.

25 Q Deborah?

1 A Yes, sir.

2 Q And why did you both leave your cell phones?

3 A We were worried that he would track down our phone
4 and find out our exact location.

5 Q Okay. And when you say, he, you're referring to the
6 defendant?

7 A Yes, sir.

8 Q Why were you worried about that with your two cell
9 phones?

10 A Because he always bragged about knowing where Terrie
11 was at all times whenever she left the house from him.

12 Q Okay. So you thought that he would know where you
13 were as well?

14 A Yeah.

15 Q How about Anita, did she take her phone or did she
16 leave her phone?

17 A She took her phone with her.

18 Q Okay. What made her phone different than your and
19 Deborah's phones?

20 A She never handed it to my father so he could never
21 try to install any tracking at all.

22 Q So you thought --

23 A Since she bought the phone with her money.

24 Q So you thought that phone was safe?

25 A Yes, sir.

1 Q What happened after you -- your mother, Deborah, and
2 Anita left the residence?

3 A We ended up going to a Safe House and they're
4 checking the cameras to see what was all going on, and I was
5 also dealing with hearing all the spam, voicemails, and call
6 -- well, more voicemails my sister kept getting.

7 Q Now, you made reference to seeing the cameras and
8 what's going on. Would that be the cameras inside the
9 residence?

10 A Yes, sir, all five.

11 Q Okay. How did you have access to those cameras?

12 A The cameras were hooked up to the WIFI network, so
13 we -- so can you view them from your phone.

14 Q Okay. And you mentioned that Anita had her phone;
15 is that correct?

16 A Yes, sir.

17 Q So is that how you were viewing the cameras?

18 A Yes, sir.

19 Q And when you were viewing these cameras, this would
20 be a short time after you left?

21 A Yes, sir.

22 Q And what did you observe on those -- on your -- on
23 the phone as you reviewed those cameras?

24 A We more viewed that he had his police friends over,
25 he tried to put signs up in the camera saying, come home, and

1 all that.

2 Q Did you observe at some point -- well, let me take a
3 step back. When you left the residence, you made mention
4 that Terrie was there and Ryan was there, Tails was there,
5 and the defendant was there; is that right?

6 A Yes, sir.

7 Q So there was four people left at the residence after
8 the three of you left?

9 A Only for a short time. I -- well, one of the
10 voicemails stated that he assumed that Terrie and Ryan were
11 the problem and threw them out within two hours.

12 Q Okay. Now, you indicated one of the voicemails.
13 Did you have occasion to hear messages from the defendant?

14 A Yes, sir.

15 Q Okay. How did you hear those messages?

16 A I heard them through my sister's phone, so she
17 wouldn't have to hear them, and they were more of him whining
18 saying he doesn't know what he did wrong and to come home.

19 Q Okay. And when you say, he, you're talking about
20 the defendant; is that right?

21 A Yes, sir.

22 Q And when you heard those voicemails, you were able
23 to recognize the defendant's voice as you listened to them;
24 is that correct?

25 A Yes, sir.

1 Q Was it just one time he called or was it multiple
2 times he called?

3 A Multiple.

4 Q All right. Now, you also made mention in one of
5 those messages that he -- he talked about causing Terrie and
6 Ryan to leave, right?

7 A Yes, sir.

8 Q Was there anything that you observed on the camera
9 feed from the house, which also caused you to believe that
10 the two of them had left the residence?

11 A I caught the correct timing and saw him having them
12 go in their car and leave.

13 Q Now, besides receiving messages on the phone from
14 the defendant, was there any other way in which you observed
15 the defendant attempt to have contact or access to either
16 Deborah, Anita, or yourself?

17 A He ended up getting into my mother's Facebook --

18 Q Okay.

19 A -- and posting -- impersonating her, posting saying,
20 oh, I don't know why --

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

22 MR. SWEETIN: And I'm going to elicit out of him
23 what he --

24 THE COURT: I'm going to sustain that objection.

25 MR. SWEETIN: Okay.

1 THE COURT: So --

2 BY MR. SWEETIN:

3 Q You indicated -- you indicated that you guys went to
4 a Safe House; is that correct?

5 A Yes, sir.

6 Q And how long were you at that Safe House?

7 A About two weeks.

8 Q And when I say you at that Safe House, who was there
9 at the Safe House?

10 A My mother, Deborah, and my sister, Anita.

11 Q Okay. And what happened after the two weeks of you
12 being at that Safe House?

13 A We ended up finding a cheap apartment and trying to
14 move as soon as -- oh, I'm sorry, I forgot to mention one
15 important detail. We ended up reporting what happened to the
16 police as well.

17 Q And when you say, reporting what happened to the
18 police, what did you report to the police at that time?

19 A I don't remember exactly what I reported, but more
20 of the abuse and the sexual activity.

21 Q Okay. Was that at the time you were at the Safe
22 House or was that sometime later?

23 A It was sometime later when we got our apartment.

24 Q Okay. So from the time that you had left the
25 residence with Deborah and Anita, until you -- while you were

1 staying at the Safe House and you got the apartment, you
2 hadn't gone to the police or anything of that sort at that
3 time; is that correct?

4 A Yes, sir.

5 Q You didn't?

6 A Yes didn't go at all.

7 Q Okay. But there did come a time when you did go to
8 the police; is that right?

9 A Yes, sir.

10 Q And would it be fair to say that that was around the
11 end of September of 2014?

12 A Yes, sir.

13 Q And when you say you went to the police, who did you
14 go with?

15 A I went with my sister, Anita, and my mother,
16 Deborah.

17 Q Okay. Now, when you went to the police, did you
18 know exactly why you were going to talk to the police?

19 A Yes, sir.

20 Q What did you know about as far as why you were
21 going?

22 A More to report about my father being abusive and all
23 the sexual activity that happened to me, my sister.

24 Q Upon you arriving there to talk to the police, do
25 you remember what the place you arrived at was called?

1 A I don't remember the place exactly.

2 Q Was it the Children's Assessment Center?

3 A Rings a bell.

4 Q Okay. And when you walked into that place, is there

5 sort of kids stuff laying around inside?

6 A Yes.

7 Q Okay. Once you arrive there, did you talk to the

8 police about what had happened?

9 A Yes, sir.

10 Q When you talked to the police, you said that you

11 arrived there with Anita and your mother, Deborah, were they

12 present with you when you talked to the police?

13 A In the beginning, yes, but they ended up separating

14 us for questions.

15 Q Okay. So would it be fair to say that when they

16 asked you specific questions about what happened, it was just

17 you and the police; is that right?

18 A Yes, sir.

19 Q And your mother and Anita were not there?

20 A Yes, sir.

21 Q All right.

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

23 THE COURT: Cross?

24 MS. RADOSTA: Thank you, Your Honor.

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CROSS-EXAMINATION

BY MS. RADOSTA:

Q Good afternoon, Brandon. How are you?

A I'm tired.

Q Tired?

A Hungry.

Q I can relate to both of those, actually.

A Um-h'm.

Q My name's Violet. I'm going to ask you a few questions as well. Okay?

A Okay.

Q If you don't understand my question, if I'm talking too much like a lawyer or if I'm talking too fast, let me know. Okay?

A I will.

Q Thank you. So I want to ask you just a couple questions about what Mr. Sweetin was just asking you about, that you went to the police with your sister, Anita, and your mom, Deborah, back in -- a few months after you left Yellowstone.

A Yes, ma'am.

Q Do you remember that? And you said you knew what you were going to talk to the police about, correct?

A Yes, ma'am.

Q Okay. So before you got to that building, you knew

1 you were going to have to be talking about some of the sexual
2 abuse that happened in the home?

3 A Yes, ma'am.

4 Q How did you know that? Did you have a conversation
5 with your mom?

6 A We kind of did a small discussion that we're -- we
7 need to end this because all the stuff that was happening
8 even when we left.

9 Q Okay. But this was about three months after you
10 left, correct? After you left Yellowstone?

11 A Please rephrase that one more time.

12 Q Yeah, no problem.

13 So you recall leaving Yellowstone in June, right around
14 Ryan's birthday, right? It was like a day before Ryan's
15 birthday?

16 A Yes, ma'am.

17 Q So June 13, 2014?

18 A Um-h'm.

19 Q Is that a yes?

20 A Yes, ma'am.

21 Q Sorry, we're recording, so --

22 A Sorry about that.

23 Q -- uh-huhs and the uh-huhs nobody knows exactly what
24 you mean when you listen to it back later.

25 And then you said you went to the Safe House for about

1 two weeks and then you guys got an apartment after that?

2 A Yes, ma'am.

3 Q Okay. You guys didn't immediately go to the police
4 upon getting the apartment, right?

5 A No, ma'am.

6 Q Okay. If I were to tell you that your statement --
7 the date on your statement was -- of course, it's not on
8 here. Awesome. Sometime maybe August or September of 2013
9 -- 2014 -- September 17, 2014; does that sound about right
10 when you spoke to the police?

11 A A little bit after my birthday. Yeah, it sounds --
12 I know it was a little bit when school was starting as well,
13 so --

14 Q Okay. Yeah, you would have already been in school.
15 And so were you aware -- I'm assuming, actually, you
16 were aware that your mom had already taken steps to get in
17 touch with the police before the three of you went to the
18 police, right?

19 A I wasn't aware that she took the steps early.

20 Q Um-h'm.

21 A But I knew we were going to report it.

22 Q Okay. All right.
23 How -- you said you had a conversation, you, Deb, and
24 Anita?

25 A Yes, ma'am.

1 Q Do you recall it being the three of you talking
2 together or you talking with your mom and you talking with
3 Anita separately?

4 A I think we all talked together just saying we're
5 going to go report it to the police tomorrow.

6 Q Okay. Okay.

7 Fair to say that you're protective of your mom, right?

8 A I am. I'm protective to all my siblings.

9 Q Okay. Now -- and Deborah is -- I mean, Deborah's
10 the only mom you've ever known, obviously?

11 A Yes, ma'am.

12 Q I mean, Terrie was around, but she was never
13 considered by you to be a mother figure, was she?

14 A No. Not really.

15 Q She was just somebody, maybe another adult inside
16 the house, right?

17 A Yes, ma'am.

18 Q And you did not particularly like it when Terrie
19 moved into the -- well, when you were old enough to realize
20 that Terrie was living in the house, right?

21 A Yes.

22 Q It kind of messed up the family dynamic, is that a
23 fair thing to say?

24 A A little bit. But after a while you kind of get
25 used to it.

1 Q Okay. Fair enough.

2 Now, you mentioned a couple of times while talking to

3 Mr. Sweetin that, I think, one of incidents you discussed,

4 you walked in and actually saw your father having sex with

5 Terrie.

6 A Yes, ma'am.

7 Q At that point in time, he's married to your mom,

8 correct?

9 A Yes, ma'am.

10 Q He is not married to Terrie, correct?

11 A Yes, ma'am.

12 Q Is that the only time you saw your father having sex

13 with Terrie?

14 A There's maybe once or twice they -- he would leave

15 the door cracked --

16 Q Okay.

17 A -- and I'd try to go to the bathroom, since they

18 we're right across the hall --

19 Q Um-h'm.

20 A -- and when you -- when you hear something, you end

21 up seeing what the sound was.

22 Q Okay. And so are you talking about the bathroom in

23 the, as we have the diagram right here, the bathroom that's

24 here in the main part of the house?

25 A Yes, ma'am.

1 Q So you could hear something going on in the master
2 bedroom; is that -- am I understanding you correctly?

3 A Yes, ma'am.

4 Q And you believed it to be your dad and Terrie having
5 sex in the master bedroom?

6 A Yes, ma'am.

7 Q And that is actually, though, your mom's bedroom
8 with Christopher, right?

9 A Yes, ma'am.

10 Q So as a son, fair to say that that didn't really
11 make you all that happy to see that?

12 A Not really.

13 Q Okay. How old were you the first time you realized
14 that Christopher was having sex with somebody other than your
15 mother?

16 A All my life.

17 Q All your life? Okay.

18 A Um-h'm.

19 Q And as for as you recall, Terrie has been living
20 with you all your life?

21 A Yes, ma'am.

22 Q And Ryan has been there are the whole time as well?

23 A Yes, ma'am.

24 Q Except for the periods of time when they would come
25 and go?

1 A Yes, ma'am.

2 Q And Terrie and Ryan, they actually did go -- go and
3 leave more than a few times, right?

4 A Yes, ma'am.

5 Q What's the longest period of time you remember
6 Terrie and Ryan leaving the house?

7 A Like a month and a half.

8 Q Month and a half? Not like eight, nine months?

9 A I don't think it was that long.

10 Q Okay.

11 A But I -- my memory's still hazy.

12 Q No problem.

13 Was -- did you prefer the house when Terrie and Ryan
14 were not there?

15 A It was more of a mixed.

16 Q Okay. Well, for one thing, fewer people in the
17 house, right?

18 A Yes.

19 Q So that's going to be a positive, I would guess.
20 It's not the biggest house in the world to have seven people
21 living it in, right?

22 A Um-h'm.

23 Q And you and -- you and Ryan and Tails kind of had it
24 the worst of all because it was the three of you in one
25 bedroom, right?

1 A One -- it was a custom made bedroom.

2 Q Okay. But it was still three -- three teenage boys
3 in a bedroom?

4 A Yes, ma'am.

5 Q And so when Ryan and Terrie would leave, there would
6 be just a little bit more space; is that a fair assessment?

7 A Not really.

8 Q No? Not really?

9 A Um-um.

10 Q Didn't you and Ryan actually share a bed?

11 A We did.

12 Q So that must have been nice not to have him in the
13 bed?

14 A Yeah.

15 Q Okay. When -- the night that you and Anita and
16 Deborah left the house, you said earlier that you had been
17 considering this for a while, you personally had been
18 considering getting out of the house for a while.

19 A Yes, ma'am.

20 Q For at least maybe a month or two; is that a fair
21 statement?

22 A A few months. Maybe a little bit longer.

23 Q Maybe a lit longer. Okay.

24 There never was an idea in your head that you were going
25 to leave by yourself, right?

1 A I had plans to leave by myself, if necessary.

2 Q Were you going to leave your mom there by herself?

3 A Yes, ma'am.

4 Q You were going to leave Anita there by herself?

5 A Yes, ma'am.

6 Q Okay. Were you going to immediately call the police

7 once you got out, though?

8 A Yes, ma'am.

9 Q Okay. So you were going to do whatever you could to

10 protect Anita and Deborah?

11 A Um-h'm and Terrie -- I mean, and Tails, Terrie, and

12 Ryan.

13 Q Okay. So when you -- when you and Anita had your

14 conversation and you confided in her --

15 A Yes, ma'am.

16 Q -- and she confided in you --

17 A Um-h'm.

18 Q -- I want to ask you a couple questions about that.

19 You were upset and Anita came and sought you out, correct?

20 A No, I -- I came and saw her upset.

21 Q Okay. She was upset and you sought her out?

22 A Yes, ma'am.

23 Q Okay. And how does it come -- well, it's during

24 that conversation that you confessed to her that you are at

25 the end of your rope; is that a fair statement?

1 A Yes, ma'am.

2 Q You say that you were maybe not exactly suicidal,
3 but you felt like you were not in a good place?

4 A Yes.

5 Q Okay. I mean, you didn't -- you weren't seriously
6 thinking at that moment of seriously hurting yourself, were
7 you?

8 A I -- it wasn't until I was backed in the corner that
9 I fully broke and lost my mind.

10 Q And do you mean the day that you were making the
11 sandwich?

12 A Yes, ma'am.

13 Q Okay. So that's about -- that's a couple months
14 later or a few weeks later --

15 A Yeah, about a few --

16 Q -- after this conversation?

17 A -- few weeks.

18 Q Okay. But so during this conversation with Anita,
19 while you might have said the word suicidal to her, you
20 didn't have -- you didn't have any pills that you were about
21 to take, correct?

22 A No, ma'am.

23 Q You didn't have -- you didn't have razor blade or
24 anything like that, correct?

25 A No, ma'am.

1 Q But you were definitely upset?

2 A Yes.

3 Q I'm not in any way trying to minimize it. I'm just
4 trying to get a sense of really where you were at.

5 A Easiest way to put it, I may have not had guns, no
6 knives, no pills, but it massively got in my head.

7 Q Okay.

8 A Many ways that I could have done it.

9 Q Okay.

10 A But it wasn't at the point of me losing my mind
11 because what I would have tried first was leaving before my
12 second option.

13 Q Okay. And also, just even telling Anita, is a way
14 to help yourself, right? You're kind of -- by telling her,
15 you're asking for help?

16 A Yes, ma'am.

17 Q Okay. And did you intend for Anita to pass along
18 your conversation to your mom?

19 A I did not intend her to pass it at all.

20 Q Okay. Did you ask her not to pass it along to your
21 mom?

22 A I never asked her not to.

23 Q Okay. But you thought that this was just going to
24 be between you and Anita?

25 A Yes, ma'am.

1 Q Okay. And during that conversation, though, you did
2 confide in her about some of the sexual incidences going on
3 in the house, right?

4 A Yes, ma'am.

5 Q You only told her, though, about things between you
6 and Terrie, correct?

7 A Yes, ma'am.

8 Q You did not tell her anything about -- between you
9 and Deborah?

10 A Nothing at all.

11 Q And in that way you were in that moment protecting
12 your mom, right?

13 A Yes, ma'am.

14 Q Because you knew Anita and your mom also had kind of
15 a special relationship, right?

16 A Yes, ma'am.

17 Q Because even though Anita is not her biological
18 daughter, Anita was closer to Deborah than she was to her own
19 mom, right?

20 A Yes, ma'am.

21 Q Okay. So after you guys left and you went and spoke
22 to the police, your intention in speaking to the police was
23 you -- you -- sorry, your specific intention in talking to
24 the police was to talk to them about the things that Chris
25 did to you, correct?

1 A Yes, ma'am.

2 Q You in no way intended for your mom to get into any
3 trouble, correct?

4 A I don't know my thought process when that all
5 happened.

6 Q Okay. Did you intend for Terrie to get into
7 trouble?

8 A I don't remember what I fully had in my mind.

9 Q Okay. Were -- fair to say you were surprised a few
10 months later when your mom was arrested or were you expecting
11 that to happen?

12 A I kind of -- in reality, this is when my knowledge
13 actually started building, but I knew by how the actual
14 system works that it was going to happen.

15 Q Okay. So you were not in any way surprised?

16 A Yes and no.

17 Q Can you explain yes and no?

18 A I was -- I knew it was going to happen --

19 Q Um-h'm.

20 A -- because automatically, if you do something
21 against the law, automatically you're going to get punished.

22 Q Um-h'm.

23 A When it happened out of nowhere leaving me and Anita
24 to figure out what we're going to do out of nowhere was a
25 surprise.

1 Q Okay.

2 A But that's when I knew the courts were going to come
3 up, and if -- depending on how things went, I would have had
4 my mother back or not.

5 Q Okay.

6 A And my stepmom.

7 Q And it was your intention to do everything in your
8 power to get your mom back out of custody, correct?

9 A And my stepmom.

10 Q And your stepmom, but right now I'm just asking you
11 about your mom.

12 A Yes, ma'am.

13 Q Okay. We can -- you can talk about Terrie in a
14 second.

15 A Okay.

16 Q It was your intention in the beginning to do
17 whatever you could to get your mom out of custody, correct?

18 A Just -- more of just speak the truth, yes.

19 Q Okay. You made -- you and Anita were somewhat vocal
20 about how upset you were, correct?

21 A Yes, ma'am.

22 Q You -- you knew Anita went to the press, didn't you?

23 A A little bit after, yes.

24 Q Okay.

25 A I didn't know if she was going to do it because she

1 has anxiety with speaking with other people --

2 Q Okay.

3 A -- compared to me, so --

4 Q All right.

5 A -- that was more of a surprise to me.

6 Q Okay. And from your recollection, your mom was

7 arrested right before Christmas?

8 A Yes, ma'am.

9 Q Of 2014, right?

10 A Yes, ma'am.

11 Q And you are aware that at -- about a year later,

12 maybe a little bit more than a year later, she decided to

13 accept a plea bargain, correct?

14 A Yes, ma'am.

15 Q And she pled guilty to -- for her responsibility in

16 this -- in this instance, correct?

17 A Yes, ma'am.

18 Q Even after she pled guilty, you and Anita were still

19 being vocal about how you thought your mom should be treated,

20 correct?

21 A I wasn't as vocal.

22 Q Um-h'm.

23 A I -- I don't remember how, if I was or not.

24 Q Do you recall sending a e-mail to the District

25 Attorney's Office, to Mr. Wolfson, in particular?

1 A I remember sending an e-mail, but not what it was
2 about.

3 Q Okay. You don't recall sending it to -- you and
4 Anita signed it together to Mr. Wolfson?

5 A I remember sending an e-mail --

6 Q Uh-huh.

7 A -- but I don't remember what sent it about.

8 Q Okay. Well, what do you suspect you would have sent
9 an e-mail to Mr. Wolfson about?

10 A I don't remember.

11 Q Not -- I'm guessing it wasn't about please let my
12 dad out of jail, right?

13 A No.

14 Q Okay. So it was probably please let my mom out of
15 jail, right?

16 A Yes, ma'am.

17 Q Okay. Do you recall asking or something to the
18 effect of if you let our moms out of jail, we will help lock
19 our dad up for the rest of his life -- help you put our dad
20 away for the rest of his life?

21 A I don't think I would have worded it that way, but I
22 -- if I sent it and signed it, then I most likely have.

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

25 THE COURT: Yes.

1 BY MS. RADOSTA:

2 Q Do you recognize that? If you want to look at the
3 last page to see the signature.

4 A (Reading) Hum. Apparently, I have.

5 Q Okay. And you want to read that yourself, Brandon,
6 so refresh your memory as to it, feel free.

7 A (Reading) Okay.

8 Q Did you have a chance to read that?

9 A Most of it.

10 Q Okay. Does it refresh your memory as to the e-mail?

11 A A nice amount.

12 Q Okay. And do you recall that it's actually signed
13 by not just you and Anita, but also Tails and Ryan as well,
14 correct?

15 A Yes, ma'am.

16 Q And you see that it is addressed to Mr. Wolfson,
17 District Attorney Wolfson, something to that effect?

18 A Yes, ma'am.

19 Q And that the -- the last sentence of the -- right
20 before the signature line is that, "We ask you to help us get
21 our mothers back, then we will help you make sure our father
22 dies in prison."

23 A Yes, ma'am.

24 Q And that's your name under the signature line,
25 correct?

1 A Yes, ma'am.

2 Q Okay. The letter did not exactly have the desired
3 effect, correct, because your mother's still in prison,
4 correct?

5 A Yes, ma'am.

6 Q Okay. You do, though, have an opportunity to visit
7 your mom, correct?

8 A Yes, ma'am.

9 Q And you receive phone calls from your mom?

10 A Yes, ma'am.

11 Q You can write letters to your mom?

12 A I could, ma'am.

13 Q And can she write them to you?

14 A Yes, ma'am.

15 Q Okay. You also have the ability to visit your
16 father, correct?

17 A Yes.

18 Q And you have not done that, correct?

19 A Right. Yes, ma'am.

20 Q And you have not written him any letters, correct?

21 A Yes, ma'am.

22 Q And you -- if he would call you -- if he's called
23 you, you hang up the phone?

24 A When I've been called, I've reported it.

25 Q Okay. So fair to say that you look in your mom in

1 one light, and you look at your dad in another light --

2 A Yes, ma'am.

3 Q -- at this point?

4 I want to talk to you just a little bit about

5 something you mentioned just kind of briefly with Mr. Sweetin

6 about your father's Metro officer friends.

7 A Yes, ma'am.

8 Q You said that you always felt that he was friendly

9 with Metro and that the Metro would be on his side or

10 something to that effect.

11 A Yes, ma'am.

12 Q He did have friends that came over to the house that

13 worked for Metro, correct?

14 A Yes, ma'am.

15 Q You even knew some of them by name, correct?

16 A Yes, ma'am.

17 Q One of them was an Officer Mike Brinkley, right?

18 A Yes, ma'am.

19 Q And Officer Brinkley was over at the house a lot,

20 right?

21 A Yes, ma'am.

22 Q Sometimes he was there in his uniform, right?

23 A Yes, ma'am.

24 Q And sometimes just casually on the weekends?

25 A Yes, ma'am.

1 Q Isn't it true that Officer Brinkley attended Ryan's
2 birthday party right before you guys left?

3 A I don't clearly remember.

4 Q Okay. Have you ever met Officer Brinkley's wife or
5 his children?

6 A I remember meeting his wife, yes.

7 Q Okay. And that would have --

8 A But children --

9 Q -- that would have been at your house?

10 A Yes, ma'am.

11 Q You never went to Officer Brinkley's house?

12 A No, ma'am.

13 Q You also met Officer Brinkley's partner, correct?

14 A I remember meeting other officers, but I don't know
15 which one was his partner.

16 Q Okay. And aside from Officer Brinkley, you also --
17 your father had a business, right?

18 A Yes, ma'am.

19 Q Like a sound and lights business?

20 A Yes, ma'am.

21 Q And sometimes he would volunteer services for Metro
22 events, correct?

23 A Yes, ma'am.

24 Q One in particular was when the officers were shot at
25 the Cici's Pizza place?

1 A Yes, ma'am.

2 Q Okay. And you and your brothers and Anita were
3 expected to help prepare for that event, correct?

4 A Yes, ma'am.

5 Q You had to build a stage or something like that?

6 A Build a stage, set up sound and lighting equipment,
7 DJ stuff.

8 Q Okay. And then once the night of the actual event,
9 you were expected to be at the event, correct?

10 A Yes, ma'am.

11 Q And you had to work that night at the event?

12 A Yes, ma'am.

13 Q And there were lots and lots of Metro officers at
14 that event, correct?

15 A I don't remember how many.

16 Q Okay. But more than -- more than one, correct?

17 A Yes, ma'am.

18 Q Okay. And did you have any idea if your father knew
19 every single Metro officer at that particular event or not?

20 A I'm not going to say positive, but I'm almost sure
21 he knew a nice amount, but not all.

22 Q Okay. You never made an attempt, though, to talk to
23 Officer Brinkley about what was going on at your house,
24 correct?

25 A Yes, ma'am.

1 Q You never made an attempt to talk to any of the
2 officers that fundraiser that night, correct?

3 A Yes, ma'am.

4 Q I'm sorry, I just want to make sure I'm
5 understanding you.

6 Are you saying yes, you did make an attempt?

7 A I have made no attempt --

8 Q Okay.

9 A -- to talk to any officers.

10 Q Okay. Sorry, and that could have been my question,
11 I'm not so sure, so -- and you never made an attempt to talk
12 to Officer Brinkley?

13 A No, ma'am.

14 Q Okay. It was your opinion, though, that some of the
15 officers that came by the house actually saw your father
16 treating you badly, correct?

17 A Say that one more time.

18 Q It was your opinion that some of the officers,
19 perhaps it was Officer Brinkley or some other officers that
20 were around the house actually saw your father treating you
21 badly at the house?

22 A I don't recall.

23 Q Okay. Do you recall talking to Christine Bernat,
24 the woman that you spoke to in September?

25 A I do not remember.

1 MS. RADOSTA: Court's indulgence.

2 BY MS. RADOSTA:

3 Q I'll come back to that in a second, Brandon.

4 You don't recall telling Ms. Bernat that the Metro

5 officers witnessed Chris chewing you out on multiple

6 occasions?

7 A I don't remember telling her.

8 Q Okay.

9 A No.

10 Q Do you remember that happening?

11 A I think once.

12 Q Okay. And by -- I know what I think of when I hear

13 the phrase "chewing you out", but what do you mean when you

14 say chewing you out?

15 A Yelling, screaming, pinpointing out like my mistake

16 but in a rude way.

17 Q Okay. And that was done in front of some Metro

18 officer, you're not sure if it was Brinkley or somebody else?

19 A Don't remember.

20 Q Do you recall was it at the house or was it at that

21 event or a different event?

22 A I think it was at an event.

23 Q Okay. Okay. And the officer just did nothing,

24 walked away?

25 A That I know of, he did nothing.

1 Q Okay. And in -- in relationship to when you guys
2 left the house, when you and Deb and Anita moved out --
3 A Um-h'm.
4 Q -- do you -- can you recall when in time that
5 incident happened when the Metro officer saw you being chewed
6 out and did nothing?
7 A That I have no idea.
8 Q Do you have any idea how old you might have been?
9 A No, ma'am.
10 Q Okay. How old were you when your dad started that
11 business? Because that wasn't an always thing, right?
12 A I don't think so. I -- actually, if I had to take a
13 guess, it would be when I was -- no, because he did it at any
14 elementary school, I think. I have no clue, ma'am.
15 Q That's fine. You -- did you consider yourself to be
16 particularly close with Officer Brinkley?
17 A No.
18 Q Did you ever have any private conversations with
19 Officer Brinkley?
20 A No, ma'am.
21 Q Did you have Officer Brinkley's cell phone number?
22 A No, ma'am.
23 Q Do you think if you had asked for it, he would have
24 given it to you? He being Officer Brinkley?
25 MR. SWEETIN: Objection. Calls for speculation.

1 THE COURT: Sustained.

2 BY MS. RADOSTA:

3 Q After you moved out with Deborah and Anita, before
4 the conversation in September with the police, you made no
5 effort to get in touch with Officer Brinkley to tell him you
6 needed help, correct?

7 A Correct.

8 Q So you and Anita and Deborah moved out in June of
9 2014. You knew for a fact that at the very least Tails was
10 still back home in the residence, right?

11 A Yes, ma'am.

12 Q You said you saw the Ryan and Terrie had been -- had
13 moved out or been kicked out or something to that effect,
14 correct?

15 A Yes, ma'am.

16 Q Now, you have seen -- you testified earlier that you
17 saw Tails be physically abused in the house, correct?

18 A Yes, ma'am.

19 Q And did you make any effort to get in touch with
20 your brother to tell him, you know, come stay with us?

21 A Not -- no.

22 Q No? Did you make any attempt before September to
23 contact the police to get Tails out of a potentially
24 dangerous situation?

25 A I know when we were all there and talking about it,

1 I did mention a brother, and that he's like a victim. I
2 don't remember what I told him, but just to warn him that
3 he's in there so they don't accidentally hurt him.

4 Q And that -- and you're talking about when you talked
5 to the police in September?

6 A Yes, ma'am.

7 Q Okay. You were aware your mom was filing divorce
8 paperwork, correct, against Chris?

9 A Yes, ma'am.

10 Q Okay. And that she had actually hired a divorce
11 attorney prior to you guys going to the police, right?

12 A I think so, yes, ma'am.

13 Q You were happy about that?

14 A I believed what she was doing was the right thing to
15 do.

16 Q For her?

17 A For her.

18 Q And for you?

19 A Mainly for her.

20 Q But if your parents got divorced and you were given
21 a choice, you were going to live with your mom, right?

22 A Yes, ma'am.

23 Q If a Judge asked you who you preferred to live with,
24 you would have said your mom?

25 A Yes, ma'am.

1 Q So this was a benefit to you as well, correct?

2 A Yes, ma'am.

3 Q And to -- possibly to Anita as well, because Anita

4 was going to stay with Deborah, right?

5 A Yes, ma'am.

6 Q You -- just a couple of follow question, Brandon, on

7 some things that you talked about on direct.

8 You had said that there were photos of naked women and

9 like statuettes and things like that of naked people all

10 around the computer desk back in the office?

11 A Yes, ma'am.

12 Q Generally speaking, though, you weren't back into

13 the office, correct?

14 A I -- yes and no. It more of if he was back there --

15 Q Um-h'm.

16 A -- if I'm allowed in to come chat, then yes.

17 Q Sure.

18 A Or if I have to go back there to grab something,

19 then, yes. But other than that, no.

20 Q All right. So primarily that space was Chris's

21 computer desk, right?

22 A Yes, ma'am.

23 Q And you guys as kids weren't really allowed to

24 access that computer, right?

25 A Yes, ma'am.

1 Q So the stuff around that desk was for Chris to look
2 at, correct?

3 A Yes, ma'am.

4 Q And then Terrie slept back there as well?

5 A Yes, ma'am.

6 Q You testified on direct about an incident with your
7 mom after you had been ordered to get in the pool. Do you
8 remember talking about that?

9 A Yes, ma'am.

10 Q Okay. That is the one and only time you had any
11 sexual contact with your mother, correct?

12 A Yes, ma'am.

13 Q So if there is a video of that event, that's the
14 event you're describing?

15 A Yes, ma'am.

16 Q And I believe you had testified that during the
17 incidents with Terrie, that Chris was around, but he was
18 walking around and masturbating while the incidents with
19 Terrie were occurring, correct?

20 A More of just standing in a corner, yes.

21 Q Standing in a corner.

22 He was not putting his hands on Terrie in any particular
23 way --

24 A I'm sorry.

25 Q -- at the beginning when -- when the incident

1 started, he was not putting his hands on Terrie in any way,
2 correct?

3 A Sometimes I -- not -- I don't think so.

4 Q Okay. Because if he had been physically making her
5 do things, like physically pushing her head down on her
6 penis, you would have recalled that and told us that on
7 direct, correct?

8 A Yes, ma'am.

9 Q And you said that after the first time something --
10 well, let me ask you this. You talked about three
11 independent times, twice with Terrie and once with Deborah.

12 If you recall, is that the order in which they occurred
13 or did they occur in a different order?

14 A That's the order they occurred.

15 Q Okay. So after the first time allegedly with
16 Terrie, when you just went into the back room to talk to your
17 dad about something, there was a threat immediately
18 afterwards?

19 A Yes, ma'am.

20 Q Okay. How much longer -- or how long a period of
21 time was it between that first incident and the second
22 incident with Terrie?

23 A I'm calling it within a year. I'm not exact on
24 that.

25 Q Okay. And during that year, you never went to the

1 police, correct?

2 A No, ma'am.

3 Q You never -- there was never CPS workers that came
4 to the house, correct?

5 A No, ma'am.

6 Q There was never -- as you said, you had no idea that
7 anything was happening with anybody else in the house,
8 correct?

9 A Yes, ma'am.

10 Q Okay. And Ryan never confided in you about anything
11 that was happening with him and Chris, correct?

12 A He never confided.

13 Q Okay. Even though you had said earlier he talked a
14 lot about everything?

15 A He normally did, yeah.

16 Q Okay. The day that you and Deborah and Anita left
17 the house, why that day? Why -- did you guys decide the
18 night before that you were leaving or did you decide that
19 morning that you were leaving?

20 A We decided that night, but it was planned ahead.
21 And the reason why we chose around that particular date was
22 because I would be out of school. I would not -- instead of
23 going to the school I had to go to -- sorry, I'm going to
24 reexplain that.

25 That it was that night because it was easier for us

1 to prepare more as well as since it's after school times --

2 Q Um-h'm.

3 A -- I wouldn't have to go back to that school for him

4 to just show up and get me.

5 Q Okay. Okay. So why was -- was this like the day

6 after school ended? Was this a week after school --

7 A It was about a week after.

8 Q Okay. So was there anything in particular that had

9 happened that caused you all to choose that specific day?

10 A The day with the sandwich and the backing up in the

11 corner.

12 Q Okay. So the sandwich happened the day before and

13 backing up into the corner?

14 A Not the day before, but within that week period.

15 Q Okay. So after the sandwich you guys -- did you

16 guys like have a huddle and say, take us a couple of days or

17 do you recall?

18 A We -- we explained that it was going to move

19 quicker.

20 Q Okay. Now, your mom actually got up early to go to

21 work every single day, correct?

22 A Yes, ma'am.

23 Q On this particular day, that's exactly what she did,

24 right?

25 A Acted like it was a normal day.

1 Q Acted like it was a normal day.

2 So when you're -- when she would get up and go to work

3 normally in the morning, would the motion sensors come on

4 when your mom would get up normally and go?

5 A The -- okay. Back to rephrasing that really quick.

6 The motion sensors were for the front yard, but the light

7 with the motion sensors, since it was windy, always lit the

8 front door and since the camera can see the front door, it

9 would be easier to spot.

10 Q Okay. But she always left at the same time every

11 day, correct?

12 A Yes, ma'am.

13 Q And she was leaving at the same time that day --

14 A Yes, ma'am.

15 Q -- the 14th, that she had always left?

16 A Yes, ma'am.

17 Q And when she would normally leave, did it turn the

18 motion sensor lights on, if she was just going to work on a

19 normal day?

20 A It made the -- still the motion sensors go on.

21 Q Okay. So had the motion sensors gone off, it

22 wouldn't necessarily have alerted your father to anything?

23 A It would not alert him.

24 Q Are you -- are you aware that Anita -- that -- I'm

25 sorry, let me rephrase that.

1 Are you aware that photos of Anita were taken by
2 Christopher on her phone? That he actually did have hands on
3 her phone at some point?

4 A I had no clue.

5 Q Anita never told you that?

6 A No, ma'am.

7 Q And you guys were able to watch the cameras after
8 you left -- after you left on the morning of the 14th,
9 correct?

10 A Yes, ma'am.

11 Q Or watch the live feed? Yes?

12 And how -- you were able to watch it for that day or for
13 a couple of days?

14 A A couple of days.

15 Q Okay. So on and off, not continuously, right?

16 A Yeah, on and off.

17 Q Okay. And you did, though, at times see that
18 Christopher was trying to communicate, in your opinion, with
19 you guys, correct?

20 A Yes, ma'am.

21 Q By putting signs up in front of the cameras?

22 A Yes, ma'am.

23 Q Signs that said come home?

24 A Yes, ma'am.

25 Q Okay.

1 MS. RADOSTA: Court's indulgence.

2 BY MS. RADOSTA:

3 Q Just a couple more questions, Brandon.

4 Prior to -- just let me back up just a little bit.

5 Prior to your mom actually taking a plea agreement,

6 there was actually a hearing for your mom, correct?

7 A Yes, ma'am.

8 Q And you had to testify at that particular hearing

9 correct?

10 A Yes, ma'am.

11 Q You didn't really want to testify against your mom,

12 though, right?

13 A No, ma'am.

14 Q No. And you actually had the opportunity prior to

15 that to meet with your mom's defense attorney, correct?

16 A Yes, ma'am.

17 Q Do you remember her name, Christina?

18 A Yes, ma'am.

19 Q Ms. Wildeveld maybe, you maybe knew her as?

20 A Um-h'm.

21 Q And you met with her at least once or twice prior to

22 that preliminary hearing, correct?

23 A Don't know the exact amount of numbers, but I do

24 remember meeting with her.

25 Q Okay. More than once?

1 A Yes, ma'am.

2 Q And that was in an effort to help your mom, correct?

3 A Yes, ma'am.

4 Q You wanted to make sure Ms. Wildeveld understood

5 what you were thinking, what you were feeling about your mom,

6 correct?

7 A Yes, ma'am.

8 Q And did she help you prepare your testimony prior to

9 that appearance in court?

10 A Not fully clear, ma'am.

11 Q Okay.

12 A I was -- not what you're saying. Just like, I don't

13 fully clearly remember if that happened.

14 Q Okay. Was it a friendly exchange between you and

15 your mom's attorney?

16 A I don't know, ma'am.

17 Q Okay. You've also had opportunities to meet with

18 the prosecutors, correct?

19 A Yes, ma'am.

20 Q And the prosecutors being Mr. Sweetin and now Ms.

21 Sudano, correct?

22 A Yes, ma'am.

23 Q And there used to be another prosecutor involved in

24 the case as well?

25 A Um-h'm.

1 Q You've met with them at least three or four
2 different times, correct?

3 A Yes, ma'am.

4 Q And always in preparation for testifying against
5 your father, correct?

6 A Yes, ma'am.

7 Q And you've never reached out to your father's
8 defense attorneys, myself or Mr. Lopez-Negrete, correct?

9 A Yes, ma'am.

10 Q You've never reached out to us in an effort to help
11 your father, correct?

12 A Correct.

13 Q The e-mail that I showed you earlier, you said that
14 you didn't specifically remember it. Is it possible that it
15 was written for you and -- and that you and Anita and Ryan
16 and Tails didn't actually write it or is that something you
17 guys wrote and you just don't recall it?

18 A I just -- we probably wrote it, and I just don't
19 recall it.

20 Q Okay. Your dad, he slept in late every day,
21 correct?

22 A Yes, ma'am.

23 Q He slept in until afternoon most days?

24 A Yes, ma'am.

25 Q So if you guys were at school, you weren't there to

1 greet him when he woke up, correct?

2 A Yes, ma'am.

3 Q And you guys were in school Monday through Friday,
4 correct?

5 A Yes, ma'am.

6 Q So the only days that were expected to come in and
7 greet him when he woke up would be Saturday and Sunday when
8 you weren't in school?

9 A Yes, ma'am.

10 Q Unless it was, you know, spring break, summer break,
11 something like that; is that right?

12 A Yes, ma'am.

13 Q Okay.

14 MS. RADOSTA: Nothing further, Your Honor. We'll
15 pass the witness.

16 THE COURT: Any redirect?

17 MR. SWEETIN: Yes, Judge.

18 REDIRECT EXAMINATION

19 BY MR. SWEETIN:

20 Q Brandon, you were asked some questions in regards to
21 the incident you previously described relating to Terrie --

22 A Yes, ma'am.

23 Q -- do you remember that?

24 A Oh, yes, sir.

25 Q Now, just to be clear, I just want to make sure,

1 when you went back to the office on those occasions involving
2 Terrie, who was the person who told you to stay there at the
3 office?

4 A Can you rephrase that a little bit --

5 Q Sure.

6 A -- better for me?

7 Q You said that you went back to the office on one of
8 the incidents with Terrie; is that correct?

9 A Yes, sir.

10 Q And when you went back there, who was present?

11 A Christopher.

12 Q Okay. Terrie was there as well?

13 A Yes, sir.

14 Q And you were there; is that right?

15 A Yes, sir.

16 Q Who was it that caused you to stay there in the
17 office before those incidents with Terrie?

18 A The defendant, sir.

19 Q So he wanted you to stay there; is that right?

20 A Yes, sir.

21 Q Now, you indicated that there was some acts that
22 were performed; is that correct?

23 A Yes, sir.

24 Q Whose idea were those acts?

25 A The defendant, sir.

1 Q And how do you know that?

2 A Because he's the one that ended up telling us what
3 to do and guiding us.

4 Q Okay.

5 A And ended up starting it.

6 Q And you indicated specific acts were done; is that
7 correct?

8 A Yes, sir.

9 Q Did the defendant's guidance happen throughout those
10 incidents?

11 A Yes, sir.

12 Q And he was just telling you what to do?

13 A Yes, sir.

14 Q And you said while he was doing that, he was
15 masturbating?

16 A Yes, sir.

17 Q All right. Now, you also -- there was some
18 questions asked in regards to the police being around and why
19 you didn't ever talk to the police and tell them what was
20 happening inside the residence. Do you remember those
21 questions?

22 A Yes, sir.

23 Q Why is it that you didn't go up to a random officer
24 on the street or an officer that was there at your residence
25 or an officer who might have been at an event that you were

1 helping your dad at, why didn't you go up to that officer and
2 tell him, you know, hey, my dad's making me have sex with
3 Terrie or even your mother?

4 A If we end up going to the police, say it's even the
5 wrong one that recognizes who Chris is, they could end up
6 going to one of the officers he knows, who would be trying to
7 handle the situation, but you don't know if they are rogue
8 cops or on his side or would even believe us in that sort of
9 sense.

10 Q So you were scared that the defendant might find
11 out, your dad, Chris -- Christopher, the defendant, might
12 find out that you had told somebody; is that right?

13 A Yes, sir.

14 Q What do you think would happen if that happened?

15 A Chaos.

16 Q When you say chaos, what do you mean?

17 A Beatings, long times -- like our groundings, which
18 is just sitting and staring at a wall for months on end, just
19 mainly massive beatings, yelling, screaming.

20 Q Remember you said earlier that he said that he was
21 going to end you?

22 A Yes, sir, and that, too.

23 Q Did you think that might happen?

24 A Yes, sir. He would end up breaking our legs.

25 Q Now, there was also some questions asked in regards

1 to the morning when you -- when you left the residence, and
2 whether the light outside was coming on and things of that
3 sort; is that right?

4 A Yes, sir.

5 Q Okay. Now, fair to say that you indicated you were
6 woken up in the morning and you were actually crawling around
7 the residence gathering things up for some time; is that
8 right?

9 A Yes, sir.

10 Q There was a window that was actually in that -- your
11 bedroom that you shared with Ryan, sort of, looked out on an
12 area; is that correct?

13 A Yes, sir.

14 Q Were there some motion lights and things of that
15 sort out there?

16 A Yes, sir.

17 Q Would it be fair to say that as you were leaving
18 that morning, you had to get down and crawl so as not to set
19 off those motion lights.

20 A By the time we actually got out, it was partly
21 morning, so the lights weren't as of a bother --

22 Q Okay.

23 A -- to get out.

24 Q Would it be fair to say that as you were gathering
25 those things, you were concerned about those lights going

1 off?

2 A Yes, sir.

3 Q Is that one of the reasons you were crawling around?

4 A Yes, sir.

5 Q Now, there was also some questions asked as to after

6 you left the residence that you were at the -- at the Safe

7 House for a while and actually went out and got an apartment.

8 And during that period of time, you never went to the police;

9 is that correct?

10 A Correct.

11 Q Now, just to be clear, how old are you at this time?

12 A I was 15, sir.

13 Q So you're a 15-year-old kid, and Deborah is

14 facilitating going to a Safe House and then an apartment; is

15 that correct?

16 A Yes, sir.

17 Q So would that be fair to say that's the situation at

18 that time?

19 A Yes, sir.

20 Q Now, I want to talk to you a little bit about the

21 letter or e-mail that defense counsel brought up.

22 Do you recall the date of this e-mail?

23 A It says right here January 28th.

24 Q Of what year?

25 A 2016.

1 Q Okay. Now, remember talking about when you actually
2 went in and talked to the police?

3 A Yes, sir.

4 Q When was that? Would it be fair to say that was
5 about September of 2014?

6 A About, yes, sir.

7 Q Okay. So that's coming up on two years prior to
8 that; would that be accurate?

9 A Yes, sir.

10 Q Now, I want to talk to you a little bit about --
11 you've talked a little bit about some -- and I hate to get
12 into this with you, but I have to. You talked about a little
13 bit about how it's difficult for you to talk about some of
14 these acts committed with your mother; is that right?

15 A Yes, sir.

16 Q Maybe more difficult to talking about other acts?

17 A It's just about as difficult to even talk about the
18 acts with my stepmother.

19 Q All right. Now, fair to say, we just talked about
20 that -- this all start when is you're like 15 years old; is
21 that right?

22 Well, I'm sorry, the issue of you moving out of the
23 house and things of that sort starts about 15 years old; is
24 that right?

25 A Yes, sir.

1 Q And at that time, you have particular feelings in
2 regards to your mother and what's going on; is that correct?

3 A Yes, sir.

4 Q Now, how old are you as you sit here today?

5 A I am 20.

6 Q Okay. Now, fair to say, you've had some time to
7 reflect on everything that's happened to you as a child; is
8 that correct?

9 A Yes, sir.

10 Q Fair to say that you've had some time to think about
11 what really happened here; is that correct?

12 A Yes, sir.

13 Q Fair to say that your attitude about what's happened
14 here has sort of changed over time?

15 A Yes, sir.

16 Q Okay. Now, you said something while you were
17 testifying. You said that if someone does something wrong,
18 that something's got to happen to them; is that right?

19 A Yes, sir.

20 Q Now, you understand that as you sit here as a
21 20-year-old today; is that right?

22 A Yes, sir.

23 Q Did you necessarily recognize that exactly when you
24 were 15 years old?

25 A I was starting to learn everything in my own way.

1 Q Things were --
2 A And I --
3 Q -- sort of hoisted on you at a very young age,
4 weren't they?
5 A Yes, sir.
6 Q Thanks.
7 MR. SWEETIN: Nothing further.
8 THE COURT: Any recross?
9 MS. RADOSTA: Thank you.
10 RECROSS-EXAMINATION
11 BY MS. RADOSTA:
12 Q Brandon, your attitude has changed since this all
13 started in some ways, right?
14 A Yes, sir.
15 Q But your attitude --
16 A Oh, yes, ma'am.
17 Q -- hasn't changed about your father, correct?
18 A Has not, ma'am.
19 Q You are still of the within that he needs to spend
20 -- or as a -- I think that e-mail says you would like him to
21 die in prison, correct?
22 A Yes, ma'am.
23 Q That has not changed in the last -- since that
24 e-mail was written, correct?
25 A Has not really changed.

1 Q So the first incident with Terrie in the back
2 bedroom -- or I'm sorry, in the --
3 A Office.
4 Q -- back office, my apologies, in the back office.
5 You kind of came upon a situation, correct?
6 A Yes, ma'am.
7 Q Or was it -- and so prior to you walking into that
8 room, you have no idea what was said or not said between
9 Terrie and your father, correct?
10 A Yes, ma'am.
11 Q Okay. And the second time when you walked in, then
12 they were already having sex, I believe?
13 A Yes, ma'am.
14 Q And were you called into the back room or did you
15 just -- you just came into the back office --
16 A I came --
17 Q -- yourself?
18 A I came to the back office to ask a question.
19 Q Okay. So you were not called in there by Chris?
20 A No, ma'am.
21 Q And then the time with the incident in the pool,
22 once you were inside the house, after you had been in the
23 pool with your parents, your parents went into the master
24 bedroom themselves, correct?
25 A Yes, ma'am.

1 Q You did not follow them into the master bedroom,
2 correct?
3 A No, ma'am.
4 Q And they were in there for a few minutes at least,
5 correct?
6 A Yes, ma'am.
7 Q And when you came into the -- into the master
8 bedroom, your mother was naked on the bed, correct?
9 A Yes, ma'am.
10 Q And you have no idea what conversation or no
11 conversation or anything occurred before you walked into the
12 master bedroom, correct?
13 A Correct.
14 Q Regarding your stepmom, Terrie, fair to say that at
15 times you felt that maybe she was not forced to do these
16 things?
17 A I never felt like she wasn't -- well, rephrase that
18 one more time.
19 Q Did you ever feel like she was doing these things
20 because she wanted to?
21 A I never felt like she wanted to do it.
22 Q Did you ever tell Ms. Bernat that sometimes she
23 would just start flashing you for no reason?
24 A No.
25 Q If I were to show you your statement it Christina

1 Bernat, would that refresh your recollection?

2 A Yes, ma'am.

3 MS. RADOSTA: Court's indulgence. May I approach
4 the Clerk, Your Honor?

5 THE COURT: Yes.

6 MS. RADOSTA: May I approach the witness?

7 THE COURT: Yes.

8 BY MS. RADOSTA:

9 Q Brandon, I am showing you what's been marked for
10 identification purposes as Defense Proposed I. That's what
11 it says right down there.

12 A Okay.

13 Q Do you see your name on this?

14 A Yes, ma'am.

15 Q Have you ever seen this transcript before?

16 A I'm pretty sure --

17 Q Okay.

18 A -- yes, ma'am.

19 Q At some point probably before one of your prior
20 testimonies?

21 A Yes, ma'am.

22 Q Okay. I direct your attention to the bottom of page
23 61 and into 62. Do you want to just read that to yourself
24 for a second?

25 A You said 61 and 62.

1 Q 61 and 62.

2 A Where would be -- no. You said the bottom?

3 Q Yeah. Right towards the -- the last answer. If you
4 want to read a little bit further up just so you understand
5 what's being talked about, that's fine.

6 A (Witness reading). Hum.

7 Q Does that refresh your recollection as to your
8 conversation with Ms. Bernat?

9 A No, ma'am.

10 Q Do you disagree, though, that at the bottom of page
11 61 the answer to -- your answer is, "Make sure I covered
12 everything. I think I covered a lot of it, especially the
13 main part really that really started bothering me was the sex
14 part that I got forced to do," and at the top of page 62, Ms.
15 Bernat says, "Um-h'm," and you go on, "And my mom forced to
16 do."

17 "My stepmom, I don't even think she did. Part of
18 the time after awhile she would just start flashing me for no
19 reason."

20 And the question, "After this happened?"

21 And the answer, "Yes, she started flashing me for no
22 reason."

23 Is that what the transcript says?

24 A Yes, ma'am.

25 Q So you don't have an independent recollection of

1 saying that, but you agree that's what the transcript says?

2 A I agree with, that's what the transcript says.

3 Q Okay. Now, regarding the idea that you were worried
4 if you guys told, there would be beatings, things like that
5 nature, Anita actually told you a story when she was -- from
6 when she was younger, correct? When she called Child
7 Protective Services or Child Protective Services came to the
8 house, something like that?

9 A Yes, ma'am.

10 Q So you learned of that event through Anita, correct?

11 A Yes, ma'am.

12 Q And it was your understanding that somehow Child
13 Protective Services got involved out at the house, and Anita
14 ended up getting punished or grounded or something along
15 those lines, correct?

16 A Yes, ma'am.

17 Q And that there was no repercussions for Christopher?

18 A Yes, ma'am.

19 Q And Anita was quite young when that happened,
20 correct?

21 A Yes, ma'am.

22 Q Nine years old? Nine, ten years old, something like
23 that?

24 A I don't know the age.

25 Q But she was younger than you were when she was

1 telling you the story?

2 A Yes, ma'am.

3 Q And she said that one time didn't work for me so
4 don't even bother trying, something to that effect?

5 A If you want to put it in summary, easiest way.

6 Q Okay. Okay. So based on Anita's word, you just
7 didn't even make an attempt to contact the police, correct?

8 A Yes, ma'am.

9 Q Did you ever ask your mom about whether or not CPS
10 had ever been called out to the house by Anita?

11 A Never asked.

12 Q Did you ever ask your stepmom if CPS had ever been
13 called out to the house?

14 A No, ma'am.

15 Q Okay.

16 MS. RADOSTA: Court's indulgence. Nothing else,
17 Your Honor. Pass the witness.

18 THE COURT: Any re-redirect?

19 MR. SWEETIN: No questions, Judge.

20 THE COURT: Okay. I have one question. Brandon,
21 you had indicated that there was incidents that happened with
22 Terrie Sena in the office, and an incident happened with
23 Deborah Sena in the master bedroom. Was there any other
24 incidents that happened with Deborah other than in the master
25 bedroom?

1 THE WITNESS: That was the only incident.

2 THE COURT: Okay. All right. Do you have any

3 questions as a result of that.

4 MR. SWEETIN: No, Your Honor.

5 MS. RADOSTA: No, Your Honor.

6 THE COURT: Okay. All right. Is -- are you done

7 with Brandon?

8 MR. SWEETIN: Yes, Your Honor.

9 THE COURT: Brandon, thank you so much for your

10 testimony. You can step down. Okay?

11 Ladies and gentlemen, we're going to take a quick

12 recess.

13 You're admonished not to converse amongst yourself

14 or with anyone else on any subject connected with this trial,

15 or read, watch, or listen to any report over commentary on

16 the trial by any person connected with this case, or by any

17 medium of information, including without limitation,

18 newspapers, television, the Internet, or radio.

19 You're further admonished not to form or express

20 any opinion on any subject connected with this trial until

21 the case is finally submitted to you.

22 It's now five after. So if we're in by 20 after,

23 that would be enough time? Is that okay? We'll take a

24 break. We'll be at ease while the jury exits the courtroom.

25 (Jury exits at 1:01 P.M.; Outside the presence of the jury)

1 THE COURT: Okay. We're outside the presence of
2 the jury. Is there anything that needs to be put on the
3 record before we take our break?

4 MS. SUDANO: Not currently.

5 THE COURT: All right. So your next witness is
6 Deborah?

7 MS. SUDANO: Yes, and we --

8 THE COURT: All right. I think she might be up
9 here. Okay. All right.

10 MS. RADOSTA: Does she have counsel?

11 MS. SUDANO: And we do --

12 THE COURT: What's that?

13 MS. SUDANO: Does she have counsel present?

14 THE COURT: I don't know.

15 MS. RADOSTA: Okay.

16 MS. SUDANO: We do kind of want to address the
17 e-mail issue before Deborah takes the stand just instead of
18 breaking in the middle of her testimony. So we can do it
19 after the break.

20 THE COURT: Okay. That's fine.

21 MS. SUDANO: Thank you, Your Honor.

22 (Court recessed at 1:02 p.m. until 1:12 p.m.)

23 (Outside the presence of the jury.)

24 (Pause in the proceedings)

25 THE MARSHAL: Come to order. Court is back in

1 session.

2 THE COURT: All right. We're on the record in case
3 State of Nevada versus Christopher Sena in C-311453. Let the
4 record reflect the presence of the defendant. He's here with
5 his counsel. As well as the State and their counsel.

6 Ms. Sudano, you indicated you wanted to put
7 something on the record before we get --

8 MS. SUDANO: Yes, Your Honor.

9 THE COURT: -- started?

10 MS. SUDANO: In Mr. Sweetin's opening statement, he
11 had made reference to a number of e-mails that were sent from
12 the defendant to Deborah Sena or from the defendant posing as
13 Deborah Sena sent to Ms. Sena's work colleagues.

14 The defense at the time of the opening indicated
15 that they were objecting to that information coming in and
16 would be challenging the admission of that evidence.

17 So I just wanted to raise it with Your Honor now
18 and see if we can address it now instead of having to take a
19 break and argue it while the witness is up on the witness
20 stand.

21 THE COURT: Okay.

22 MS. SUDANO: So there are three e-mails that are
23 sent from the defendant and e-mails that are associated with
24 the defendant to Deborah Sena; one being August 14, 2014 from
25 the e-mail christopherzx10@gmail.com. One being September

1 14, 2014 from the e-mail chris@knightimaging.com, and then
2 being September 17, 2014, again, from the e-mail
3 chris@knight.com.

4 Ms. Sena will indicate that she recognizes both of
5 those e-mail addresses as e-mail addresses that are
6 associated with the defendant. They were all sent to
7 multiple e-mails corresponding with Deborah Sena. Two of the
8 three were also sent to e-mail addresses associated with
9 either Anita or Brandon.

10 The content of all of those e-mails is relevant to
11 the proceedings here. They reference the number of days that
12 the family has been gone, and there is reference in the back
13 office as well to the number of days that the family was been
14 gone.

15 They're all sent from the period where we know that
16 Deborah and the children are out of the house. They're all
17 addressed either to Deborah or one of them says, hello,
18 beautiful and hello to my family. Are three are signed from
19 Christopher or Christopher Sena.

20 And everything goes on in these e-mails, they sort
21 of refer back to each other. The one that's sent immediately
22 after September 11, which is when the e-mails went to Deborah
23 Sena's work involving the pictures of her and the dog, the
24 e-mail after that makes reference to the fact that someone
25 had been talking about a lady having bad pictures at work and

1 thinking that she should be fired.

2 The e-mail after that makes reference to pictures
3 of Deborah and the dogs -- or Deborah and the dog as
4 something that could potentially be used to take Brandon away
5 from Deborah.

6 Furthermore, all of the information is information
7 that only a few people would know, the defendant being one of
8 them. So the State will be attempting to authenticate these
9 e-mails through Deborah. The authentication of the e-mails
10 relies on 52.015, just standard statute for admitting any
11 evidence.

12 The cases that are on point in Nevada would be
13 Rodriguez v. State, which is 128 Nevada 155 from 2012, which
14 dealt with the authentication of text messages.

15 Indicates that simply having something sent from a
16 phone number in that case, or an e-mail in this case,
17 associated with a defendant is not necessarily enough. But
18 that looking at the content and the context of the messages
19 is enough to authenticate whether or not they've come from
20 the defendant. The State doesn't need to negate all
21 inferences or establish the party sending beyond a reasonable
22 doubt or anything like that. The standard is just that the
23 State has to provide enough information so that a reasonable
24 juror could find in favor of authenticity.

25 The site for that is U.S. v. Tank, 200 F.3d 627.

1 That's from the Ninth Circuit in 2000.

2 So the fact -- the ultimate issue of whether or not
3 these e-mails were authored by the defendant bears on the
4 weight. The weight is something that the jury is to
5 determine. It doesn't bear on the authenticity.

6 So the State is going to be attempting to admit all
7 three of those e-mails.

8 As far as the e-mail that was sent from Deborah's
9 e-mail address to her coworkers, Deborah would indicate she
10 didn't send that e-mail, but that the e-mail address that's
11 associated with that was also associated with the phone that
12 she had left in the residence.

13 The videos -- or the still photographs that were
14 sent with that are part of the video that defendant had taken
15 of Deborah. It's Deborah's understanding that the defendant
16 is actually present and you can hear and see him in parts of
17 that longer dog video, although, not in the parts that are
18 taken for the still shots that are attached with the e-mails.

19 So again, on that one, there is enough content and
20 context to establish that those videos and the stills were
21 sent by the defendant, particularly, where that same video
22 was recovered on the flash drive that was located inside the
23 defendant's safe.

24 THE COURT: Okay. Ms. Radosta?

25 MS. RADOSTA: Well, Your Honor, at this point, I'm

1 going to first address the ones that come from purportedly
2 the christopherzx10 e-mail address or
3 christopher@knightimaging e-mail address.

4 At this point in time, the State can only present
5 basically opinion testimony that this is Christopher's e-mail
6 address. That another potential co-defendant in this case,
7 who could have potentially been charged with crimes in this
8 case is going to get up there and say, oh, yeah, not me, I'm
9 not the one who did this, somebody else did this.

10 The State had the opportunity and the means to
11 subpoenaed the gmail to get ownership or to get a listing of
12 who this e-mail account belongs to, and obviously, Your
13 Honor, this case has been pending for quite some time. They
14 had ample opportunity to be able to produce proper
15 authentication -- proper evidence to lay the proper
16 authentication of these e-mail addresses for
17 christopher@knightimaging and christopher@zx10 (sic).

18 Instead, they're just going to let Deborah come in
19 here, when she was herself, a co-defendant on these charges
20 and say, oh, you know what, that's absolutely him, he's
21 absolutely the one sending all of these things because you
22 want to know how I know? Because I know.

23 THE COURT: Well, let me stop you there a minute.

24 MS. RADOSTA: Um-h'm.

25 THE COURT: The video that was recovered --

1 MS. RADOSTA: I'm not talking about that one yet,
2 Judge. That one --

3 THE COURT: Okay.

4 MS. RADOSTA: -- comes from a different e-mail
5 address.

6 THE COURT: All right. Okay.

7 MS. RADOSTA: That one, Your Honor, comes from an
8 e-mail address with Deborah's name on it. So the State wants
9 to put out there these, with Christopher's e-mail address,
10 these are definitely Christopher. Oh, but by the way, he's
11 able to hack into Deborah's --

12 THE COURT: Do you think for a minute that she
13 would have sent that video to her own employer?

14 MS. RADOSTA: I have no idea, Your Honor, but it's
15 absolutely possible that she did. It came from her e-mail
16 address. There's --

17 THE COURT: Well, that's why they talk about it
18 going to the weight rather than the admissibility.

19 MS. RADOSTA: But so the State wants to be able to
20 -- wants to present evidence that in these situations where
21 it's his address, he did it, nobody hacked into that one.
22 But in this one, where it's her e-mail address, he hacked
23 into that.

24 How do we know that? Because Deborah says so.
25 There's been to testimony that anybody said that he has this

1 ability to do it, that he has the knowledge to do it.
2 There's been a lot of talk around and around that he likes
3 computers. But liking computers and being able to play
4 around a computer and being able to access and send an e-mail
5 from somebody else's e-mail account isn't necessarily the
6 easiest thing in the world to do.

7 Beyond that, Your Honor, there -- in Mr. Sena's
8 statement to police, he says this is her thing that she likes
9 to do. This is her fantasy with the animals, not his.

10 So is it that far of a leap, then, that maybe she
11 did send it from -- herself? There's also been absolutely no
12 testimony presented that there's not another copy of this out
13 there, this particular thumb drive that has been -- that was
14 confiscated by the State. There could be more than one copy
15 out there that she could herself have a copy of it and have
16 sent it to her employer.

17 I understand, Your Honor, that it may not be the
18 most normal thing to think of, but this entire case has got
19 some things in it, Judge, that are not the no normal things
20 out there. It's really not all that difficult to think that
21 maybe this is something that she inadvertently sent to her
22 work and then blamed him for because she knew she was in
23 trouble.

24 But the State wants to have their cake and eat it,
25 too. These e-mails are from his address, and we know that

1 they're him because they're from his address. Oh, but this
2 one over here isn't from his address, but we know it's him
3 because, well, she would never do this. Want to know why?
4 Because she says she never did it. She's a co-defendant in
5 the case, Judge, for intents and purposes.

6 We would object to first of all the ones coming --

7 THE COURT: Could you give me -- could you give me
8 some type of reasonable explanation why an individual in this
9 timeframe --

10 MS. RADOSTA: Um-h'm.

11 THE COURT: -- under the circumstances of what I
12 understand what's going on between the family and all that
13 trying to get out, and all that, why she would take the
14 position that she would send that to her employer to possibly
15 cause her to lose her job --

16 MS. RADOSTA: Um-h'm.

17 THE COURT: -- and then there would be responses
18 from your client in the other e-mail saying -- talking about
19 the knowing that something came out and they should lose
20 their job. Why would that person ever, ever do that --

21 MS. RADOSTA: But I'm not --

22 THE COURT: -- thinking -- I can't imagine that --
23 I mean, I can understand some irrational individual, there's
24 a lot of irrational behavior in this case, but I can't
25 imagine why an individual would do at that --

1 MS. RADOSTA: Can you --
2 THE COURT: -- with the belief --
3 MS. RADOSTA: For the sake of argument, Judge --
4 THE COURT: -- that he's going to be framed for it
5 or something?
6 MS. RADOSTA: I'm sorry, Your Honor, but for the
7 sake of argument, can you imagine a mother having a sexual
8 relationship with their child?
9 THE COURT: No, I can't.
10 MS. RADOSTA: I mean, so that's --
11 THE COURT: I'm sickened by it.
12 MS. RADOSTA: -- the world --
13 THE COURT: I'm telling you that.
14 MS. RADOSTA: That's the world worry living in
15 right now, Judge, so --
16 THE COURT: But can under some certain
17 circumstances right now, the way it appears, is that there's
18 some controlling nature that your client's exhibiting.
19 That's why I'm seeing.
20 MS. RADOSTA: But there -- but --
21 THE COURT: And -- but I -- what comes to mind when
22 I see this is other cases that have been in history where the
23 men seem to have some kind of control over their women. We
24 have some very notorious cases --
25 MS. RADOSTA: Um-h'm.

1 THE COURT: -- that are similar to that. That --
2 that -- so it's there. It's a possibility. I'm not saying
3 it's -- doesn't necessarily the case here because that's not
4 my decision. That's the jury's decision.

5 But what I'm saying is that I can't imagine, under
6 the circumstances of this case, where --

7 MS. RADOSTA: It could have been an accident, Your
8 Honor. We'll all sent e-mails on accident. She could have
9 potentially been trying to send this to him and it
10 inadvertently got sent to her.

11 THE COURT: Okay.

12 MS. RADOSTA: I don't -- I mean, there's other
13 possibilities, Judge, rather than --

14 THE COURT: So she would send -- she would want to
15 send that? But did they not -- this is the whole position
16 that I took before is if your client took the position that
17 it wasn't him that did this --

18 MS. RADOSTA: No.

19 THE COURT: -- then it would be admissible --

20 MS. RADOSTA: No, no, no.

21 THE COURT: -- because he's on that video.

22 MS. RADOSTA: No. Your position was if we said we
23 had to knowledge of it. That was your ruling, Judge, if we
24 had no knowledge.

25 THE COURT: No. No, no, no, no, no. I pulled it

1 up. If he claims that he had -- that --

2 MS. RADOSTA: Had no knowledge of the video, then

3 that the video would be played. That was my understanding of

4 the rule, Judge.

5 THE COURT: No. I had the order here. Well,

6 that --

7 MS. RADOSTA: And --

8 THE COURT: -- that is --

9 MS. RADOSTA: And --

10 THE COURT: -- not the -- that is not the decision

11 of the Court.

12 MS. RADOSTA: And for the -- and for the sake of

13 argument, Your Honor --

14 THE COURT: The Court is that he's --

15 MS. RADOSTA: -- challenging -- challenging --

16 THE COURT: -- taking the position that that is

17 not -- that he --

18 MS. RADOSTA: Challenging the authentication issue

19 is not the same thing as what the Court believes its ruling

20 was regarding the bad acts.

21 THE COURT: No, but you're --

22 MS. RADOSTA: The State's still --

23 THE COURT: -- you're tying it in. You're --

24 MS. RADOSTA: No.

25 THE COURT: -- tying it together because -- because

1 the position I took is if your client took a position where
2 he took a defense that he had nothing to do with that, that
3 he didn't send it, that he had no knowledge of it going or
4 whatever, then I would say, no, I'm going to let it in
5 because he's on the video. He's the one videotaping the
6 doggone thing.

7 MS. RADOSTA: But --

8 THE COURT: He's the one directing her what to do
9 with this dog.

10 MS. RADOSTA: -- we are not --

11 THE COURT: Same case --

12 MS. RADOSTA: We are not saying --

13 THE COURT: -- in whole.

14 MS. RADOSTA: -- that we didn't know about the
15 video, Judge. We are saying the e-mail comes from an address
16 that State needs to authenticate.

17 THE COURT: Well --

18 MS. RADOSTA: It comes from her e-mail address,
19 not --

20 THE COURT: I know, but what --

21 MS. RADOSTA: -- his.

22 THE COURT: -- what you're saying is that the
23 person whose involvement, has most knowledge other than maybe
24 your client can't authenticate it. That's what you're
25 saying.

1 MS. RADOSTA: I mean, it's possible the State could
2 have obtained records as to the origination --
3 THE COURT: No, I understand --
4 MS. RADOSTA: -- of this e-mail.
5 THE COURT: -- I understand what you're saying
6 there, too.
7 MS. RADOSTA: That it came from 6012.
8 THE COURT: I understand what you're saying, Ms.
9 Radosta, but that's not a requirement for authentication.
10 Just because they don't have the records of it --
11 MS. RADOSTA: When it comes --
12 THE COURT: -- is not a requirement for it. You
13 would have loved it, but it's not a requirement.
14 MS. RADOSTA: But when it comes from someone else's
15 e-mail --
16 THE COURT: Just like they'd love to have DNA on
17 cases when a person says that person stabbed me or that
18 person shot me. Well, was there any DNA on it? No, there
19 wasn't. You would love to have had it, but there wasn't any.
20 MS. RADOSTA: But, Your Honor, this is not a
21 situation where this is purported to be my client's e-mail
22 account. This is the State's theory now is he hacked into
23 her e-mail account and somehow managed to send this without
24 any trace coming back to him.
25 THE COURT: Well, we've heard all the testimony

1 that both those phones were left there. That both those --
2 MS. RADOSTA: Right.
3 THE COURT: Both her phone --
4 MS. RADOSTA: And once again, that's --
5 THE COURT: -- and Brandon's.
6 MS. RADOSTA: -- that is -- that is hearsay
7 testimony that this e-mail account comes from that phone.
8 There's no actual evidence beyond somebody saying it that --
9 THE COURT: Okay.
10 MS. RADOSTA: -- this e-mail address belongs to
11 that phone that she left behind. That's the first, by the
12 way, that I've heard that particular piece of information
13 that that is purportedly linked up to her phone.
14 Honestly, I don't understand that.
15 THE COURT: All right.
16 MS. RADOSTA: My e-mail on my phone --
17 THE COURT: So -- so right now --
18 MS. RADOSTA: -- is my e-mail that I --
19 THE COURT: -- you're objection is --
20 MS. RADOSTA: -- access at my desk.
21 THE COURT: -- with that -- with that e-mail?
22 MS. RADOSTA: In particular.
23 THE COURT: That's your objection? Okay.
24 MS. RADOSTA: And, I mean, regarding the other
25 ones, Judge, it's just a --

1 THE COURT: It comes from --
2 MS. RADOSTA: -- very simple --
3 THE COURT: -- his -- from his --
4 MS. RADOSTA: It's a simple --
5 THE COURT: Okay.
6 MS. RADOSTA: -- authentication --
7 THE COURT: Okay.
8 MS. RADOSTA: -- objection, Your Honor, that the --
9 THE COURT: All right.
10 MS. RADOSTA: -- State had the opportunity to
11 subpoena gmail. I know they actually did subpoena gmail and
12 did not get the records back in time.
13 They knew they had a potential problem with this,
14 Judge, and they're trying to circumvent it by having people
15 testify, oh, yeah, that's eat mail address that we know that
16 comes from Chris. That's -- you know, they attempted to get
17 the proper authentication.
18 THE COURT: I know, but what I'm saying is I'm
19 having a real hard time --
20 MS. RADOSTA: Um-h'm.
21 THE COURT: -- accepting the speculation or
22 proposition that you're applying here that she would have
23 sent it to herself --
24 MS. RADOSTA: But --
25 THE COURT: -- under the circumstances of this

1 case --

2 MS. RADOSTA: But you --

3 THE COURT: -- under the controlling nature of

4 what's been testified to, under his later e-mails that he's

5 acknowledging that somebody from work knows about it, and, I

6 mean, I'm having a --

7 MS. RADOSTA: But you only get to the -- to the

8 speculation of mine, Your Honor, if you overlook the lack of

9 authentication offered by the State.

10 THE COURT: Well, that's by your position.

11 MS. RADOSTA: Because that -- well --

12 THE COURT: That's the position you take.

13 MS. RADOSTA: -- but it doesn't come from his

14 e-mail account.

15 THE COURT: I know, but that's the position you're

16 taking is that there's no other way to authenticate this.

17 That's what you're saying.

18 MS. RADOSTA: Right.

19 THE COURT: So you're saying, Judge, the only way

20 you can do this is if you overlook. Well, I'm not. I'm

21 looking at the proposition that there's more than one way to

22 authenticate.

23 MS. RADOSTA: Okay.

24 THE COURT: And you will not accept the manner in

25 which the State's proposing --

1 MS. RADOSTA: Which is because it's based on the
2 testimony of a co-defendant, Your Honor. That the -- I
3 didn't do that, that's not me. I would never do that, oh, my
4 goodness. I might do all these other horrible, horrible
5 things, but that one, I would never do. That's where State's
6 pretty much coming from.

7 Yeah, I might have had sex with my kids, I might
8 have allowed it to be videotaped --

9 THE COURT: Well, let me -- let me look at this
10 case, and let me make sure I understand it. But -- so your
11 objection, the main, is authentication of the e-mail sent
12 that has the dog in it?

13 MS. RADOSTA: Yes.

14 THE COURT: Okay.

15 MS. RADOSTA: For the record, Judge, we're also
16 objecting to the other ones just because we don't feel that
17 just somebody testifying that that's his e-mail address is
18 enough authentication, but it is not as --

19 THE COURT: All right.

20 MS. RADOSTA: -- not as strong of an argument as
21 the one that comes from Deborah's e-mail address.

22 THE COURT: All right. Do you have any further
23 argument?

24 MS. SUDANO: No, Your Honor. I would just --

25 THE COURT: All right. I'm going to go off the

1 record for a minute. Hang tight. I want to read this.

2 Okay?

3 THE MARSHAL: Court will be in short recess.

4 THE COURT RECORDER: I'm staying on the record,
5 guys, just so you know.

6 MS. SUDANO: Thank you.

7 (Pause in the proceeding at 1:41 P.M., until 1:46 P.M.)

8 (Outside the presence of the jury)

9 THE COURT: Okay.

10 THE MARSHAL: Come back -- court is back in
11 session.

12 THE COURT: All right. We're back on the record in
13 the case of State of Nevada versus Christopher Sena in
14 C- 311453.

15 All right. So in reading the 2012 case, Rodriguez
16 versus State, which the State did cite to, there's a specific
17 set of standards that the Court relies on in order to
18 determine -- and talks specifically what I was discussing
19 with the defense here about how you authenticate through
20 other corroborating information.

21 And the question is always, and it's always the
22 objection is based on who the author is. The requirement and
23 authentication or identification is a condition precedent to
24 admissibility satisfied by evidence or show -- or other
25 showing sufficient to support a finding that the matter in

1 question is what its proponents claims. Authentication
2 inquiry is whether the matter is question is what a proponent
3 claims. The proponent of the evidence can control what will
4 require or satisfy the authentication requirement, but is
5 citing what he offers it to prove.

6 The question then is what is necessary to
7 authenticate a text message. The question is establishing
8 the identity of the author of the tech message through the
9 use of corroborating evidence is critical to satisfy the
10 authentication requirement for admissibility.

11 Now, State has indicated that they want to offer
12 these text messages for a number of reasons. Mainly, to
13 establish -- to corroborate and show corroboration of his
14 controlling nature in -- with these women. His threats of
15 how he controls them. And did State want to add anything to
16 that? I mean, tell me what -- I mean, basically the case
17 that you cite and with the way the Court addresses it,
18 there's a number of different things that they point to
19 identifying details in the text message that could have been
20 known only by a small number of persons, they talk about
21 that, including the defendant, defendant's conduct after the
22 messages were sent.

23 And then that shows from another, you know, message
24 when he talks about how he's aware that somebody at her work
25 had seen -- heard about these photos and that she probably

1 should be fired. And pointed information in the message that
2 the sender identified himself or whatever, herself, that's
3 something that they point out.

4 And it could be the proponent of the evidence must
5 explain under 47.040(1)(a) that the purpose for which the
6 text message is being offered and provide sufficient direct
7 or circumstantial corroborating evidence of author ship in
8 order to authenticate the text message as a condition present
9 to its admission.

10 So what do you want to put on the record with
11 regards to what you will be able to show to authenticate?

12 MS. SUDANO: And, Your Honor, we've previously
13 addressed text -- or the e-mails coming in in a bad acts
14 motion that has been litigated by the parties --

15 THE COURT: Um-h'm.

16 MS. SUDANO: -- so I just want to make sure that
17 that's on the record.

18 THE COURT: Okay.

19 MS. SUDANO: I did fail to mention previously that
20 the flash drive that the defendant -- or that was found in
21 the safe in the defendant's off was last -- or first
22 accessed, excuse me, June 13th of 2014, which was after
23 Deborah and the children had left the residence. So that,
24 again, goes to the weight of it.

25 We have testimony from --

1 THE COURT: The detective testifying that it was --
2 MS. SUDANO: Correct.
3 THE COURT: -- downloaded to that or whatever?
4 MS. SUDANO: Correct, that --
5 THE COURT: Is that what you're talking about?
6 Okay. All right.
7 MS. SUDANO: That flash drive or thumb drive was
8 formatted June --
9 THE COURT: Right.
10 MS. SUDANO: -- 13th of 2014, which was after they
11 left the residence.
12 THE COURT: Um-h'm.
13 MS. SUDANO: So it would suggest that he's one of
14 the only people that would access to it at that point other
15 than Tails.
16 THE COURT: Right. Okay.
17 MS. SUDANO: We didn't have any testimony that
18 Tails had access to the safe or anything along those lines.
19 Furthermore, we did have testimony from a number of
20 witnesses that the defendant was attempting to contact Anita,
21 Brandon, and Deborah from a variety of different methods,
22 from going to Anita's work, writing a message on her pay
23 stub, from phone calls, voicemails, from holding up little
24 notes in front of the camera.
25 We had Tails indicate that he knew that the

1 defendant was sending e-mails to Deborah because Tails
2 actually looked at a couple of those e-mails or drafts of
3 those e-mails as defendant indicated he was sending them to
4 Deborah.

5 As I mentioned previously, all of the e-mails are
6 addressed either to Deborah or I think the one says hell Lee
7 beautiful and my family, they're all signed as being from
8 Christopher, which is one of the factors that Rodriguez can
9 -- contemplated.

10 All of the e-mails reference the fact that the
11 family has been gone and references the number of days that
12 the family has been gone.

13 In the back office, the defendant is apparently
14 keeping track of the number of days that have -- the family
15 has been gone. He references that again in the interview
16 with the detective, stating specifically the number of days
17 that the family has been gone.

18 He makes reference in the first e-mail to a TPO,
19 and knowing that there's a TPO against him that he refers to
20 as being squashed, which we've had some testimony about the
21 TPO. There's references to the family being at a Safe House,
22 I believe, in one of the e-mails.

23 So they're all about this idea of what's going on
24 with the family. After the dog e-mail is sent, the defendant
25 in the follow-up e-mail makes reference to that. Makes

1 reference to video with Brandon when Brandon's three years
2 old, makes reference to the dog video is something additional
3 that could be used to keep -- to take Brandon away from
4 Deborah.

5 All of these things are things that only a few
6 people would have any sort of knowledge of, the defendant
7 being one of them. And if Your Honor has any specific
8 questions, I can follow up on that.

9 But based on all of those reasons, the content and
10 the context of all of these messages in this case indicate
11 that they're coming from the defendant, they continue to show
12 his controlling nature, his attempts to get them back, his
13 attempts to prevent them from going to the police.

14 THE COURT: Address the hearsay matter. If I
15 accept that they're admissible for authentication reasons,
16 address the hearsay matter.

17 MS. SUDANO: As the Court in Rodriguez noted,
18 they're not hearsay statements if they are deemed to be
19 authenticated because then they would be statements of the
20 defendant. So they would be statements of a party opponent.

21 THE COURT: Okay.

22 MS. SUDANO: There's also another case that it sort
23 of references that. It's In the Matter of MC, a minor --

24 THE COURT: Well, the reason I asked that is
25 because it's the position of the State is that all these

1 statements, as you've indicated how you're going to be
2 authenticating them with the use of Deborah to finalize that;
3 is that what you're saying? Is that what you were saying?

4 MS. SUDANO: Yes, Your Honor, that they're all
5 statements that the defendant is making to --

6 THE COURT: All right.

7 MS. SUDANO: -- Deborah.

8 THE COURT: Okay.

9 MS. SUDANO: So they would not be hearsay
10 statements.

11 THE COURT: All right.

12 MS. SUDANO: They would be statements of the
13 defendant.

14 THE COURT: Okay. Do you have anything else, Ms.
15 Radosta?

16 MS. RADOSTA: Actually, Your Honor, there is one
17 other thing. Regarding the one from Deborah, from Deborah's
18 gmail account, there is -- while he might be able to in the
19 State's theory hack into a gmail account, there are
20 approximately 100 people with work e-mail addresses that this
21 was sent to.

22 And there's been no evidence presented as to how he
23 would acquire those e-mail addresses if this truly came from
24 him. If --

25 THE COURT: Well, I think --

1 MS. RADOSTA: If somebody had --

2 THE COURT: I think what we need to do with that,

3 to cut you off, is that -- and I'm anticipating it coming

4 from Deborah --

5 MS. RADOSTA: Um-h'm.

6 THE COURT: -- but I would -- I would expect that

7 they'd lay a proper foundation on how they believe and how

8 she believes that some -- that it came from him.

9 MS. RADOSTA: So it would be speculation.

10 THE COURT: Before -- before -- no.

11 MS. RADOSTA: It would be speculation, though.

12 THE COURT: No, because she could say that he had

13 access to my phone, he knew how to do this because we did

14 this before, and in my phone, I have addresses of a hundred

15 people that I work with. And so it would be a simple matter

16 is once he gets in my phone to be able to do this.

17 MS. RADOSTA: From a --

18 THE COURT: And so --

19 MS. RADOSTA: -- from a personal account that you

20 would have access to --

21 THE COURT: I don't know.

22 MS. RADOSTA: -- your e-mail?

23 THE COURT: I would think that that's what --

24 that's what I'm anticipating with it. I don't know what

25 she's going to say. But clearly, the ones coming from his --

1 from his account, there's -- we're already over that step --
2 MS. RADOSTA: Well, for the sake --
3 THE COURT: -- so --
4 MS. RADOSTA: Just for the -- if I could just
5 briefly --
6 THE COURT: Because here --
7 MS. RADOSTA: -- respond.
8 THE COURT: -- here's the issue, though, with
9 Rodriguez, just so you know.
10 MS. RADOSTA: Um-h'm.
11 THE COURT: Rodriguez was a situation sent almost
12 identical to this --
13 MS. RADOSTA: Um-h'm.
14 THE COURT: -- where they got the other person's
15 phone, the victim's phone, and was texting people from the
16 victim's phone.
17 MS. RADOSTA: Right.
18 THE COURT: And so multiple people were doing it.
19 MS. RADOSTA: Right.
20 THE COURT: And so they went through an analysis,
21 they found out that 12 of the text messages, they found that
22 only two of them would have been admissible based on the
23 testimony and based on the explanation and the understanding
24 of how that would have come from the defendant.
25 MS. RADOSTA: Um-h'm.

1 THE COURT: And so that's how that was admissible.
2 And that's what I'm saying, if they lay the proper foundation
3 as to that, right now we're talking about one text message
4 that comes from her -- her account. I don't know if it's
5 connected to the phone. I don't know if it's connected to a
6 computer that he has access, that she had access, that they
7 used together, I don't know.

8 And so that's what I need -- I need to hear.

9 MS. RADOSTA: Okay.

10 THE COURT: So before we get into the actual
11 content of it --

12 MS. RADOSTA: Um-h'm.

13 THE COURT: -- then I need to see if they -- they
14 do have a requirement to lay that proper foundation.

15 But I've also -- I'm always standing by the point
16 that if he takes the position in a defense, not necessarily
17 with her right here on your --

18 MS. RADOSTA: Right, um-h'm.

19 THE COURT: -- cross, but in defense that he had no
20 knowledge of that, had nothing to do with that, then I'm
21 going to allow them to admit the photos because -- I mean,
22 admit the video because it was in his -- it was in his
23 property, and he's on the video. Well, he's in the video.

24 MS. RADOSTA: Okay.

25 THE COURT: So --

1 MS. RADOSTA: Couple of -- just a couple of just
2 quick responses, Judge.

3 First of all, the --

4 THE COURT: And I think the nature of this, too,
5 the nature of this video --

6 MS. RADOSTA: Um-h'm.

7 THE COURT: -- the one in particular with the
8 animal, it's just that by itself is a pretty -- pretty
9 outstanding issue that lends the Court to believe that the
10 knowledge of this with regards to your client and then the
11 continued threats and statements that were being made, it
12 would be exactly what his intentions are, and so --

13 MS. RADOSTA: The State's proffer that this thumb
14 drive was created after they left the residence, I don't
15 think that's completely accurate.

16 They left the residence on the day it was created.

17 THE COURT: Right. Yeah, he --

18 MS. RADOSTA: So --

19 THE COURT: -- he downloaded it from everything,
20 according to their position --

21 MS. RADOSTA: According to their position.

22 THE COURT: -- and put it on this thumb drive.
23 Right.

24 MS. RADOSTA: But other people had access to that
25 -- I mean, Terrie was in the back office. That's where she

1 slept.

2 THE COURT: Yeah, and I think she even said --

3 MS. RADOSTA: So --

4 THE COURT: -- and that's part of the testimony. I

5 think she even told the police where to find it.

6 MS. RADOSTA: Right.

7 THE COURT: And they didn't find it there. They

8 found it in the safe, so --

9 MS. RADOSTA: Additionally, all of the -- of the

10 points that the State made as to context about details in the

11 -- in the e-mails that are being offered to prove that that's

12 why we know it's him are just as well known to Deborah.

13 THE COURT: Um-h'm.

14 MS. RADOSTA: The fact that there was an incident

15 with three-year-old Brandon, she was there.

16 THE COURT: No, I know. I --

17 MS. RADOSTA: She participated.

18 THE COURT: I know that.

19 MS. RADOSTA: So it doesn't necessarily make it

20 only him to be --

21 THE COURT: No.

22 MS. RADOSTA: -- the person.

23 THE COURT: I understand that.

24 MS. RADOSTA: So --

25 THE COURT: I understand that.

1 MS. RADOSTA: Yeah.

2 THE COURT: And Rodriguez actually talks about
3 that.

4 MS. RADOSTA: Okay.

5 THE COURT: That it's not making it -- not making
6 it only to one individual, it's saying that the
7 circumstances, you know, in a whole looking at it --

8 MS. RADOSTA: Right.

9 THE COURT: -- which would be known only by a small
10 number of persons, so they're talking about a -- more than
11 one person, so it's --

12 MS. RADOSTA: Um-h'm.

13 THE COURT: -- and including the defendant, and
14 then -- and then what helps them to understand Rodriguez is
15 citing Dickens versus State. It's a 2007 case. I believe
16 it's -- I'm not sure, I think it's Maryland Appellate Court
17 is what they were looking at because they -- they -- because
18 it was a first impression.

19 MS. RADOSTA: Right.

20 THE COURT: It's a case is a first impression. And
21 they say that defendant's conduct after the messages were
22 sent is what they looked at. And that's what I -- I'm kind
23 of thinking about with regards to an additional message that
24 your client sent from his own address talking about her
25 losing a job or hearing about the animal being at the -- I

1 mean, a lady with animal and possibly losing his job.

2 That goes right into the same type of attitude that
3 I'm seeing throughout with your client based on -- based on
4 just this limited area.

5 MS. RADOSTA: I mean, there was also testimony,
6 Judge, that the signs that he's holding up are, please come
7 home. The note he wrote on Anita's check is, please come
8 home.

9 THE COURT: Yeah.

10 MS. RADOSTA: Not threats. Not -- I mean, as a
11 matter of fact --

12 THE COURT: No, I understand that.

13 MS. RADOSTA: -- nobody's testified to him making
14 any threats thus far against the family after they all left.

15 Additionally, the State pointed out that --

16 THE COURT: Well, hasn't it been the theory all
17 along that --

18 MS. RADOSTA: That's the theory, but --

19 THE COURT: -- your client -- that's your client's
20 -- the position your client has put himself in is that he has
21 this type of damning information that he will --

22 MS. RADOSTA: That's the State's theory.

23 THE COURT: -- put out there.

24 MS. RADOSTA: Um-h'm.

25 THE COURT: Um-h'm.

1 MS. RADOSTA: But they haven't presented any
2 evidence of it yet.

3 THE COURT: Well, we just -- we're getting to. I
4 imagine we're going to hear from Deborah.

5 MS. RADOSTA: A co-defendant in the case who --

6 THE COURT: Okay.

7 MS. RADOSTA: -- has --

8 THE COURT: Well --

9 MS. RADOSTA: -- well, you know, it --

10 THE COURT: That doesn't mean it's not -- it's not
11 -- I mean, it doesn't mean -- it goes to the weight --

12 MS. RADOSTA: Um-h'm.

13 THE COURT: -- and not the admissibility. There is
14 corroborating evidence that supports it. That would be her
15 testimony, plus -- plus all the other testimony of the -- of
16 the children involved here, the testimony of the detective
17 when he located the thumb drive and found how and when it was
18 downloaded.

19 MS. RADOSTA: That -- and, I'm sorry, Your Honor,
20 but my client is also -- when the State elicits his
21 testimony, he also told the detectives exactly where to find
22 the thumb drive.

23 THE COURT: Okay.

24 MS. RADOSTA: So, I mean, it goes -- it works both
25 ways. It's not, you know --

1 THE COURT: I know.

2 MS. RADOSTA: The only other point that I want
3 to --

4 THE COURT: But I'm looking at it right now, just
5 what I have what's in front of me, what's been presented.

6 MS. RADOSTA: Right.

7 THE COURT: I haven't heard anything from your
8 client.

9 MS. RADOSTA: I understand that.

10 THE COURT: So --

11 MS. RADOSTA: I just -- I'm fully anticipating the
12 State bringing out his statement. I mean --

13 THE COURT: Okay. All right.

14 MS. RADOSTA: -- I'd be surprised if they did not.

15 THE COURT: Okay. All right.

16 MS. RADOSTA: But not to tell them how to do their
17 job or anything.

18 THE COURT: So all I'm saying is that based on the
19 standard that has been set with regards to Rodriguez versus
20 State, with some exceptions as to proper foundation with
21 Deborah, is at this point in time, I believe that they have
22 laid a sufficient -- showed corroboration for purposes of how
23 to authenticate it.

24 MS. RADOSTA: There was just one other just point
25 that I wanted to make, Judge.

1 THE COURT: Okay.

2 MS. RADOSTA: I appreciate your ruling, but while
3 the State did elicit testimony from Tails, that he saw my
4 client writing e-mails to Deborah --

5 THE COURT: Um-h'm.

6 MS. RADOSTA: -- there was never an offer that
7 these were the -- that these were the e-mails that he saw
8 writing -- saw my client writing to Deborah or anything of
9 that nature.

10 THE COURT: Okay.

11 MS. RADOSTA: That he saw anything that was
12 threatening or in any way harmful to Deborah. That was not
13 in any way elicited. Just mails were being sent was what was
14 elicited from Tails, so --

15 THE COURT: Well, I wouldn't necessarily say the
16 e-mail that was sent to her about I heard that somebody at
17 work may have seen some videos of a girl with an animal.
18 It's just coincidental, right, when it happens.

19 And I don't think that's threatening at all.

20 MS. RADOSTA: Um-h'm.

21 THE COURT: I think that there -- I guess, you can
22 look at the undertone of it, but that written by itself is
23 not a threatening statement.

24 MS. RADOSTA: Right.

25 THE COURT: So -- so -- and I don't know what Tails

1 actually saw or not other than he saw your client typing
2 e-mails to Deborah --

3 MS. RADOSTA: Um-h'm.

4 THE COURT: -- or sometime after they had left.

5 MS. RADOSTA: Um-h'm.

6 THE COURT: And that's when the -- when the
7 information is is that this is when it came out.

8 MS. RADOSTA: Okay.

9 THE COURT: So that's additional corroborating
10 evidence to support the issue about identity.

11 MS. RADOSTA: But he didn't testify that he saw our
12 client using Deborah's e-mail address to send --

13 THE COURT: No, no, I --

14 MS. RADOSTA: -- anything, so.

15 THE COURT: -- I understand that. That's why I'm
16 saying is that I do think at this time, the State does have
17 an obligation to establish a proper --

18 MS. RADOSTA: Okay.

19 THE COURT: -- foundation as to -- and it's
20 probably going to be with Deborah as to that.

21 MS. RADOSTA: Okay.

22 THE COURT: So -- okay?

23 MS. RADOSTA: Thank you.

24 THE COURT: All right. So anything further?

25 MS. SUDANO: No. Thank you, Your Honor.

1 THE COURT: All right. Okay. So bring the jury
2 in.

3 Are you anticipating at all at this point in time
4 some type of limiting instruction? I mean, right now? Do
5 you want me to give them some kind of limiting instruction or
6 be just something you want me to give them at the close?

7 MS. RADOSTA: For -- regarding this --

8 THE COURT: Yeah.

9 MS. RADOSTA: -- or -- I hadn't really thought of
10 it, Your Honor.

11 THE COURT: I didn't know either. I don't know if
12 that --

13 MS. RADOSTA: You mean due to the fact that it --
14 the issue we were just discussing that it doesn't come from
15 his e-mail?

16 THE COURT: Well, it might be considered a bad --
17 well, never mind.

18 MS. RADOSTA: Hadn't --

19 THE COURT: Think about it.

20 MS. RADOSTA: Hadn't thought of it, Judge, but I
21 will now.

22 THE COURT: I fully anticipate something like that
23 at close of case, I do. But I don't know whether you wanted
24 me to do something now, but --

25 (Pause in the proceedings)

1 MS. RADOSTA: Your Honor, could we approach for a
2 second?

3 THE COURT: Yeah, uh-huh.

4 (Off-record bench conference.)

5 THE COURT: All right. What we've been discussing
6 at the bench -- hold on, Ed -- is that throughout the trial
7 there's been a number of aspects of testimony involving
8 uncharged -- uncharged acts, what would be considered under
9 48.045, other bad acts.

10 It's been addressed consistently in this case,
11 pretrial motions, the Court's been involved with it a number
12 of times, it's been addressed in this trial a number of
13 times. What I had asked the parties about right before we
14 just -- right before we were getting ready to get the jury in
15 is that what the parties wished to do, do they want me to
16 instruct -- we haven't been doing it with other witnesses,
17 but since we're -- before Deborah's going to take the stand,
18 I didn't know whether or not the parties wanted me to give a
19 limiting instruction now or just wait to the end and give a
20 limiting instruction with regards to how the jury is to use
21 the other bad act -- and to -- to --

22 MS. RADOSTA: At this point, Your Honor --

23 THE COURT: -- other bad act information.

24 MS. RADOSTA: -- because we haven't been doing it
25 throughout the course of the trial, and in all honesty, we

1 had no thought of it prior to the topic we were discussing
2 earlier, which is the potential dog video and/or dog photo --
3 THE COURT: Right.
4 MS. RADOSTA: -- at this point, we think it's
5 probably better to just leave it until the end --
6 THE COURT: Okay.
7 MS. RADOSTA: -- and do it in jury instructions.
8 THE COURT: So you think that that will be
9 sufficient? I mean, in light of the fact that you're doing a
10 summation to give the jury an understanding on how to use
11 it --
12 MS. RADOSTA: Um-h'm.
13 THE COURT: -- rather than me giving an
14 instruction --
15 MS. RADOSTA: Yeah.
16 THE COURT: -- each time --
17 MS. RADOSTA: Yeah. Since we haven't been --
18 THE COURT: The Court's position --
19 MS. RADOSTA: -- doing it, yeah.
20 THE COURT: -- would be that it -- I mean, I'm not
21 trying to tell you how to --
22 MS. RADOSTA: No, no.
23 THE COURT: -- handle your -- I have not done that,
24 but the Court's position would be that there's so much --
25 MS. RADOSTA: Um-h'm.

1 THE COURT: -- that -- that if I brought the
2 attention every single time --
3 MS. RADOSTA: Right.
4 THE COURT: -- I think that might raise the --
5 raise the --
6 MS. RADOSTA: I -- yeah, I understand what you're
7 saying.
8 THE COURT: -- interest in the -- interest in the
9 jury.
10 MS. RADOSTA: Because there -- yeah, there have
11 been other --
12 THE COURT: I think they're seeing it now --
13 MS. RADOSTA: -- I mean, physical --
14 THE COURT: -- like just bad act type of thing.
15 MS. RADOSTA: -- the -- the issues with Melissa,
16 the physical, the -- with the children, the physical with the
17 wives, the --
18 THE COURT: Everybody's testified already.
19 MS. RADOSTA: -- the incident when -- when the boys
20 were younger. There's been a bunch already elicited,
21 Judge --
22 THE COURT: Right.
23 MS. RADOSTA: -- so at this point, I think it's
24 probably better to just leave it all until the end.
25 THE COURT: Okay.

1 MS. RADOSTA: Other -- rather than to start shall
2 you know, a third -- or you know, halfway through the trial.
3 THE COURT: All right.
4 MS. RADOSTA: I think that might do more --
5 THE COURT: Okay.
6 MS. RADOSTA: Become more of a bigger problem.
7 THE COURT: Mr. Sweetin, can you add to that or do
8 you want --
9 MR. SWEETIN: I would like to make --
10 THE COURT: Okay.
11 MR. SWEETIN: -- a little bit of record because
12 it's my understanding that -- that we knew all this was
13 coming in. Essentially, we had discussed most -- much of
14 this as being part of the whole story, and it kind of relates
15 to everything that's going on. You can't really separate the
16 two. State's position was, is we argue these things.
17 The State would submit that it would be very
18 difficult and -- and probably distracting to attempt to give
19 instructions as to each bit of other evidence that came in in
20 this case for that reason. And I thought the parties were
21 going to address this as an instruction at the conclusion of
22 the evidence, and that would be the State's preference, and it
23 appears the defense' preference as well.
24 THE COURT: Okay. So you don't feel that under the
25 Tavares decision that there's a need for it to be presented

1 each time?

2 MR. SWEETIN: The State's position would be that in
3 this case, as I indicated, it's really part of the whole
4 story. You can't really explain why certain things were
5 happening the way they were, unless some of the incidents in
6 regards to the controlling nature, as well as the violence
7 come out.

8 THE COURT: Okay. All right. All right. So if
9 there's nothing further, can we get the jury? All right. Go
10 ahead and get the jury in. Okay.

11 And we're only going to go until 4:00 --

12 THE MARSHAL: All rise for the presence of the jury.

13 THE COURT: -- and then we have another witness.
14 Okay.

15 (In the presence of the jury at 2:13 P.M.)

16 MS. RADOSTA: Judge, can we have real quick thing --

17 THE COURT: Sure.

18 MS. RADOSTA: -- and approach?

19 THE COURT: They may have a seat.

20 All right. Everybody go ahead and have a seat. For
21 the record, we're back on the record in the case of State of
22 Nevada versus Christopher Sena in C-311453.

23 We're back in the presence of the jury. Will the
24 parties stipulate to the presence of the jury?

25 MR. SWEETIN: Yes, Your Honor.

1 MS. RADOSTA: Yes, Your Honor.
2 THE COURT: Okay. All right.
3 (Off-record bench conference.)
4 THE COURT: Okay. State, call your next witness.
5 MS. SUDANO: Thank you, Your Honor. State calls
6 Deborah Sena.
7 DEBORAH SENA, STATE'S WITNESS, SWORN
8 THE CLERK: Thank you. Please be seated.
9 THE COURT: Ms. Sena, can you scoot up, please.
10 We've got a microphone there. I need to make sure we hear
11 you. Okay?
12 THE WITNESS: Okay.
13 THE CLERK: For the record, can you please state
14 your full name, spelling your first and last name?
15 THE WITNESS: Deborah Dawn Sena, D-e-b-o-r-a-h,
16 D-a-w-n, S-e-n-a.
17 THE COURT: Ms. Sena, before we get start on this,
18 it's my understanding that you are represented by Josh
19 Tomsheck; is that correct.
20 THE WITNESS: Yes.
21 THE COURT: Okay. Did he have a discussion with you
22 about your testifying here today?
23 THE WITNESS: I knew it would be soon.
24 THE COURT: Okay. Were you concerned -- or do you
25 need him to be here during your testimony?

1 THE WITNESS: I would like to, but I have Sweetin.
2 THE COURT: Okay. You're okay with -- that
3 Mr. Sweetin is, however, he's with the State. That's the
4 agency that prosecuted you.
5 THE WITNESS: Yeah.
6 THE COURT: Are you okay with going forward with him
7 here?
8 THE WITNESS: Yes.
9 THE COURT: All right. So you don't need
10 Mr. Tomsheck to be here?
11 THE WITNESS: No.
12 THE COURT: And you'll waive that at this time?
13 THE WITNESS: Yes.
14 THE COURT: If you have any concerns, please let me
15 know, and we can get him down here. Okay?
16 THE WITNESS: Okay.
17 THE COURT: All right. Your witness.
18 MS. SUDANO: All right.
19 DIRECT EXAMINATION
20 BY MS. SUDANO:
21 Q Good afternoon, Ms. Sena. Can I call you Deborah?
22 A Yes.
23 Q All right. So Deborah, as you sit here, you're
24 obviously in chains and the prison uniform; is that right?
25 A Correct.

1 Q Are you currently serving a sentence for sexual
2 assault?
3 A Wait, it's jail -- jail.
4 Q Jail uniforms?
5 A Yeah, right now.
6 Q Are you currently serving a sentence for sexual
7 assault?
8 A Yes.
9 Q What is your sentence?
10 A Ten to life.
11 Q Ten years to life?
12 A Yes.
13 Q So meaning that you could spend the rest of your
14 life in prison?
15 A Yes.
16 Q And you're not eligible for parole until you've
17 served at least ten years; is that correct?
18 A Correct.
19 Q Did you actually enter a guilty plea to that charge
20 of sexual assault?
21 A Yes.
22 Q Was that an agreement where Mr. Sweetin was one of
23 the prosecutors on that negotiation?
24 A Yes.
25 MS. SUDANO: And Your Honor, may I approach the

1 witness with --

2 THE COURT: Yes.

3 MS. SUDANO: -- Proposed 107?

4 BY MS. SUDANO:

5 Q All right. So Deborah, I'm showing you Proposed

6 Exhibit 107. Do you recognize that?

7 A Yes.

8 Q Here, do you want to look through the entire packet

9 for me?

10 A (Witness complies). It looks like it. Yes.

11 Q And is that a fair and accurate copy of the

12 substance of your guilty plea agreement in this case?

13 A Yes.

14 MS. SUDANO: Your Honor, I'd move for admission of

15 Proposed 107.

16 THE COURT: Any objection?

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

18 THE COURT: All right. It will be admit.

19 (State's Exhibit 107 admitted)

20 BY MS. SUDANO:

21 Q Now, as part of that agreement, you pled guilty for

22 conduct involving Anita, Tails, and Brandon; is that correct?

23 A I remember it was one count.

24 Q But that one count named Anita, Tails, and Brandon;

25 is that correct?

1 A I'm not -- I don't remember, I'm sorry.

2 Q Would looking at this again refresh your memory?

3 A Well, it takes time to read all that.

4 MS. SUDANO: May I approach again, Your Honor?

5 THE COURT: Yes.

6 BY MS. SUDANO:

7 Q So I'm showing you the bottom of the first page.

8 Does it reference AS, TS, and/or BS?

9 A Yes.

10 Q Okay. And that would be --

11 A Okay.

12 Q -- Anita, Tails, and Brandon; is that correct?

13 A Yes.

14 Q As part of that agreement, are you also required to

15 register as a sex offender?

16 A Yes.

17 Q And be subject to the conditions of that sex

18 offender registration; is that right?

19 A Yes.

20 Q Additionally, as part of that agreement, did you

21 also agree to testify truthfully in these proceedings?

22 A Yes.

23 Q Now, I want to talk a little bit about your

24 biographical information. Where were you born?

25 A In New York.

1 Q When were you born?
2 A November 11th.
3 Q What year?
4 A 1966.
5 Q Okay. So that makes you 52?
6 A Yes.
7 Q Okay. At what point did you move to Las Vegas?
8 A Back about '97.
9 Q Early in '97?
10 A I think so.
11 Q All right. Now, do you know an individual by the
12 name of Chris Sena?
13 A Yes.
14 Q Do you see that person here in the courtroom today?
15 A Yes.
16 Q Can you point to him and tell me something that he's
17 wearing today?
18 A He's wearing a light blue shirt.
19 Q Jacket or --
20 A Dress shirt.
21 Q Jacket or no jacket?
22 A No jacket.
23 MS. SUDANO: May the record reflect identification
24 of the defendant?
25 THE COURT: It will.

1 MS. SUDANO: Thank you, Your Honor.

2 BY MS. SUDANO:

3 Q How did you and the defendant first meet each other?

4 A At the roller rink.

5 Q Was that here in Las Vegas?

6 A Yes.

7 Q Do you recall about when it was that you and the

8 defendant met each other at the roller rink?

9 A Probably, '97 sometime.

10 Q Were you already living in Las Vegas at the time

11 that you had met the defendant?

12 A Yes.

13 Q What was your understanding of the defendant's

14 relationship status when you first met him?

15 A He was getting a divorce. His wife had signed the

16 papers.

17 Q Okay. And that wife being Terrie Sena?

18 A Correct.

19 Q At some point, did you and the defendant start to

20 spend more time together?

21 A Yes.

22 Q When did that take place?

23 A After that.

24 Q After the divorce was finalized?

25 A Well, no, after the paperwork was signed.

1 Q Okay.

2 A He told me the paperwork was signed.

3 Q All right. At some point did the relationship
4 between yourself and the defendant turn romantic?

5 A Yes.

6 Q When was that?

7 A It was in '97.

8 Q How is it that you two had initially started
9 spending time together?

10 A His father was -- needed to hire somebody at his
11 shop, and so I went for it.

12 Q So you were actually for the defendant's father at
13 some point?

14 A Yes.

15 Q Did work slow down at his father's shop?

16 A Yes.

17 Q Did you continue to have contact with the defendant
18 when work slowed down?

19 A Yes.

20 Q What type of contact were you having with the
21 defendant?

22 A Well, we moved in together.

23 Q Okay. Were you aware by that point that the
24 defendant had two children?

25 A Yes.

1 Q And that would be Anita Sena and Tails Sena; is that
2 right?

3 A Correct.

4 Q About how old were Anita and Tails at this point?

5 A Six, and two-and-a-half.

6 Q You indicated that you and the defendant moved in
7 together; is that right?

8 A Yes.

9 Q About when was that?

10 A It was I think maybe '97, '98.

11 Q Late '97, early '98? Is that a yes?

12 A Yes. I'm not really sure around -- it's roundabout.

13 Q At some point did something happen that caused you
14 to leave Las Vegas?

15 A My dad got sick.

16 Q When was your -- when did you find out your dad was
17 sick?

18 A He came out to visit, and my father-in-law told me
19 that -- well, he was my father-in-law at the time, he said
20 that my dad was dying. And I thought, well, I need to go and
21 spend some time with him because I'd feel guilty for the rest
22 of my life if I didn't go back.

23 Q Do you remember about when you left?

24 A I don't know if it was '97-ish, '98.

25 Q Were you and the defendant already living together

1 at the time that you went back to --

2 A Yes.

3 Q -- visit your father?

4 How long have you been living together?

5 A I don't know, maybe a month or two.

6 Q So not very long?

7 A Not very long.

8 Q Did you get some news as you were leaving to visit

9 your father or shortly after you were visiting your father?

10 A You're referring to me finding out I was pregnant?

11 Q Yes.

12 A Yes.

13 Q When did you find out you were pregnant?

14 A When I was on the road going to my dad.

15 Q Okay. And I don't know if I asked you, at this

16 point, was your dad still in New York or was he somewhere

17 else?

18 A He wasn't in New York. He never was. He's West --

19 he lived in West Virginia.

20 Q So you were headed to West Virginia?

21 A Correct.

22 Q And it was at that point you found out you were

23 pregnant?

24 A Right.

25 Q With who would later become your son?

1 A Yes.

2 Q And what son is that?

3 A Brandon.

4 Q When was Brandon born?

5 A August 13, 20 -- I mean, 199 -- 1998.

6 Q So Brandon's currently --

7 A I did get it right.

8 Q -- 20, right?

9 A Yes, he is 20.

10 Q So did you have a conversation with the defendant

11 after you learn that you were pregnant with Brandon?

12 A Yes.

13 Q What was the nature of that conversation?

14 A I told him I was pregnant with his child, and he

15 told me that if I -- let's see, how did this go? That if I

16 decided to keep the kid, that he would take it away from me

17 because he has custody of his -- his two children.

18 Q Did you understand that to mean that Anita and

19 Tails?

20 A Yes.

21 Q At that point, when you became pregnant with

22 Brandon, were you aware of the divorce proceedings between the

23 defendant and Terrie Sena?

24 A I knew that they were getting a divorce.

25 Q And were you aware at that point, that the defendant

1 was the one that had primary custody of Anita and Tails?

2 A I knew Christopher had primary custody.

3 Q And how is it that you knew that he had primary
4 custody of Anita and Tails?

5 A I seen the divorce papers.

6 Q Okay. When you were living with the defendant prior
7 to you going to West Virginia, were Tails and Anita living
8 there as well?

9 A Yes.

10 Q Were they there all the time?

11 A I can't remember if they were or not. I remember
12 babysitting Tails, and going and picking up Anita from school.

13 Q Were you ever present when the children were dropped
14 off with Terrie for visitation?

15 A I believe so.

16 Q Was that something that was common or uncommon?

17 A This was after the divorce, I believe.

18 Q But at the point that you went to West Virginia, you
19 were aware that the defendant had primary custody of the
20 children; is that correct?

21 A Yes.

22 Q And they spent the majority of their time living
23 with the defendant; is that right?

24 A Correct.

25 Q Okay. And the defendant had made a comment to you

1 about taking your child away if you decided to have the child;
2 is that correct?

3 A Correct.

4 Q Okay. What, if anything, happened after you went to
5 West Virginia?

6 A What do you mean?

7 Q How long did you stay in West Virginia?

8 A Possibly about three, maybe -- I don't think it's
9 six months. Maybe three months.

10 Q At some point, did you leave West Virginia?

11 A Yes.

12 Q Where did you go after you left West Virginia?

13 A Back to Las Vegas.

14 Q What was your intention when you went back to Las
15 Vegas?

16 A To marry Chris.

17 Q So was that a conversation that had happened between
18 the two of you while you were in West Virginia?

19 A Yes.

20 Q When did you come back to Las Vegas?

21 A I don't know exactly the date, but like I said, it
22 was probably about three months or so afterward, but we got
23 married in February 21, 1998.

24 Q Were you already living back in Las Vegas when you
25 got married on February 21st?

1 A Yes, I think I was back for two weeks.

2 Q So you'd come back sometime maybe early February?

3 A Right.

4 Q Okay. Were you back to living with the defendant

5 when you had come back in early February?

6 A Yes.

7 Q Who all was living with you at that point?

8 A It was Chris, Anita, Tails, yeah.

9 Q Where were you living when you first came back to

10 Las Vegas?

11 A At an apartment on Lake Mead.

12 Q At some point, while you were still pregnant with

13 Brandon, did you all move somewhere different?

14 A Yes.

15 Q Where did you move?

16 A We moved to Yellowstone Avenue.

17 Q Is that the 6012 Yellowstone?

18 A Correct.

19 Q About when did you move to 6012 Yellowstone?

20 A When I was about six months pregnant.

21 Q Who all moved into that residence on Yellowstone?

22 A It was Chris and I, Brandon, Anita and Tails.

23 Q Now, at some point while you were still pregnant,

24 did your father ultimately pass away?

25 A Yes.

1 Q How far into your pregnancy was that?

2 A About eight months, I think.

3 Q When your father passed away, were you set to

4 inherit some money from his estate?

5 A Yes.

6 Q Was that a conversation that you had had with the

7 defendant? Was he aware of that information?

8 A I think so, because we were married, so yes.

9 Q Okay. Now, we already said Brandon was born August

10 13th; is that correct?

11 A Correct.

12 Q So you were already in the Yellowstone house?

13 A Yes.

14 Q Was there anyone else living in the Yellowstone

15 house after you gave birth to Brandon?

16 A Eventually, Terrie moved in.

17 Q Okay. Prior to that, had the defendant's father

18 actually been living at the residence?

19 A He was. He was living in the back office or pool

20 house, whichever you want to call it.

21 Q Okay.

22 MS. SUDANO: And may I publish, Your Honor?

23 THE COURT: Yes.

24 MS. SUDANO: All right.

25 BY MS. SUDANO:

1 Q I'm going to show you Exhibit 1. Is that the
2 residence at 6012 Yellowstone?

3 A Yes.

4 Q All right. So there's sort of the main trailer and
5 then there's the back, you said, office or pool house; is that
6 correct?

7 A Correct, correct.

8 Q And that's where the defendant's father was living?

9 A Right.

10 Q If you recall, how long did the defendant's father
11 live in that back pool house?

12 A He lived there until Brandon was about eight months
13 old.

14 Q What happened at that point?

15 A He passed away.

16 Q So after the defendant's father passed away, you
17 indicated that Terrie had moved in at some point; is that
18 correct?

19 A Correct.

20 Q Do you recall when Terrie moved in?

21 A I'm not sure. I know that we -- she had her son at
22 the time, too. Her -- Ryan.

23 Q So it was after Ryan was born?

24 A Correct.

25 Q And Ryan is about two months younger than Brandon;

1 is that correct?

2 A He's two months older than Brandon.

3 Q Oh, I'm sorry, wrong way.

4 So Brandon and Ryan are both in the picture at the

5 point that Terrie moves in; is that correct?

6 A Correct.

7 Q Did you and the defendant have a conversation prior

8 to Terrie moving into the residence?

9 A Yes, we did.

10 Q You discussed the fact that Terrie was, in fact,

11 going to be moving in?

12 A Yes.

13 Q Was that your idea or the defendant's idea to have

14 Terrie move into the house?

15 A The defendant's.

16 Q What did he say to you about having Terrie move in?

17 A We had a former babysitter who was -- who had left

18 the children alone and went next door. So we figured that

19 Terrie would be a better fit because she was biologically two

20 of the children's biological mother. That she would do a good

21 job of taking care of them while I was at work. I'm not sure

22 if Chris had quit working yet because his dad died of cancer.

23 Q Okay. So we can come back to the job thing in just

24 one second.

25 A Okay.

1 Q So it was the defendant's idea for his ex-wife,
2 Terrie, to move in; is that correct?

3 A Correct.

4 Q Were you happy about the idea of the defendant's
5 ex-wife living in the house with you?

6 A No.

7 Q Did you express that dissatisfaction?

8 A Yes.

9 Q What ultimately ended up happening?

10 A She moved in. I felt like my hands were tied.

11 Q Why did you feel like your hands were tied?

12 A Well, his reasoning that he said made sense at the
13 time. But I didn't it was going to be a long period of time.

14 Q Did you have a conversation about how long you
15 expected Terrie to stay in the residence?

16 A We did, but it ended up being longer.

17 Q What was your initial understanding of how long
18 Terrie was going to stay?

19 A Just until we got up on our feet and, you know, had
20 more money coming in.

21 Q At the point that you had more money coming in, was
22 it your understanding that you would hire a different
23 babysitter at that point?

24 A Oh, we didn't discuss that far.

25 Q Was this your understanding, though?

1 A Yes.

2 Q Now, you indicated that the defendant had quit his
3 job at some point; is that correct?

4 A Correct.

5 Q What was the defendant doing before he quit?

6 A He was a transmission mechanic installer.

7 Q What caused him to quit his job?

8 A His dad died of cancer and so from the chemicals
9 working in that type of environment.

10 Q Were you working after Brandon was born?

11 A Yes.

12 Q Where were you working?

13 A Cox Communications.

14 Q Was that full-time employment?

15 A Full-time.

16 Q Did you end up working at Cox Communications for a
17 number of years?

18 A Yes.

19 Q How long did you work at Cox?

20 A 17.

21 Q 17 years?

22 A Yes.

23 Q Okay. After the defendant quit working as a
24 mechanic, did he contribute to the bills in the household?

25 A He did when he could.

1 Q Was he able to contribute most of the time?

2 A No.

3 Q All right. Most of the time, who paid the bills?

4 A I did.

5 Q All right. And as the children got older, did you

6 continue to pay the bills?

7 A Yes.

8 Q And as the children got older, was the defendant

9 still contributing to the bills in the household?

10 A Not much.

11 Q Now, Terrie ultimately ended up living in the

12 residence on and off for basically the entire time that you

13 were there; is that correct?

14 A Yes.

15 Q Did Terrie contribute to the bills?

16 A She did.

17 Q Did she contribute frequently or was it the same as

18 the defendant, on and off when she was able?

19 A On and off when she was able.

20 Q All right. Did she have steady employment like you

21 did working at one job for a number of years?

22 A No, she didn't.

23 Q Okay. Initially, was she doing sort of casino jobs?

24 A No, she was a substitute teacher and she was going

25 to school. And at one time she was working for Walmart for a

1 couple years, I believe.

2 Q Now, once the kids got older, so Anita and Tails,
3 did Anita or Tails ever work?

4 A Anita did.

5 Q Did Anita contribute to the bills in the house?

6 A Yes, she did.

7 Q Once Anita started working, was there a set
8 contribution that she would make every month?

9 A Yes.

10 Q What was that, if you recall?

11 A I'm in the sure. I don't quite remember if it's 200
12 or 400. I'm not quite sure.

13 Q Okay. But she was paying routinely every month --

14 A Right.

15 Q -- towards the bill; is that right?

16 A After she turned about 21.

17 Q Okay. Now, we talked a little bit about the fact
18 that you didn't want Terrie to move into the residence; is
19 that right?

20 A Correct.

21 Q What was the relationship between you and Terrie
22 like after she first moved in?

23 A We were just cordial. We weren't ever close. We --
24 you know -- but we just treated each other with respect, but
25 we didn't really like each other.

1 Q Fair, because that's an unusual situation, I guess,
2 right?
3 A Correct.
4 Q Did the defendant ever do anything to influence the
5 relationship between yourself and Terrie?
6 A Yes.
7 Q What type of things would he do?
8 A He would say things like, well, Terrie loves me more
9 than you do, she'll do anything for me, she'll higher a hooker
10 for me, whatever I want, things like that.
11 Q What was your response to that type of thing when
12 the defendant would tell you that Terrie loved him more, or
13 Terrie would do things for him?
14 A It -- it was upsetting.
15 Q Now, at the time that Terrie and Ryan moved into the
16 residence, were you aware that there was a sexual relationship
17 between the defendant and Terrie?
18 A Repeat that, please.
19 Q When Terrie first moved into the residence, were you
20 aware that she was having a sexual relationship with the
21 defendant?
22 A Not at first.
23 Q You found that information out later?
24 A Yes.
25 Q About when did you find that out?

1 A I believe when he asked the three of us to have a
2 threesome because he said he never had one before.

3 Q Do you recall about how long that was after Terrie
4 had moved into the residence?

5 A I don't remember.

6 Q Was it within the first year? Was it five years?
7 Do you have any idea?

8 A Maybe the -- within the first year.

9 Q Were there times that you and the defendant and
10 Terrie would engage in sexual acts between the three of you?

11 A Between Terrie and I and Chris?

12 Q Yes.

13 A Maybe two or three times.

14 Q Were there other times where the defendant would ask
15 you to watch him having sex with Terrie?

16 A Yes.

17 Q Were there times that the defendant would ask Terrie
18 to watch the defendant have sex with you?

19 A I don't remember that one.

20 Q Now, those interactions where Terrie was involved in
21 your sex life, were those things that you wanted to have
22 happen?

23 A No.

24 Q Why did you let that happen?

25 A I was just trying to please my husband.

1 Q Okay. Would he say things to you in reference to
2 involving Terrie and your sex life?

3 A No, I don't think so.

4 Q So other than the interaction between yourself,
5 Terrie, and the defendant, was there other sexual behavior
6 that the defendant would engage in in the house?

7 A Can I have a little more information here?

8 Q Were there ever times where the defendant did
9 anything sexual with you in front of his friends?

10 A In front of his friends?

11 Q Yes.

12 A No.

13 Q Do you remember providing a statement to your
14 attorney that indicated that the defendant would pull your
15 shirt down?

16 A Well, I know he's --

17 MS. RADOSTA: Your Honor, could we approach?

18 THE COURT: Yes.

19 (Off-record bench conference.)

20 THE COURT: Mr. Sudano, why don't you move up. Let
21 Mr. -- unless, do you have all the file with regards to
22 Deborah or can Mr. Sweetin look at this, what we're talking
23 about?

24 MS. SUDANO: He can, yes.

25 THE COURT: All right. Why don't you move and go to

1 a different area --

2 MS. SUDANO: All right.

3 THE COURT: -- for right now.

4 BY MS. SUDANO:

5 Q Did the defendant ever make any comments to you
6 about how you were supposed to behave in public?

7 A He said that it -- he -- he said that if he told me
8 to, I was supposed to suck his dick in public, if he told me
9 to do that.

10 Q Did he indicate to you why that was something that
11 you were supposed to do?

12 A He says I was his wife. I was like a slave to him.

13 THE COURT: What did you say? Can you repeat that?

14 THE WITNESS: I was his wife, and I'm like a slave
15 to him.

16 THE COURT: Okay.

17 THE WITNESS: I'm supposed to do what he tells me to
18 do.

19 THE COURT: Okay.

20 BY MS. SUDANO:

21 Q Were comments like that common throughout the course
22 of your marriage or was that something that just happened more
23 at the beginning or more at the end?

24 A It's -- it was just throughout here and there.

25 Q Okay. Now, after you have the children and Terrie

1 and Ryan are moving in the house, were there ever times that
2 you heard the defendant calling --

3 MS. SUDANO: Bless you, Your Honor.

4 THE COURT: Excuse me. Thank you.

5 BY MS. SUDANO:

6 Q You heard the defendant calling any of the children
7 names?

8 A Yes, he's always called us names like fat ass and
9 it's been a while since I've heard them. Fat ass, you know,
10 lazy, slob, different -- different things.

11 Q Were there ever instances where you saw the
12 defendant hit or strike the kids?

13 A Yes.

14 Q Were there times where you heard the defendant
15 threaten the kids?

16 A Yes.

17 Q Were there times that you saw the defendant yell at
18 the kids?

19 A Yes.

20 Q What would the kids' response be to those incidents?

21 A Fear.

22 Q Why would the defendant yell at the kids?

23 MR. LOPEZ-NEGRETTE: Objection. Speculation.

24 THE COURT: Sustained.

25 MS. SUDANO: All right.

1 THE COURT: Lay a better foundation for that.

2 MS. SUDANO: Sure.

3 BY MS. SUDANO:

4 Q You indicated that there were time that is you saw
5 or heard the defendant yell at the kids; is that correct?

6 A Yes.

7 Q Specifically, which kids did you hear the defendant
8 yell at?

9 A Well, all of them.

10 Q Do you recall there being an incident where Brandon
11 in particular was yelled at?

12 A Yes.

13 Q Do you recall an incident where Brandon was yelled
14 at for something having to do with the pool?

15 A Yes.

16 Q What do you remember about that incident?

17 A I came from home, I went into the kitchen to get
18 something to drink, Brandon was making some food for his
19 sister, Anita, and when he was in there, Chris came running
20 in, and asked him what he was doing, and he said, I'm making
21 my sister something to eat.

22 And he slapped him across the face, and he said,
23 what are you doing? He said, I'm making my sister something
24 to eat. He slapped him across the face again. And then he
25 said -- what was it? Try me, boy, I'm sober now.

1 Q What was Brandon's response to that?

2 A He was scared. He looked like he wanted to hit him,
3 but he didn't. He was too frightened.

4 Q Did Brandon stay in the room or did he leave?

5 A He left.

6 Q Did you and the defendant have any sort of
7 conversation after Brandon left?

8 A Chris looked at me and said, he would be easy on him
9 if he had more sex -- if I'd give him some more -- you know.

10 Q So the defendant told you that if you had sex with
11 him more often, he wouldn't --

12 A He wouldn't be as hard on Brandon.

13 Q Okay. About how old was Brandon for that
14 conversation, if you remember?

15 A 15.

16 Q So that was something that happened towards the end
17 of your time in the Yellowstone residence; is that right?

18 A That -- that incident -- incident.

19 Q Okay. So I want to go back and talk about some
20 other things that happened when the kids were much younger.
21 Do you remember an incident that happened with Brandon
22 when he was about three?

23 A Yes.

24 Q What do you remember happening in that incident when
25 Brandon was three?

1 A I remember him calling Brandon in and having him
2 take -- he took off his clothes and he had me do fellatio on
3 Brandon.

4 Q Now, what was it that led up to that incident?

5 A He -- the morning before, he had -- well, we had an
6 argument the night before, and then the next morning, I went
7 to kiss him goodbye to go to work and he choked me.

8 Q So the incident with Brandon, was that later on that
9 same day?

10 A Yes.

11 Q Okay. So a continuation of the earlier argument; is
12 that correct?

13 A Correct.

14 Q Was the defendant telling you anything before he
15 called Brandon into the room?

16 A He's telling me I have to do what he tells me to do.

17 Q Did he tell you what would happen if you didn't do
18 what he was telling you to do?

19 A Yes.

20 Q What would happen?

21 A He would send some nude photos and things of me to
22 my relatives.

23 Q Okay. Now, for this incident with Brandon when he
24 was three, did the defendant make any comparisons between
25 yourself and Terrie for that incident?

1 A Well, yes. He said, if you love me, you'd do it.
2 Q Okay. Did he indicate again at that time that
3 Terrie loved him more?
4 A Yes.
5 Q And that Terrie would be willing to do something
6 like that?
7 A Yes.
8 Q Okay. So what happened when the defendant called
9 Brandon into the room?
10 A He -- he verbally instructed, you know, you got to
11 do this, you got to do that, you know.
12 Q Who was he instructing?
13 A Me.
14 Q Were you listening to those instructions?
15 A Yes.
16 Q All right. And you indicated that the defendant
17 instructed you to perform fellatio on Brandon at that point --
18 A Correct.
19 Q -- is that correct?
20 And did you actually do that?
21 A Yes.
22 Q What happened after you had put Brandon's penis in
23 your mouth?
24 A And then after that, he instructed -- he said that
25 Brandon had to learn how to have sex, so he had him on top of

1 me.

2 Q Was the defendant physically handling Brandon at

3 that point?

4 A Yes.

5 Q What was the defendant doing with Brandon?

6 A He was putting him between my legs. He had me lay

7 in the bed on my back.

8 Q Were you wearing clothing at that point?

9 A No.

10 Q What had happened with your clothing?

11 A He had me take it off before everything is started.

12 Q All right. Where was the defendant when both of

13 those incidents with Brandon when he was three were happening?

14 A At first he was in the doorway.

15 Q And at some point, did he move out of the doorway?

16 A Well, in order to put Brandon on top of me, he had

17 to move out of the doorway.

18 Q So you actually came into the -- the room?

19 A Right.

20 Q And what room are we talking about?

21 A Bedroom. Our -- the master bedroom.

22 Q Is that the master bedroom at the 6012 Yellowstone?

23 A Yes.

24 Q All right. After the defendant had put Brandon on

25 top of you, where did he go at that point?

1 A I believe -- I'm -- I'm not sure.

2 Q Did he ever leave the room while that was taking
3 place?

4 A No, not while that was going on, no.

5 Q So the defendant was there the entire time?

6 A Correct.

7 Q Did the defendant ever stop giving you instructions
8 or providing you with direction at that point?

9 A When he was satisfied with the situation, then he --
10 he stopped it.

11 Q All right. What happened after the defendant was
12 satisfied with the situation?

13 A We had sex.

14 Q Whose idea was it for you and the defendant to have
15 sex at that point?

16 A It was him.

17 Q All right. Was Brandon still in the room for that?

18 A No. I believe we put him in his room.

19 Q All right.

20 A In his bed.

21 Q Do you know whether or not that particular incident
22 when Brandon was three was recorded?

23 A I believe it was recorded, but I'm not sure.

24 Q Did you ever see a video of that recording?

25 A No.

1 Q Did the defendant ever reference video of that
2 incident?

3 A Yes.

4 Q What would he say about that particular video?

5 A He said he would send it to my family, put me away.

6 Q All right. So --

7 A I was his for life now.

8 Q Did he actually indicate that to you, that you were
9 his for life?

10 A Oh, yeah.

11 Q Based on that video?

12 A Yes.

13 Q Okay. Now, was that something that you wanted to
14 have happen with Brandon when he was three?

15 A No.

16 Q Why did you let that happen?

17 A I think I just wanted to be wanted and loved and,
18 you know, wasn't thinking right.

19 Q Now, you'd agree with me, right, that the defendant
20 wasn't applying any physical force during that incident; is
21 that correct?

22 A Not physical. It was mainly mental.

23 Q Okay. So there had been physical violence between
24 you prior, but at that point, there was nothing physical going
25 on; is that right?

1 A Correct.

2 Q All right. Now, after this incident between you and
3 three-year-old Brandon, did you go to the police at all?

4 A No.

5 Q All right. Did you report it to CPS?

6 A No.

7 Q Did you take Brandon and leave the residence?

8 A No.

9 Q Why didn't you do any of those things?

10 A Because I was afraid of what he would do with the
11 pictures or the video that he claims that he -- he had.

12 Q Now, fast forwarding. At some point, you do get the
13 police involved; is that correct?

14 A Correct.

15 Q And that's 2014?

16 A Yes.

17 Q All right. Did you write about that incident with
18 Brandon in a voluntary statement that you provided to the
19 Metropolitan --

20 A Yes.

21 Q -- Police Department?

22 And did you have a further follow-up interview with
23 a detective?

24 A Yes.

25 Q Did you provide that information with the detective?

1 A Yes.

2 Q All right. Now, as you sit here now, what are your
3 feelings about that incident with Brandon when you [sic] were
4 three?

5 A Oh, I wish never happened.

6 Q Do you recognize that that was wrong?

7 A Oh, definitely.

8 Q Okay. And you regret that conduct?

9 A Definitely.

10 Q But you'd agree with me that you were a participant
11 in that; is that correct?

12 A Correct.

13 Q And that you let those things happen with Brandon
14 when he was three?

15 A Correct.

16 Q Do you have any memory of an incident taking place
17 between yourself and Terrie and Ryan and Brandon when the boys
18 were about five?

19 A I'm not sure.

20 Q Okay. What is -- well, other than that incident
21 with Brandon, when he was three, were there other times that
22 you were involved with sexual conduct with any of the children
23 in that residence?

24 A Yes.

25 Q Specifically, who else were you involved in sexual

1 contact with?

2 A Tails.

3 Q Okay. How old were you when there was sexual

4 contact with Tails -- or not how old were you, how old was

5 Tails?

6 A About 15, 16.

7 Q Do you remember how far Tails was in school?

8 A No.

9 Q When you're talking about conduct involving Tails,

10 who all was involved?

11 A What -- what do you mean?

12 Q So Tails was having sexual contact with adults in

13 the residence; is that correct?

14 A Well, with me I know.

15 Q Okay. Was anybody else present during --

16 A Chris.

17 Q The defendant was present?

18 A Yes.

19 Q How many times was there sexual contact between

20 yourself and Tails while the defendant was present?

21 A With myself and Tails? That was Chris, which was

22 twice.

23 Q Okay. Was there ever sexual contact between

24 yourself and Tails when the defendant was not present?

25 A No.

1 Q What's the first incident that you remember with
2 Tails?
3 A The -- how did it start?
4 Q Yes.
5 A Chris was painting the roof of the trailer with
6 silver paint, and he was saying to make sure that we didn't
7 get any -- wipe paint off if it got on the side of the trailer
8 but I was thinking he was talking about the mobile trailer
9 with the equipment in it and not the house trailer.
10 Q Okay. So I'm going to show you Exhibit 4.
11 MS. SUDANO: May I publish?
12 THE COURT: Yes.
13 MS. SUDANO: Okay.
14 BY MS. SUDANO:
15 Q What are we looking at there in Exhibit 4?
16 A That's the trailer and the house trailer.
17 Q Okay. So you had just referenced the house, the
18 residence, and then there was also a mobile trailer; is that
19 correct?
20 A Correct.
21 Q Can you see the mobile trailer in this photograph
22 here?
23 A Yes.
24 Q All right. And is it --
25 A Yes.

1 Q -- the item over here on the right?

2 A Yes.

3 Q All right. So what was happening during that
4 incident when the defendant was painting the actual residence?

5 A He was painting the top of the house trailer with
6 silver paint, and the mobile trailer was next to the house
7 parked in the back. And he had gotten some silver paint on
8 the mobile trailer but I thought he was talking about the
9 house trailer, and so I didn't see it in time.

10 So he had seen it from the roof and got mad and
11 threw the -- when he got done with the roof, he threw the
12 roller at Tails, and then he was yelling and screaming. He
13 came off the roof, he slammed me against the back of the
14 trailer and slapped me across the face and said that I needed
15 to clean it up, and make sure it was completely removed and he
16 didn't care how late it took, even if I had to go to the work
17 in the morning dead tired.

18 Q Now, did you continue to clean up the trailer after
19 that?

20 A Yes. And then when I was -- then he had sent Tails
21 in to wash the silver paint off his body.

22 Q At some point, did you also go into the residence?

23 A Then he had me go in after him, and then he had me
24 take off my clothes and get in the shower with Tails, and he
25 had me take the silver paint off of him.

1 Q All right. And so the defendant actually directed
2 Tails to go in and take a shower; is that correct?
3 A Correct.
4 Q And then he directed you to go in and take a shower?
5 A Correct.
6 Q Which shower were you using?
7 A There's only one shower in there.
8 Q Is there -- well, there's a shower in the main
9 residence and then there's a shower in --
10 A Oh, it's in the main residence.
11 Q -- the -- or in the office?
12 A Yeah.
13 Q All right. So we're talking about the shower in the
14 main residence; is that right?
15 A Correct.
16 Q All right. Showing you Exhibit 27. What are we
17 looking at there?
18 A That's the -- the shower.
19 Q All right. That's the shower in the main
20 residence --
21 A Correct.
22 Q -- is that correct? All right.
23 So I believe it was your testimony that you followed
24 Tails into the shower; is that correct?
25 A He was already in there first.

1 Q And the defendant had instructed you to take off
2 your clothing; is that correct?

3 A Yes.

4 Q What happened at that point?

5 A He told me to get in the shower with Tails, and then
6 he grabbed the video camera and proceeded to video and
7 verbally instruct on what I was supposed to do.

8 Q When you say, he, are you referring --

9 A Chris.

10 Q -- to the defendant?

11 You indicated that the defendant got the video camera; is
12 that correct?

13 A Correct.

14 Q Were you aware that the defendant had the video
15 camera while you were in the shower with Tails?

16 A Yes.

17 Q What did the defendant do after he had gotten the
18 video camera?

19 A He was videoing and telling us what to do.

20 Q Where was the defendant videoing from?

21 A Oh, in the doorway of the -- of the bathroom.

22 Q You indicated that he was instructing you what to
23 do. What was the first thing that he instructed you to do?

24 A Do fellatio on Tails.

25 Q Okay. Did you actually perform fellatio on Tails?

1 A Yes.

2 Q What part of your body came into contact with what
3 part of Tails' body?

4 A My mouth on his penis.

5 Q Okay. And you actually placed your mouth on Tails's
6 penis?

7 A Yes.

8 Q What happened after that?

9 A Then he told me to turn around and bend over and
10 have Tails put his penis inside of my vagina.

11 Q When you said, he told you to do that --

12 A Chris.

13 Q Did you actually turn around?

14 A Yes.

15 Q What did Tails do after you turned around?

16 A He was trying to place it inside of me.

17 Q Okay. Did Tails ever actually place his penis
18 inside your vagina that day?

19 A No.

20 Q What happened instead?

21 A I put my hand over it it looked like we were having
22 sex.

23 Q Okay. So what part of Tails' body was in contact
24 with what part of your body when you had your hand blocking?

25 A His penis was in my hand.

1 Q All right. Where was your hand?
2 A Between my legs.
3 Q All right. Did Tails's penis come in contact
4 with --
5 A Not --
6 Q -- any area between your legs?
7 A No.
8 Q Okay. Where was the defendant for that entire time?
9 A In the doorway filming.
10 Q At some point, does that incident end in the shower?
11 A Yes.
12 Q How did it end?
13 A He was done filming, and then he left us get out and
14 get -- get dried off.
15 Q Did you ever have a conversation with the defendant
16 about the video of yourself and Tails in the shower?
17 A No, but he took me back to the office to show me the
18 video.
19 Q Do you recall about when that was?
20 A It was, I don't know, maybe a week or a few days
21 after it happened.
22 Q Did you actually watch that video?
23 A He tried to get me to watch it, and I kept turning
24 my head. I didn't want to see it.
25 Q What happened after the defendant tried to get you

1 to watch the video of yourself and Tails in the shower?

2 A He had me -- I was crying, and he had me suck on his
3 -- his dick, and then after that, he had me put a dildo inside
4 of me, and then he took his foot and shoved it in.

5 Q So that was after you didn't want to watch the video
6 of yourself and Tails?

7 A Right.

8 Q Okay.

9 MS. SUDANO: Your Honor, may I approach with 74-A?

10 THE COURT: Yes.

11 BY MS. SUDANO:

12 Q And I'm showing you Exhibit 74-A. Do you recognize
13 that?

14 A No. It's hard to see and make out. I think that's
15 Tails. I can't tell what he was doing.

16 Q Do you recognize that, though?

17 A Yes, I think that's my body right there.

18 Q Okay. What do you recognize that to be?

19 A The shower scene.

20 Q So that's the incident that we were just talking
21 about between yourself and Tails in the shower?

22 A Yes.

23 Q All right. Now, was there another incident between
24 yourself and Tails?

25 A Yes.

1 Q How old was Tails for that second incident?

2 A I think it was like maybe ix months after that,

3 three months after that. So he's about 15, 16.

4 Q Now, how did that second incident with Tails come

5 about?

6 A Chris and I were in bed making love, and he said, so

7 how was Tails's penis? I mean, how did it feel? Did it feel

8 good and this and that, and I said, I don't know. And he

9 says, what do you mean you don't?

10 He said -- I said, that we didn't have sex. He

11 says, what do you mean you didn't have sex? I said, I didn't

12 have sex with him. I held -- held up my hand.

13 And then that's -- after that, he ended up saying,

14 okay, we'll fix that.

15 Q What did the defendant do after he said, okay, we'll

16 fix that?

17 A Later on that's when he had Tails come in the room

18 and take off his clothes and have me have fellatio with him,

19 and then have sex with him.

20 Q What part of the house did that take place in?

21 A In the master bedroom.

22 Q All right. Showing you Exhibit 19. What are we

23 looking at here?

24 A That's the master bedroom.

25 Q Okay. And is that where the second incident with

1 Tails took place?

2 A Yes.

3 Q Okay. And you indicated that the defendant called

4 Tails into the room; is that correct?

5 A Yes.

6 Q Where were you when Tails came into the room?

7 A I was already in the bedroom.

8 Q Were you wearing clothing at that point?

9 A I believe I was naked. I'm -- I believe, I'm not

10 sure.

11 Q Okay. Was Tails wearing clothing when he came into

12 the room?

13 A He was, I believe.

14 Q At some point, did Tails' clothing come off?

15 A Correct.

16 Q How did that happen?

17 A Chris instructed it.

18 Q The defendant told Tails to take his clothes off?

19 A Correct.

20 Q What happened once Tails' clothes were off?

21 A That's when he instructed me to have fellatio with

22 Tails.

23 Q All right. The defendant instructed you to perform

24 fellatio?

25 A Correct.

1 Q Okay. Where was Tails when that took place?

2 A He was sitting on the left-hand side of the bed --

3 Q So the --

4 A -- toward the top --

5 Q -- the top side?

6 A -- where the pillow's at. No, on the left.

7 Q On the left-hand side, where the jeans are?

8 A Correct.

9 Q All right. Which side of the bed belonged to who in

10 this photograph?

11 A He's on the left-hand side, I'm on the right.

12 Q All right. So the right-hand side, we can kind of a

13 CD player or some sort of --

14 A Yeah.

15 Q -- stereo? That's your side of the bed?

16 A Yes.

17 Q And then on the left side where the jeans are,

18 that's the defendant's side of the bed?

19 A That's correct.

20 Q Okay. So Tails was on the left side of the bed.

21 Where were you?

22 A I believe I was on the right-hand side of the bed.

23 Q You indicated that the defendant instructed you to

24 perform fellatio; is that correct?

25 A Correct.

1 Q Did you actually perform fellatio?

2 A Yes.

3 Q What part of your body came in contact with what

4 part of Tails's body?

5 A My mouth on his penis.

6 Q Okay. What happened at that point?

7 A Then after that, he -- he instructed him to get on

8 top of me.

9 Q All right. Who instructed?

10 A Chris.

11 Q And then who got on top of you?

12 A Tails.

13 Q Okay. So the defendant instructed Tails to get on

14 top of you?

15 A Correct.

16 Q What happened when Tails was on top of you?

17 A He pulled out and had a orgasm.

18 Q Okay. So did Tails actually put his penis inside

19 your vagina?

20 A Yes.

21 Q All right. Nothing blocked it that time?

22 A Correct.

23 Q Okay. Do you recall during that incident whether

24 you were ever on top of Tails?

25 A That part I'm not sure.

1 Q Okay. What happened after you indicated Tails
2 pulled out and had an orgasm?

3 A I believe Chris videoed it or took pictures of it.

4 Q Where was the defendant for that entire interaction?

5 A In the doorway.

6 Q Do you recall whether or not you and the defendant
7 ever had any sexual contact during that particular incident?

8 A I believe we did afterward.

9 Q All right. What do you remember about that?

10 A He was smiling and happy. It turned him on.

11 Q The defendant was?

12 A Correct.

13 Q When he was standing there that day, do you recall
14 whether or not he was wearing clothing?

15 A I'm not sure.

16 Q Did you indicate whether or not you saw him with a
17 camera that particular day?

18 A I'm not sure on that one.

19 Q Okay.

20 MS. SUDANO: Your Honor, may I approach with 74?

21 THE COURT: Yes, yes.

22 BY MS. SUDANO:

23 Q All right. I'm showing you Exhibit 74. Do you
24 recognize Exhibit 74?

25 A Yes.

1 Q What do you recognize that to be?

2 A It's my legs and that's Tails.

3 Q And in that photograph, you and Tails were both

4 nude; is that correct?

5 A Correct.

6 Q Okay. So you've seen the video still of that

7 particular incident; is that correct?

8 A Not of that one. Only the shower.

9 Q Okay. Well, I just showed it to you, right?

10 A Yes. So I'm aware of it now.

11 Q Have you ever had an opportunity to view the video

12 that goes along with this particular still?

13 A No.

14 Q Were there any other incidents between yourself and

15 Tails and the defendant?

16 A No.

17 Q Okay. Were there other incidents between yourself,

18 the defendant, and any of the other children?

19 A Yes.

20 Q Which other children?

21 A Anita.

22 Q What do you recall about the incidents between the

23 defendant, yourself, and Anita?

24 A I remember Terrie not being home with the kids, and

25 it was just Anita and I and Chris.

1 Q How old was Anita?

2 A 17 or 18.

3 Q All right. Was there one incident between yourself,

4 Anita, and the defendant, or were there multiple incidents?

5 A One.

6 Q And Anita was 17 or 18; is that correct?

7 A Correct.

8 Q What do you remember about how that incident

9 started?

10 A I don't remember the whole entire thing. I remember

11 it happened in the living room. I remember -- I believe Chris

12 told me to come out in the living room, get naked, and bring

13 my toy.

14 Q Who all was in the living room when you came into

15 the living room?

16 A I think I was in there first, and then Anita came

17 out. I think Chris had Anita with him. I'm not really sure

18 who came out first. I just know what happened.

19 Q Do you remember if Anita was wearing clothing when

20 she came out?

21 A I think she was naked.

22 Q What about the defendant, was the defendant wearing

23 clothing?

24 A No.

25 Q All right. Were you wearing clothing when the

1 incident first started?

2 A No.

3 Q All right.

4 A I don't think so.

5 Q How did your clothing come off?

6 A I probably took them off in the bedroom.

7 Q Okay. Why did you take your clothing off in the
8 bedroom?

9 A I may have been sleeping. Could have been early
10 morning most likely.

11 Q Okay. So what happened after the defendant called
12 you out into the living room?

13 A He wanted Anita and I to kiss.

14 Q Were you and Anita kissing?

15 A Yes.

16 Q Did you want to be doing that?

17 A No.

18 Q Why were you doing that?

19 A Because I'm afraid of Chris.

20 Q Okay. At some point, was there additional contact
21 between yourself and Anita?

22 A Yes.

23 Q What happened?

24 A We were fondling each other's breasts.

25 Q All right. So you were touching Anita's breasts?

1 A Yes.

2 Q With what part of your body?

3 A My hand.

4 Q And was --

5 A My mouth.

6 Q With both your hands and your mouth?

7 A Yes.

8 Q Was Anita touching your breasts?

9 A Yes.

10 Q With what part of her body?

11 A Her hands, her mouth.

12 Q How did that come about?

13 A Chris instigated it.

14 Q How did the defendant instigate that?

15 A He called for Anita, and he called for me.

16 Q Okay. Was the defendant saying anything additional

17 to you as the two of you were kissing each other?

18 A I don't remember.

19 Q Okay. At some point, was there additional contact

20 between yourself and Anita?

21 A I may have touched her other places, but I'm not

22 sure.

23 Q Okay. Where else did you touch Anita?

24 A I may have touched her on the vagina.

25 Q All right. Was Anita touching you on the vagina?

1 A I'm not sure.

2 Q Do you remember talking to the detectives after you
3 went to the police?

4 A Yes.

5 Q Okay. And do you recall telling the detectives that
6 the defendant had told you to play with each other's vaginas?

7 A I believe -- actually, I do remember now.

8 Q What do you remember?

9 A That he had asked -- the -- told us to -- to fondle
10 each other.

11 Q All right. And you talked about fondle on breasts
12 earlier?

13 A The vagina.

14 Q All right. So the defendant was telling you to
15 fondle each other's vaginas as well?

16 A Yes.

17 Q All right. Did you actually touch Anita's vagina?

18 A Yes.

19 Q What part of your body did you use to touch Anita's
20 vagina?

21 A My hand.

22 Q Where on Anita's vagina were you touching?

23 A I believe the clitoris.

24 Q Okay. What about Anita, was Anita touching your
25 vagina?

1 A I believe so.

2 Q What part of your -- of Anita's body was she using
3 to touch your vagina?

4 A Her hand.

5 Q All right. And what part of your vagina was Anita
6 touching?

7 A The clitoris.

8 Q All right. So it's your memory that Anita was
9 touching you between the lips of your vagina; is that correct?

10 A Correct.

11 Q And you were touching Anita between the lips of her
12 vagina; is that correct?

13 A Right.

14 Q Where was the defendant for that?

15 A He was right -- standing right there.

16 Q What's the next thing that happened after that?

17 A Chris ended up getting on -- had Anita get on her
18 stomach, and had sex with her, I believe, anally.

19 Q Okay. Were you still present?

20 A Yes.

21 Q Where were you?

22 A I was fondling Anita.

23 Q Where were you --

24 A Her -- her breasts.

25 Q All right. So you were still there fondling

1 Anita --

2 A Yes.

3 Q -- and touching her breasts while the defendant was

4 penetrating her; is that correct?

5 A Yes.

6 Q Was the defendant saying anything at that point?

7 A He may have been talking about how she's a bad girl

8 or how good it felt.

9 Q Was there any additional contact between yourself

10 and Anita at that time?

11 A That's it.

12 Q Was there any additional contact between yourself

13 and the defendant at that time?

14 A No.

15 Q Do you remember if that -- how that particular

16 incident ended?

17 A I believe Chris came and went to the restroom to --

18 to clean up.

19 Q All right. And when you say, came, do you mean

20 ejaculated?

21 A Correct.

22 Q All right. And then he got up and went to the

23 bathroom?

24 A Right.

25 Q Did you and Anita have any sort of conversation

1 after the defendant left?

2 A No.

3 Q Now, were there any other incidents between

4 yourself, the defendant, and Anita?

5 A No.

6 Q All right. Was that an incident that you wanted to

7 have happen?

8 A No.

9 Q Okay. But you let it happen; is that right?

10 A Correct.

11 Q And you participated in it; is that correct?

12 A Correct.

13 Q Okay. As you sit here now, what is your reaction to

14 that incident?

15 A It was wrong.

16 Q Okay. Now, I don't know if I asked you that

17 question about the incidents with Tails, when Tails was about

18 15. Did you want to participate in either of the two

19 incidents with Tails?

20 A Definitely not.

21 Q Why did you participate in those incidents?

22 A Fear of Chris.

23 Q Okay. And you'd agree that you did participate in

24 these incidents; is that correct?

25 A Yes.

1 Q And you let those incidents happen; is that right?

2 A Yes.

3 Q Okay. And you also didn't go to the police after

4 either of the incident with Tails?

5 A No.

6 Q And you didn't go to the police after the incident

7 with Anita; is that right?

8 A No.

9 Q Why didn't you have the police involved at that

10 point?

11 A Because I was afraid of -- of the evidence.

12 Q When you say you were afraid of the evidence, what

13 do you mean?

14 A I was afraid of going to jail, going to prison,

15 reputation being shot. Well, that's already happened.

16 Q So you were afraid of the consequences for

17 yourself --

18 A Correct.

19 Q -- is that correct? All right.

20 Because you understood that you would be implicated in

21 all of those incidents; is that correct?

22 A Yes.

23 Q Was there sexual contact between yourself and any of

24 the other children in the house?

25 A No.

1 Q All right. So we talked about an incident between
2 -- or with Brandon when Brandon was about three; is that
3 right?
4 A Right.
5 Q Were there any other incidents with Brandon?
6 A Not that I know of.
7 Q Okay.
8 A Wait, wait, wait. Yes, once.
9 Q Okay. Who all was involved in that incident with
10 Brandon?
11 A It was Chris and I and Brandon.
12 Q How old was Brandon during that incident?
13 A About 15.
14 Q What do you remember about how that incident with
15 Brandon started?
16 A I know Chris had him come into the bedroom, take his
17 clothes and he had me perform fellatio on him.
18 Q All right. And are we talking about the same
19 bedroom in here in Exhibit 19 still?
20 A Yes.
21 Q All right. Were you already in the room when
22 Brandon came in?
23 A Yes.
24 Q What were you doing in the room, if you remember?
25 A I don't remember what I was doing. I could have

1 been folding clothes. I could have -- you know, I'm not sure
2 what I was doing at that moment in time. I know Chris and I
3 was having a conversation or something.

4 Q Do you remember what the conversation was about?

5 A It was -- I'm not quite sure.

6 Q Do you remember if you were wearing clothing when
7 Brandon came into the room or not?

8 A I'm not quite sure on that one either.

9 Q You indicated that the defendant had you perform
10 fellatio on Brandon; is that correct?

11 A Correct.

12 Q Where were you when that took place?

13 A In the bedroom on the bed, I believe.

14 Q Where was Brandon?

15 A On the bed.

16 Q Okay. Did you actually perform fellatio on Brandon?

17 A Yes.

18 Q So what part of you came into contact with what part
19 of Brandon?

20 A My mouth on his penis.

21 Q What was the next thing this happened after you
22 performed fellatio on Brandon?

23 A Then, I believe, Chris had me get on top.

24 Q All right. So the defendant told you to get on top
25 of Brandon?

1 A Correct.

2 Q What happened once you were on top of Brandon?

3 A I had his penis in my vagina.

4 Q What happened after that?

5 A And then after that, then he had Brandon get on top
6 of me.

7 Q What happened once Brandon was on top of you?

8 A Then he had him put his penis inside of my vagina.

9 Q Okay. So for a second time?

10 A Correct.

11 Q Okay. Where was the defendant during that incident?

12 A In the doorway.

13 Q What was the defendant doing, if you know?

14 A He was watching.

15 Q All right. Was the defendant wearing clothing while
16 he was watching?

17 A I believe, he was, but I'm not sure.

18 Q Okay. What happened after that second time where
19 the defendant instructed Brandon to place his penis inside of
20 your vagina?

21 A I remember after -- oh, I remember Brandon looking
22 into my eyes and whispering because Chris was in the doorway
23 so he couldn't -- he mouthed, I'm sorry, mom.

24 Q Was there any additional sexual contact between
25 yourself and Brandon during that incident?

1 A No.

2 Q Okay. Was there sexual contact between yourself and
3 the defendant during that incident?

4 A No, not during that incident.

5 Q Okay.

6 A Maybe afterward, but not during.

7 Q What do you remember after that incident?

8 A I do remember going into the bathroom to wash up and
9 coming -- and opening the bathroom door and Chris having a
10 hidden camera in his hand, and -- and with a smile on his face
11 going to the office.

12 MS. SUDANO: Your Honor, may I approach with 72?

13 THE COURT: Yes.

14 BY MS. SUDANO:

15 Q Ma'am, I'm showing you Exhibit 72. Do you recognize
16 what we're looking there in Exhibit 72?

17 A It looks like I'm on top of him.

18 Q It looks like you're on top of Brandon?

19 A Yes.

20 Q Okay. Does that appear to be video from the
21 incident that you just described in the master bedroom?

22 A Yes.

23 Q Have you ever had an opportunity to view that video?

24 A No.

25 Q Did you ever have a conversation with the defendant

1 about that particular video?

2 A No, not to my knowledge.

3 Q Did you know that that particular video existed?

4 A Yes, I did.

5 Q How did you know it existed?

6 A Because he had the camera in his hand when he left

7 the bedroom right after the incident happened.

8 Q Do you recall the defendant ever making reference to

9 the angle of the video?

10 A Oh, yes, I do, actually. He said it was a poor --

11 poor angle.

12 Q Do you recall at the end of that particular incident

13 Brandon -- or you being instructed to perform fellatio on

14 Brandon for a second time?

15 A No.

16 Q Do you ever recall an incident where you and the

17 defendant were in the pool and Brandon came outside?

18 A Oh, I think that's what happened before that

19 happened.

20 Q What do you remember about that particular dent?

21 A I remember we were in the pool, it was daytime, and

22 Chris kept trying to take my swimsuit off, and he had ripped

23 the one that I formally had, so he wanted to have sex with me

24 in the pool, and he called Brandon over to watch.

25 Q Where was Brandon previously?

1 A He wasn't in the pool at that point. Chris kept
2 telling him to get in the pool, he didn't want to get in the
3 pool.

4 Q Did Brandon ultimately get into the pool?

5 A Yes.

6 Q What happened after Brandon was in the pool?

7 A Chris had sex with me in the pool.

8 Q Was Brandon still present for that?

9 A Yes.

10 Q Was the defendant providing any instructions to
11 Brandon while that was taking place?

12 A I don't remember what words were said.

13 Q Okay. Did Brandon ever try to leave?

14 A He didn't want to be in there.

15 Q Did Brandon ever say anything about not wanting to
16 be there?

17 A I'm not sure.

18 Q Okay. So what happened the defendant had sex with
19 you in the pool while he was instructing Brandon to watch?

20 A That's when -- that's why we were naked in the
21 bedroom.

22 Q And what happened while you were naked in the
23 bedroom?

24 A That's when Chris had -- had Brandon and I having
25 sex.

1 Q Okay. So that incident that we had just talked
2 about; is that correct?

3 A Correct.

4 Q All right. So the pool incident was actually a lead
5 up to that; is that correct?

6 A Correct.

7 Q All right. And how old was Brandon for that
8 incident?

9 A 15.

10 Q Brandon's your biological child; is that correct?

11 A Yes.

12 Q Did you want to be doing those things with Brandon?

13 A Definitely not.

14 Q Why did you do them?

15 A Fear of Chris.

16 Q Now, as you sit here now, what's your reaction to
17 the incidents between yourself and Brandon?

18 A I feel remorse, I feel bad.

19 Q All right. But you'd agree with me that at that
20 time you participated in these incidents?

21 A Agree what?

22 Q You'd agree that you participated in these
23 incidents?

24 A Yes.

25 Q And you let those incidents happen; is that right?

1 A Yes.

2 Q And same question as before, you didn't get the
3 police involved after the incident with Brandon; is that
4 correct?

5 A Correct.

6 Q All right. Now, did you ever have any other sexual
7 contact with any of the other children in that residence?

8 A No.

9 Q Was there any contact between yourself and Tails in
10 a sexual manner?

11 A And Tails?

12 Q Yes.

13 A No.

14 Q Oh, we already talked about Tails?

15 A Yeah, we already --

16 Q I'm sorry. Between you and Ryan?

17 A No.

18 Q Okay. Was there ever a time that you had sexual
19 contact with an animal?

20 A Yes.

21 Q All right. Specifically, was there a dog named
22 Hammy (phonetic) in the residence?

23 A Yes.

24 Q All right.

25 MS. SUDANO: May I publish, Your Honor?

1 THE COURT: What is it?
2 MS. SUDANO: It's the living room.
3 THE COURT: Yes.
4 MS. SUDANO: All right.
5 BY MS. SUDANO:
6 Q Showing you Exhibit 13. Are we looking at the
7 living room of the trailer?
8 A Yes.
9 Q All right. And can you actually see Hammy in that
10 particular photograph?
11 A Yes.
12 Q All right. And is he this little guy down here at
13 the bottom by the fan?
14 A Yes.
15 Q All right. What is it that took place between you
16 and Hammy?
17 A Chris had me get naked, and he wanted me to have sex
18 with Hammy, which I didn't want to do. But all that happened
19 with him was fellatio.
20 Q Okay. And how is it -- did you actually perform
21 fellatio on the dog?
22 A Yes, it was nasty.
23 Q How is it that that took place?
24 A Chris.
25 Q All right. What do you -- when you say, Chris, what

1 do you mean by that?

2 A Chris having a conversation with me about Hammy or
3 having sex with a dog.

4 Q Okay. So did the defendant instruct you to do that?

5 A Yes.

6 Q Did the defendant instruct you to do anything else
7 with the dog?

8 A Well, he wanted me to have sex with the dog, but the
9 -- the dog wasn't interested.

10 Q Okay.

11 A Or neither was I, really.

12 Q Okay. Do you know, was the defendant present?

13 A Yes.

14 Q What was the defendant doing, if you're aware?

15 A Filming.

16 Q Okay. Was -- did you actually ever see the video of
17 that particular incident?

18 A I know I seen stills.

19 Q Okay. We'll come back to those in a minute. But
20 did you ever actually see the full video itself?

21 A No.

22 Q All right. But you know that it exists because you
23 saw still photographs; is that correct?

24 A Right.

25 Q Where did that incident with Hammy take place?

1 A The bedroom, master bedroom.

2 Q The master bedroom? Do you recall about when that

3 was?

4 A It was probably a little -- a little bit before I

5 left Chris.

6 Q Okay. So sometime in 2013/2014?

7 A Probably, yes.

8 Q Was the defendant there the entire time?

9 A Yes.

10 Q Now, do you know who Erin and Tamara are?

11 A Yes.

12 Q Who are Erin and Tamara?

13 A They are Terrie's nieces.

14 Q Okay. Do you know about how old Erin and Tamara

15 would be now?

16 A I'm not sure.

17 Q Okay.

18 A I think Erin's married now and has a kid or

19 something.

20 Q Okay. Do you remember who's older between Erin and

21 Tamara?

22 A Tamara's older.

23 Q Okay. Possible Tamara's the one with the kid?

24 A Could be.

25 Q Okay.

1 A I know she's married.

2 Q Okay. Were there ever times that Erin and Tamara
3 would come over to the residence?

4 A Yes.

5 Q What, if anything, would they do when they came over
6 to the residence?

7 A Erin usually hung out with Ryan, loved to play with
8 Ryan a lot.

9 Q All right.

10 A Tamara, she just like would hang out with Anita.

11 Q Would either of the girls spend the night?

12 A Yes.

13 Q Was that something that happened frequently?

14 A Yeah.

15 Q Would the defendant ever make comments to you about
16 either Erin or Tamara?

17 A Yes. Well, he did with Erin.

18 Q What would the defendant say to you about Erin.

19 A He said to, when we were having sex to talk about
20 the children. He said it wouldn't hurt them. You know, we're
21 just speaking and -- and talk about sex.

22 Q Do you recall about how old Erin was when the
23 defendant was having those conversations with you?

24 A Erin almost just about had her period. So I'm not
25 sure how old she was at that point. Maybe 11, 12.

1 Q Did the defendant ever make comments to you about
2 Tamara, that you recall?

3 A No.

4 Q Okay. Now, we indicated -- we talked about a number
5 of different incidents that were happening in the house
6 between yourself, the defendant, and the children; is that
7 correct?

8 A Correct.

9 Q Other than that, were you aware of incidents that
10 were happening between the defendant, Terrie, and the
11 children?

12 A After we went to Safe House, my daughter told me an
13 incident that happened with Brandon and Terrie.

14 Q Okay. But that was not until after you had already
15 left the residence --

16 A Correct.

17 Q -- is that correct?

18 So while you were living there, were you aware of conduct
19 between the defendant and Terrie --

20 A No.

21 Q -- and the children? Okay.

22 Were you aware of incidents between the defendant and
23 Anita prior to the time that you, yourself, were asked to
24 participate?

25 A No.

1 Q Okay. Were you aware of incidents between the
2 defendant and any of the other children, other than the
3 incidents we've already talked about?

4 A No.

5 Q Now, we've talked about a number of videos involving
6 yourself; is that correct?

7 A Correct.

8 Q Did the defendant ever say anything to you about
9 those particular videos?

10 A Well, that's his blackmail. So, yes.

11 Q Did the -- did he ever actually say anything to you
12 about the videos, though?

13 A I can -- I can never leave him.

14 Q Okay. Did the defendant tell you what would happen
15 if you left him?

16 A Oh, he said I'd go to jail for a long, long time.

17 Q What was that based on?

18 A That was based on the videos and what he had me do.

19 Q What would the defendant do with the videos if you
20 left him?

21 A He would turn me in.

22 Q Okay. Did the defendant ever tell you anything
23 about what he did with the videos after they were recorded?

24 A He said that he copied them, and he gave them to a
25 friend, and then he told me that he had a flash driver that he

1 hid.

2 Q Did he indicate to you where he had hidden this

3 flash drive?

4 A Yes.

5 Q What did he tell you about that?

6 A He said he hid it in a TV stand in the office.

7 Q Now, at some point, was there a plan put in action

8 to leave the residence at 6012 Yellowstone?

9 A Yes.

10 Q About when did that plan form?

11 A When Brandon came to Anita and told him that he was

12 -- he was tired will having there, he didn't want to live

13 there anymore, and Anita said, I'm tired of living here, I

14 can't take it anymore. And so they -- they came to me.

15 Q So the two of them had some sort of conversation

16 before they approached you; is that correct?

17 A Yes.

18 Q Do you recall about when you first learned of their

19 intention to leave?

20 A I believe it was either right before school ended,

21 like a week or two.

22 Q Before school ended, do you remember what year that

23 would have been?

24 A 2014.

25 Q Okay.

1 A June.

2 Q Now, did you start taking any actions once Anita and
3 Brandon came to you with their desire to leave the house?

4 A I said give me a day to think about what I will do,
5 and, you know, and then I went on the Internet at work and
6 looked up the information on what I needed, like social
7 security card, birth certificates, shot records, what a person
8 fleeing from a domestic violence would do.

9 Q Okay. Were you able to find some of that
10 information online?

11 A Yes.

12 Q What did you do with that information?

13 A I did what it said, basically. I -- I got the
14 social security cards and everything, I made sure I had
15 something to keep the kids occupied and happy, like the
16 PlayStation and stuff we took with us.

17 Q Okay. What did you do with the social security
18 cards and the birth certificates and all of that?

19 A I packed them all up in one container ready to
20 leave.

21 Q What did do you with that container?

22 A I stuck the -- I packed up a week's worth of closes,
23 I grabbed those necessities, and I stuck it underneath Anita's
24 bed the night before we left.

25 Q All right. So you were sort of storing things in

1 Anita's room?

2 A Yeah.

3 Q Were --

4 A But it was the night before we left because I didn't

5 want to get caught, I didn't want him knowing that we were

6 leaving.

7 Q Were you storing things anywhere other than Anita's

8 room?

9 A No, but Anita had bought a storage locker, and she

10 wanted to take most of her stuff. So we took her -- her

11 stuff. I might have had a few things in there, and took it to

12 the storage locker.

13 Q Okay. Do you remember when it was that you and

14 Anita went to the storage locker?

15 A It was the same day when the cop got shot and they

16 were having a vigil for him from Cici's Pizza. I don't

17 remember what year.

18 Q All right. But so what was -- what was going on

19 during that vigil?

20 A Oh, Chris was -- he had the drone up, and he was

21 filming, you know, all the crowd that was there. We were next

22 door at the U-haul place and taking most of her stuff because

23 she didn't want to leave it.

24 I said, leave it, he'll know something's going on.

25 Q Okay. So the defendant was at the event?

1 A Cici's Pizza event.

2 Q For Cici's Pizza. And then you and Anita took that

3 time and you went to the storage unit --

4 A Correct.

5 Q -- is that right? All right.

6 Did you take any additional steps prior to leaving?

7 A I -- I -- somebody at work, I told them I was

8 thinking about leaving my spouse, and she gave me a phone

9 number for Safe House.

10 Q Okay. Did you actually reach out to Safe House?

11 A Yes, I did.

12 Q Did you make arrangements to go to Safe House?

13 A Yes.

14 Q Did they give you limitations on who could go to

15 Safe House with you?

16 A They didn't, but I knew that they could take Anita

17 because she was abused. Tails was too old.

18 Q What made you believe that Tails was too old to go

19 to Safe House?

20 A Well, he's 18, and he's a male, you know.

21 Q Was it your understanding through your research or

22 through somebody at Safe House that you couldn't have an adult

23 male with you at Safe House?

24 MR. LOPEZ-NEGRETTE: Objection, Your Honor. Hearsay.

25 THE COURT: Sustained.

1 MR. LOPEZ-NEGRETTE: All this information.

2 MS. SUDANO: All right.

3 BY MS. SUDANO:

4 Q Was it your understanding that you could take Tails

5 with you to Safe House?

6 A No. I didn't -- I didn't really look it up.

7 Q Did you have any conversations or did you ever have

8 the idea to bring Tails with you all?

9 A No, because he -- he's a -- like, what do you call

10 it? One of those people that go from place to place. He's a

11 very friend -oriented person, and he would tell because Chris

12 knows how to get information out of him.

13 Q Okay. So you had some concerns that if you told

14 Tails or brought Tails, that the defendant would learn about

15 that; is that right?

16 A Yes.

17 Q Did you ever consider letting Terrie in on the plan?

18 A No, I didn't because we weren't friends.

19 Q Okay. What about Ryan?

20 A No. If I took him, that would be kidnapping.

21 Q Okay. Is there any biological link between yourself

22 and Ryan?

23 A Biological link?

24 Q Yes. Were you related to him at all?

25 A No.

1 Q Okay. So you didn't think that you could take Ryan;
2 is that right?

3 A Right.

4 Q Did you take any other steps before you all left for
5 the Safe House?

6 A I had called and talked to my sister and told her --
7 told her I was leaving.

8 Q Were you concerned at all about your financial
9 ability to leave?

10 A Oh, yes, yes, indeed.

11 Q What did you do regarding that?

12 A It said on the -- the Internet that I was supposed
13 to store up some money.

14 Q Did you do anything to actually store up money?

15 A I tried, but since Anita gave her two-week notice
16 work or a month-notice, she was the -- her manager -- one of
17 the people that works where my daughter worked at was friends
18 with Chris, so we were afraid, so we had to leave two weeks
19 early.

20 Q Okay. So you left earlier than you had intended
21 to --

22 A Correct.

23 Q -- is that correct? All right.

24 Was there anything else that prompted that decision to
25 leave earlier than you'd actually meant to?

1 A I think there was something else, but I can't think
2 of it off the top of my head.

3 Q Okay. Now, you talked earlier about an incident
4 with Brandon and the defendant in the kitchen; do you recall
5 talking about that earlier?

6 A Yes.

7 Q Do you recall about when that incident took place
8 between the defendant and Brandon in the kitchen.

9 A That's when we had already planned on leaving.

10 Q Okay. And that was the incident that you were
11 talking about; remind us again what happened with the
12 defendant and Brandon in that particular incident.

13 A Brandon -- Brandon was making his sister something
14 to eat, Chris came in and -- and asked him what he was doing,
15 and he said he was making his sister something to eat because
16 she had to go to work.

17 And she was doing his job outside. That's why Chris
18 was upset.

19 Q All right. And that particular incident, did that
20 factor into your decision to leave when you did?

21 A Yes.

22 Q Okay. And how is that?

23 A When we -- we had to sneak out because I knew he
24 would find us and kill us.

25 Q All right. So my question was whether or not the

1 incident with Brandon in the kitchen where Brandon was making
2 Anita a sandwich, whether that affected your decision to leave
3 when you did?

4 A Yes.

5 Q How is that?

6 A Well, we left two weeks earlier. I decided just to
7 take money out of the savings.

8 Q Okay. And now, when did you decide that you were
9 actually going to leave, that today is the day we're leaving?

10 A Well, I had a day picked out and it was a weekday,
11 it was a work day. So Chris expected me to go to work. It
12 was a Thursday.

13 Q What was the purpose of you leaving on a Thursday
14 when you would have been working?

15 A Because I didn't want him to know we were leaving.

16 Q Okay.

17 A That we were sneaking out.

18 Q Do you remember what the date was on that particular
19 Thursday?

20 A I don't remember offhand.

21 Q Do you recall telling the detectives that it was
22 June 12th?

23 A It probably was.

24 Q Of 2014?

25 A It was after school --

1 Q All right.

2 A -- had ended.

3 Q Does that sound correct?

4 A Yes.

5 Q So that Thursday right after school got out?

6 A Right.

7 Q All right. Now, you indicated that you wanted it to
8 be on a workday?

9 A Right.

10 Q So what did you do that particular workday?

11 A Oh, I got up like I was getting ready for work. I
12 got up and I took a shower, and I went into the living room
13 and I told Anita -- she was hiding in the living room -- and I
14 said, okay, I'm ready. So I let her take stuff and put in the
15 back of the truck. So her and Brandon, she woke him up, and
16 they went and snuck and put everything in the back of the
17 truck that they wanted to take.

18 Q Okay. What happened after Anita and Brandon had put
19 all of their things that they wanted to take into the truck?

20 A We left.

21 Q Okay. Where did you go after you left?

22 A I think I we went to storage. No, we went -- we
23 were going to go to -- we went to storage first, but they
24 weren't open yet. So we went to McDonalds and grabbed
25 something to eat real quick and then went up to the back and

1 made a withdrawal, I think.

2 I'm not sure if I went to the bank first or
3 McDonalds.

4 Q Okay. Were you doing anything while you were at
5 McDonalds?

6 A We ate. Are you talking about the video? When we
7 were watching the camera?

8 Q Okay. So there was something going on with the
9 cameras while you were at McDonalds?

10 A No, it was actually when we were leaving going to
11 Safe House.

12 Q Okay. What happened with the videos?

13 A The video of -- it's not a regular video. It's a
14 video of us leaving. Chris had woken up, Terrie had walked in
15 and seen us -- seen that the PlayStation was missing and --
16 and Anita was missing, and she notified Chris. And he got up,
17 and he looked at the video, the inside video of the house.

18 Q So --

19 A She has -- he has cameras all over the house and
20 inside.

21 Q So you were no longer there for that point; is that
22 right?

23 A Correct.

24 Q How is it that you into you what Chris and Terrie
25 were doing inside the house?

1 A We have video -- a camera on the inside of the house
2 facing the front door.

3 Q How were you accessing that video footage?

4 A Oh, cell phone, Anita's cell phone.

5 Q Okay. Why were you using Anita's cell phone?

6 A Because I -- I told Brandon leave his phone and I
7 left mine because Chris has a tracker on it.

8 Q Okay.

9 A You know, that tracking AP that you can do? You can
10 track your family and friends.

11 Q Okay. And is that just something that you can do as
12 part of whoever's on the plan with you?

13 A Yeah, you have to set it up. I know he set it up on
14 his -- his phone.

15 Q All right. So you indicated that you had left your
16 phone and you'd instructed Brandon to leave his phone; is that
17 correct?

18 A Correct.

19 Q Was there any information or accounts that were set
20 up on the phone that you left behind at the residence?

21 A Yes.

22 Q What was set up on that phone?

23 A Facebook.

24 Q Okay. Anything else that was set up on that
25 particular phone in addition to your Facebook?

1 A I had Facebook and e-mail. I can't remember all the
2 apps on it.

3 Q Okay. Do you remember what e-mail account was set
4 up on that phone?

5 A I think it's deborah@zx6r.

6 Q Would that be at gmail.com?

7 A Yes.

8 Q All right. And so the Deborah part is easy, that's
9 your name?

10 A Right.

11 Q What's the Zx6r?

12 A Oh, that's my motorcycle.

13 Q All right. So that particular e-mail address was
14 set up on the phone?

15 A Right.

16 Q How was it set up on the phone? Could you just
17 click into the e-mail AP on the phone or did you have to login
18 with a password every time you tried to use your e-mail on
19 that phone?

20 A I'm not sure.

21 Q Okay. You don't remember at this point?

22 A I don't remember.

23 Q All right. Did you have access to your work e-mail
24 on your phone?

25 A No.

1 Q Okay. Were there any other electronics that you
2 left behind at the residence?

3 A The video camera, a regular still camera, Sony,
4 which is a digital camera, the kids' laptop.

5 Q Did you have a laptop or any sort of computer at
6 that point?

7 A Yeah, I have my own. I -- I brought that with me.
8 I had it sitting out the night before doing diagnostics, so it
9 wouldn't look fishy when I left with it.

10 Q All right. So the kids' laptop was something that
11 was left at the residence, though; is that correct?

12 A Correct.

13 Q All right. Where had this laptop been located in?

14 A It was in the living room.

15 Q Okay. So you said no work e-mail on your phone, but
16 did you have a contact list for anybody that you worked with
17 stored in that particular phone?

18 A I don't know where it was stored. I may have sent
19 myself an e-mail and had those e-mail addresses on it, to my
20 work -- to my home phone.

21 Q Okay. So you had sent yourself an e-mail with work
22 contacts?

23 A From work to -- yes, probably.

24 Q To your personal? And why would you have done
25 something like that?

1 A It may have been an e-mail having to do with
2 something having -- pertaining to work.

3 Q All right. Were you --

4 A Whether it be like a holiday party or something like
5 that.

6 Q And were you involved in planning any of the holiday
7 parties or anything like that?

8 A No.

9 Q Were you ever a part of any of the committees at
10 work?

11 A No.

12 Q Okay. So it would just been for you to have the
13 information on your personal e-mail?

14 A Right.

15 Q Now, after you left the residence, did you change
16 the password to either your Facebook or your e-mail?

17 A I tried to change the password to my Facebook, but
18 it was linked to my phone number on my old phone.

19 Q Okay.

20 A So it got switched.

21 Q About when was it that you were trying to reset your
22 Facebook password?

23 A I'm not sure. I tried before I left. I thought I
24 had if fixed, but when the -- he used my cell phone to -- to
25 hack into it, then I had to have Nova -- I mean, Brandon try

1 to figure out how to fix it.

2 Q Okay.

3 A To get it back.

4 Q All right. And did you change the password on that
5 deborahzx6r e-mail?

6 A I couldn't figure out how to do that.

7 Q Okay.

8 A And that was -- that was strictly my phone e-mail.

9 Q So did you have access to that e-mail anywhere other
10 than on your phone?

11 A I don't know if Chris hooked it up to where I could
12 have it on my laptop or not. I'm not sure --

13 Q Okay.

14 A -- on that one.

15 Q But typically, when you would access that e-mail
16 address, it would be on your phone?

17 A Correct.

18 Q Okay. Now, you were actually able to leave the
19 residence on June 12th of 2014; is that right?

20 A Right.

21 Q What was your work situation when you left?

22 A I asked them if I could take two weeks off vacation.

23 Q What was the purpose behind taking the two weeks
24 off?

25 A To -- to find a -- a place to live and, you know, to

1 get away from Chris.

2 Q Okay. Now, you had worked at Cox for a long time.

3 A Correct.

4 Q Fair to say the defendant knew where you worked; is

5 that right?

6 A Right.

7 Q And had he come and visited you at work before?

8 A Yes.

9 Q Okay. So he could have come and visited you at work

10 after you left, too; is that correct?

11 A Right.

12 Q Okay. But you decided not to quit that particular

13 job; is that right?

14 A Correct. It paid good money.

15 Q Okay. And at that time that you left, you obviously

16 were the breadwinner for the family; is that correct?

17 A Correct.

18 Q So you were the one that was paying most of the

19 bills?

20 A Yes.

21 Q Okay. And you had a car; you referenced driving

22 away in the truck; is that correct?

23 A Yes. But that was in his name, but it was supposed

24 to be my truck.

25 Q Okay. So that truck was registered to the

1 defendant?

2 A Correct.

3 Q All right. And you'd agree with me that you also
4 had some family support. You had your sister that you were in
5 contact with at that point; is that right?

6 A Yes.

7 Q All right. And once you all made the decision to
8 leave, you were able to get into a Safe House within a matter
9 of weeks; is that correct?

10 A We got in that same day we left.

11 Q Okay. So despite all of those things, for all the
12 years leading up to that point, you had never actually tried
13 to leave the residence; is that right?

14 A No.

15 Q Okay.

16 THE COURT: Ms. Sudano, we got to take a break at
17 this time. I know you have another witness at 4:00.

18 MS. SUDANO: Yes.

19 THE COURT: Ladies and gentlemen, I'm going to give
20 you about a 15-minute break. This one's going to be quicker
21 because we have a witness we need to put on out of order.

22 You're admonished not to converse amongst
23 yourself or with anyone else on any subject connected with
24 this trial, or read, watch, or listen to any report or
25 commentary on the trial by any person connected with this

1 case, or by any medium of information, including without
2 limitation, newspapers, television, Internet, or radio.

3 You're further admonished not to form or express any
4 opinion on any subject connected with this case until the case
5 is finally submitted to you.

6 All right. We'll be at ease while you exit the
7 courtroom. Be ready to get started by five after. Okay? All
8 right.

9 (Outside the presence of the jury at 3:49 P.M.)

10 THE COURT: Okay. We're outside the presence of the
11 jury.

12 Ms. Sena, won't be having you back until Wednesday.
13 Okay?

14 THE WITNESS: Okay.

15 THE COURT: So I'm anticipating we'll get started at
16 11:00 o'clock on Wednesday. We're not going to be here all
17 tomorrow. Well, some of us aren't.

18 But -- and so I'm going to admonish not to discuss
19 this with -- if your -- if your counsel comes and talks to
20 you, you can discuss anything you'd like with him. But do not
21 discuss this with anyone else.

22 THE WITNESS: Okay.

23 THE COURT: Do you understand?

24 THE WITNESS: Okay.

25 THE COURT: All right. So go ahead and -- can you

1 -- can you take her, Marshal?

2 Okay. Do you need to put anything on the record

3 before we --

4 MS. RADOSTA: We can do it now or before we come

5 back, Judge.

6 THE COURT: What's that?

7 MS. RADOSTA: We can do -- we have something quick

8 either now before we break or before we come back. It's up to

9 you.

10 THE COURT: All right. Go ahead. We can do it now.

11 MR. LOPEZ-NEGRETTE: Well, Your Honor, the issue was

12 the -- the statement that we had done a quick bench conference

13 on regarding, I think, Ms. Sena, Deborah, apparently wrote a

14 statement when she met with her divorce attorney --

15 THE COURT: Uh-huh.

16 MR. LOPEZ-NEGRETTE: -- and this is something the --

17 Mr. Sweetin gave us a copy and Ms. Radosta and I reviewed it,

18 and this is the first time we're seeing it. So we wanted to

19 lodge a discovery --

20 THE COURT: Okay.

21 MR. LOPEZ-NEGRETTE: -- objection for that.

22 THE COURT: All right.

23 MR. LOPEZ-NEGRETTE: Obviously, I do have a little

24 bit of time extra time to go over it, but it's --

25 THE COURT: Yeah, take -- well, this is what I'm

1 going to do. Take a look at that.

2 MR. LOPEZ-NEGRETTE: Okay.

3 THE COURT: Look and see what you have before we

4 come -- before they come back. And if you do find it, then

5 fine. If you don't find it, then I'll address it then. Okay?

6 MR. LOPEZ-NEGRETTE: Okay.

7 THE COURT: So -- okay. All right. So we'll --

8 take a break, guys. Be ready five after.

9 Is your witness here?

10 MS. RADOSTA: She's remote.

11 MR. SWEETIN: Video, I think.

12 MS. RADOSTA: Remote, Skype.

13 MS. SUDANO: Video.

14 THE COURT: Oh, that's right. Okay. We got to get

15 started at -- at 4:00 with her?

16 THE CLERK: I believe so. I believe Minddie is

17 supposed to be the one setting it up, so --

18 THE COURT: All right. I'll go see what's going on,

19 and then we'll see if we can get it going.

20 THE COURT RECORDER: Do you want me to go off,

21 Judge?

22 THE COURT: Yes.

23 (Court recessed at 3:51 p.m. until 4:05 p.m.)

24 (Outside the presence of the jury.)

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

1 the case of State of Nevada versus Christopher Sena in C-
2 311453.

3 You want to bring the jury in?

4 THE MARSHAL: All rise for the presence of the jury.
5 (In the presence of the jury at 4:06 P.M.)

6 THE COURT: Okay. All right. Everybody go ahead
7 and have a seat.

8 We are in the presence of the defendant, as well as
9 his counsel, and State, and their counsel, and all members of
10 the jury.

11 Will the parties stipulate to the presence of the
12 jury?

13 MR. SWEETIN: Yes, Your Honor.

14 MS. RADOSTA: Yes, Your Honor.

15 THE COURT: Okay. State, call your witness.

16 MS. SUDANO: The State calls Dr. Sandra Cetl.

17 THE COURT: Okay. Is Skype on? There she is.
18 Okay. All right.

19 Doctor, can you hear us okay?

20 THE WITNESS: Yeah, I can hear you, yes.

21 THE COURT: All right. Can you please stand up, and
22 raise your right hand.

23 THE WITNESS: Okay. I got to --

24 THE COURT: We're going to swear you in. All right.
25 Thank you.

1 THE WITNESS: Okay.

2 (Testimony of Dr. Sandra Cetl through Videoconference)

3 DR. SANDRA CETL, STATE'S WITNESS, SWORN

4 THE CLERK: Thank you. Please be seated.

5 Please state your full name, spelling your first and

6 last name for the record.

7 THE WITNESS: My first name is Sandra, S-a-n-d-r-a.

8 My last name is Cetl, C-e-t-l.

9 THE COURT: Your witness.

10 MS. SUDANO: Thank you.

11 DIRECT EXAMINATION

12 BY MS. SUDANO:

13 Q Dr. Cetl, can you see me and hear me from where I am

14 right now?

15 A Yes, I can.

16 Q Okay. So where are you testifying from today?

17 A So I am near Austin, Texas at the moment.

18 Q How long have you been in Austin, Texas?

19 A Since June 3rd, so seven, eight months now.

20 Q All right. Prior to June of 2018, where were you

21 living?

22 A I was living in Las Vegas, Nevada.

23 Q What were you doing for work in Las Vegas?

24 A So I worked as a pediatrician that evaluated

25 concerns of child abuse and neglect, both sexual and physical

1 abuse. I also worked part-time as a emergency medicine
2 pediatrician for children. That was out of the Sunrise
3 Hospital or Sunrise Children's Hospital's emergency
4 department.

5 The child abuse evaluations was also through Sunrise
6 Children's Hospital, and additionally, through the southern
7 Nevada Children's Assessment Center.

8 Q Okay. Now, can you walk us through your educational
9 background and training that qualified you for those
10 positions?

11 A Sure. So I attended University of California in Los
12 Angeles where I earned a Bachelor Degree in neuroscience.
13 After which, I went to medical school at the University of
14 Vermont. Once I graduated there, I was a medical doctor, and
15 then attended a residency specializing in pediatrics at the
16 University of Nevada, but in the Las Vegas program, both out
17 of UMC as well as Sunrise Children's Hospital.

18 During my training, I additionally apprenticed with
19 the child abuse pediatrician that was also practicing out of
20 Sunrise Hospital, and the SNCAC. I continued a six-month
21 apprenticeship with her after graduation, and participated in
22 a peer-review process with direct peer-review for each of my
23 cases for about a total of three years after residency.

24 Additionally, I attend and I attended several
25 conferences both online as well as in person in child abuse

1 pediatrics and general pediatrics.

2 Q Are you still working in the same field now that
3 you're in Texas?

4 A Right now, I'm doing general pediatrics but with
5 also a focus on child abuse identification through general
6 pediatricians. I am a part of a special clinic where we are
7 working on initiatives and so -- as well as education for
8 community members. So I do have some of that, but my
9 day-to-day work is as a general pediatrician.

10 Q So you testified earlier that one of the jobs that
11 you held before you left was at the Southern Nevada Children's
12 Assessment Center, the SNCAC?

13 A Yes.

14 Q Do we sometimes just refer to that as just the CAC?

15 A Yes, we do.

16 Q All right. How long were you at the CAC?

17 A So I was at the CAC for just under eight years.

18 Q Okay. What were your job duties and functions while
19 you were at the CAC?

20 A Sure. So the last five years there, I was the
21 director of the child abuse program in southern Nevada, and so
22 I also worked as the medical director for the CAC clinic on
23 child sexual abuse.

24 But for the totality of the eight years, I worked as
25 a pediatrician evaluating concerns of sexual abuse. We had

1 clinic twice a week where we were able to do a full
2 evaluation, a medical evaluation on children where there was
3 some kind of disclosure or concern from a parent or someone
4 else regarding sexual abuse.

5 Q So walk us through very briefly, if you would. You
6 said your primary function or one of your primary functions
7 was your clinic and evaluating concerns of sexual abuse. Can
8 you walk us through --

9 A Correct.

10 Q -- your process for doing that?

11 A Sure. So all the children are referred through one
12 of the other agencies in the community, such as Child
13 Protective Services or law enforcement. Once a referral is
14 placed and an appointment was made, the child and a caregiver,
15 usually a parent, would accompany the -- the patient, and we
16 would go through what you would normally go through at a
17 doctor's visit; a triage process which included your vital
18 signs, heart rate, respiratory rate, oxygen, those kinds of
19 things, and also medical history that was usually taken by the
20 nurses.

21 On several occasions if either the child was willing
22 or not very anxious, I would also talk to that patient by
23 themselves and gather more history about them.

24 After that, the patient was taken into the room,
25 exam room. They would then be told everything that would

1 happen during the exam prior to them changing into an exam
2 gown. And then I would join the nurses and the patient and a
3 parent, if that patient wanted a parent in there or a
4 caregiver.

5 I would complete a genital exam, which includes the
6 penis or vagina as well as anus. Usually I would be taking
7 photographic images, so taking pictures of the area that I was
8 examining. I would run any kind of tests that were
9 appropriate for sexually transmitted infections, for instance.

10 And then afterwards I would talk a parent
11 individually to explain the findings of the examination, what
12 they mean, what they don't mean, as well as answer any
13 questions.

14 Q All right. Now, how many exams, if you had to
15 estimate, did you perform during your time at the CAC?

16 A So just the CAC would be 2 or 3,000, I would
17 believe, but we also did examination in the emergency
18 department.

19 Q So that would be at Sunrise Children's Hospital?

20 A That's correct.

21 Q Was there anything that would distinguish between
22 whether you would do an exam at the CAC or whether you would
23 do an exam at Sunrise Children's Hospital?

24 A Yes. So the last year of -- that I was at the
25 clinic, things changed a little bit, but for the majority of

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CHRISTOPHER SENA,) No. 79036
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 Appellant,)
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 v.)
)
 THE STATE OF NEVADA,)
)
 Respondent.)
)

DARIN IMLAY Clark County Public Defender 309 South Third Street Las Vegas, Nevada 89155-2610 Attorney for Appellant	STEVE WOLFSON Clark County District Attorney 200 Lewis Avenue, 3 rd Floor Las Vegas, Nevada 89155 AARON FORD Attorney General 100 North Carson Street Carson City, Nevada 89701-4717 (702) 687-3538 Counsel for Respondent
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I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 20 day of May, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON FORD
ALEXANDER CHEN

WILLIAM M. WATERS
HOWARD S. BROOKS

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

CHRISTOPHER SENA, #1217884
HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NV 89070

BY /s/ Carrie Connolly
Employee, Clark County Public Defender's Office