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Respondent.

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CHRISTOPHER SENA
Case No. 79036

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1 the time there is something called an acute exam and then
2 there's a delayed exam.

3 Acute means something happened recently. If a child
4 disclosed, and the concern came up within the first few days
5 or maybe up to a week, depending on the situation and the age
6 and development of the child, we would conduct an acute exam
7 in the pediatric emergency department.

8 The difference being how long ago did an alleged
9 contact, sexual contact occurred. And the reason for that is
10 that there's a possibility of collecting evidentiary material.
11 So swabs of both the genitals and the anus as well as any
12 other pertinent, I guess, swabs or materials from the body.

13 When there's a situation where a concern's come out
14 from whatever reason, that are much later than past a week,
15 and usually weeks, months, or even years later, then we would
16 conduct exam at the CAC. So it's a non-acute exam and
17 evidence was not collected.

18 Q All right. So those would be -- at the CAC it would
19 be where the abuse took place much further, or at least
20 somewhat further than a week in the past?

21 A Yes.

22 Q Okay. Have you testified previously on the topic of
23 sexual abuse?

24 A Yes.

25 Q Approximately, how many times?

1 A I haven't counted sexual abuse versus physical abuse
2 and neglect separately. I know that I've testified probably
3 approximately, 125 times. However, I don't -- I don't recall
4 the breakdown of that.

5 Q Okay. So fair to say part of that was on physical
6 abuse, part of it was on sexual abuse?

7 A Correct.

8 Q All right. Now, you mentioned doing a genital exam.
9 Do you perform those exams on both males and females?

10 A Yes.

11 Q All right. Is there any sort of time limit on when
12 those exams can take place?

13 A No.

14 Q All right. Were those exams that were performed
15 just on minor children or did you also perform exams on
16 adults?

17 A It would be minor children. On occasion, if an
18 adult -- or an adult patient was incapacitated, severely
19 delayed, very apprehensive and there are certain situations,
20 maybe once or twice in a year did we actually do an exam on
21 maybe a just turned adult, a 18 or 19-year-old. Otherwise,
22 they were all children.

23 Q Now, you indicated that there's no time limit, just
24 basically an age limit, on patients for your exams. Does the
25 time frame between when the abuse took place and when your

1 exam takes place, does that affect your exam or your potential
2 results?

3 A Potentially. There -- you know, if any injuries had
4 occurred, the area of the genital and the anus heal very
5 rapidly and often heal without any scars, and therefore, if it
6 was more remote, further out of the alleged sexual contact,
7 that might influence the exam in that any injuries may have
8 healed and I would not be able to see them.

9 Q Okay. So would it be more likely that you would see
10 injuries if the abuse took place closer in time to your exam?

11 A More likely, but even with acute exams, research
12 shows that maybe five to ten percent at the very most of exams
13 ever do have any physical findings like injuries, and that's
14 even in the emergency department situation. And so it would
15 influence it, however, not irrevocably in, you know, that we
16 would miss something very big.

17 Q Okay. So even in the instances of acute exams,
18 you're only finding physical injuries or physical finding
19 itself five to ten percent of the time; is that correct?

20 A Correct.

21 Q And is that the same for both males and females?

22 A Yes.

23 Q Okay. So can we just have maybe a general anatomy
24 lesson from you about the female genitalia and the male
25 genitalia?

1 A Sure. So I think that -- we'll start with the
2 females. They tend to have a lot more myths that are
3 surrounded kind of around the genital area.

4 So with a female, every female is born with a
5 vaginal opening. They were born -- they have -- and I'll use
6 my hand, I guess, as an example. If looking and there's some
7 outer lips or labia majora. When parting those gently, one
8 can see then a set of inner lips or labia minora. They tend
9 to be smaller and they surround something called a clitoris.

10 The clitoris also has a skin hood around it. As the
11 exam continues downward, there's a vaginal opening. And
12 surrounding that vaginal opening is like a collar of skin
13 called the hymen. Oftentimes, people think that that's some
14 kind of barrier or wall, but, in fact, there should be a hole
15 there. Otherwise, that's a very abnormal exam.

16 So we look at the hymen. And then further down are
17 areas of skin called the posterior fourchette that we look at
18 and further down from that is the anus.

19 On the male exam, all the genitals are external to
20 the body, and so we would look at the penis. Depending on
21 whether or not a male is circumcised, when looking at --
22 there's the shaft of the penis. So that's what's connected to
23 the body, and then the head of the penis, which looks a little
24 bit different type of skin. Those are separated by an area
25 called a crown or the Corona.

1 If someone is circumcised, then that head of the
2 penis is visualized. If it's not circumcised, then often
3 there's skin or foreskin that's overlying that area and has to
4 be pulled gently back in order to be able to see.

5 And then as we go down, there's the scrotum, which
6 is the skin that holds the testicles, and then the anus.

7 Q Okay. Thank you, Doctor.

8 So I want to move now to your involvement in this
9 particular case. Were you asked to perform two sexual assault
10 exams on patients by the name of Brandon Sena and Ryan Sena?

11 A Yes.

12 Q Okay. So I want to talk to you first about the exam
13 for Brandon Sena.

14 Did that take place on October 6th of 2014?

15 A The evaluation did, yes.

16 Q Okay. Now -- so that would have been the day that
17 Brandon Sena came in for the actual evaluation; is that right?

18 A Yes, correct.

19 Q Did your exam take place a different day?

20 A No. He actually refused the examination, and so an
21 exam was not done at all.

22 Q All right. So how old was Brandon at the time that
23 you attempted to do the exam?

24 A He was 16 years old.

25 Q Okay. So you indicated that Brandon did not want to

1 go forward with the actual medical portion of the exam; is
2 that correct?

3 A That is correct.

4 Q Was there any information that you or your staff
5 were able to obtain from Brandon prior to the refusal?

6 A Oh, yes. I mean, he refused just the actual
7 examination of his penis and anus. However, we did talk to
8 him about the importance of these examinations and at least
9 for having testing done for the possibility of sexually
10 transmitted infections. So we did obtain blood and urine
11 samples in order to test for various sexually transmitted
12 infections.

13 Additionally, there's a history -- a medical
14 history, also, how he was doing in school, and to, you know,
15 make sure he's developmentally appropriate and doesn't require
16 any further intervention.

17 And then his vital signs were also taken.

18 Q Okay. So you got the vital signs, the information
19 about how he was doing in school, how he was doing with
20 everything that had taken place; is that correct?

21 A Yes.

22 Q And I should have asked, where did this particular
23 exam take place?

24 A The obtaining the history or what do you mean?

25 Q Did it just take place at the CAC?

1 A Oh, yes, we are just in the CAC, sure.

2 Q Okay. So not an acute exam that took place at

3 Sunrise?

4 A That is correct.

5 Q All right. Were you also able to obtain some

6 information about the nature of the allegations?

7 A Yes, very briefly, on the referral it was reported

8 that there were concerns of sexual abuse, I believe, by his

9 father, and then there was some additional concerns

10 potentially, I believe, from his mother and possibly his

11 stepmother.

12 Q So you indicated that you were not able to actually

13 conduct the medical portion of the exam, the examination of

14 his genitals; is that correct?

15 A Correct.

16 Q So at the end of your exam, normally do you have a

17 place where you make any sort of medical conclusions, based on

18 your exam?

19 A Yes.

20 Q Were you able to make any sort of medical findings

21 in the instance of Brandon's evaluation?

22 A Well, all his sexually transmitted infection testing

23 came back negative. Otherwise, physical findings, no, I was

24 not able to report anything.

25 Q Are there some additional areas that you evaluate or

1 some additional conclusions that you draw at the end of one of
2 your examinations?

3 A Yes. If there is a concern of sexual abuse, we also
4 ask not so much for details or interview, but if the patient,
5 you know, him or herself has disclosed any form of sexual
6 abuse to a objective non-involved observer, so like a forensic
7 interviewer, someone who specializes in talking to and --
8 talking to children for these types of occurrences.

9 Additionally, if there were any concerns that were
10 coming out from more than one child or patient regarding the
11 same alleged perpetrator.

12 Q Okay. So in this case, even though Brandon did not
13 go through with the medical exam, did you have information
14 about a disclosure to a forensic interviewer?

15 A Yes, I did.

16 Q Did you have information about disclosures involving
17 more than one child?

18 A Yes.

19 Q Based on that information, were you able to draw any
20 additional conclusions?

21 A Yeah, so the way that it's reported on the exam, it
22 actually comes from a -- a literature basis, is that there are
23 four major sections. One is that there is no medical or
24 otherwise, any indications of sexual abuse.

25 The second is if it's possible that sexual abuse

1 occurred. The third is probable, and then the last is
2 definitive.

3 And for him, I had marked the probable as he had
4 made a detailed disclosure to a forensic interviewer.

5 Q And that was despite medical exam not taking place?

6 A Correct.

7 Q Okay. Anything else remarkable or anything else
8 that you didn't talk about as far as Brandon Sena's
9 examination goes?

10 A No, but I -- only that he was so apprehensive and
11 nervous that I wasn't able to talk to him individually.

12 Q So all of the information came from that earlier
13 process or the earlier part of the exam?

14 A Yes.

15 Q Okay. Now, did you also do an examination for a
16 Ryan Sena in this case?

17 A I did, yes.

18 Q Did that take place on December 18th of 2014?

19 A Yes, it did.

20 Q Was that one also at the CAC?

21 A Yes.

22 Q Did Ryan actually go forward with the medical
23 examination?

24 A He did. He was very apprehensive initially, very
25 nervous, and everything was explained to him. Again, I was

1 not able to speak to him individually. We received triage
2 from the initial triage process with the nurses.

3 And then during the examination, although he was
4 very nervous, he was cooperative with the examination, and it
5 went forward.

6 Q So same process as before, were you able to get his
7 vitals and then the background information about him?

8 A Correct.

9 Q All right. And then did you also do testing for
10 sexually transmitted infections with Ryan?

11 A Yes, I did.

12 Q Did those results also come back negative?

13 A They were negative, yes.

14 Q All right. You indicated that you did conduct the
15 full medical exam with Ryan --

16 A Um-h'm.

17 Q -- even though he was nervous; is that correct?

18 A Yes, correct.

19 Q All right. Now, were there any medically
20 significant findings as it relates to Ryan?

21 A No. His examination had a normal penis, normal
22 genitalia, as well as normal [inaudible].

23 Q Now, you had indicated previously, but does the fact
24 that -- does the fact of a normal physical examination rule
25 out the possibility of sexual abuse?

1 A No, absolutely not. And as we talked about before,
2 the majority of the examinations are actually normal.

3 Through the American Academy of Pediatrics as well
4 as articles that came out being specifically by a Dr. Joyce
5 Adams, a term was coined saying it's normal to be normal.

6 Essentially, what that means is that because the
7 genital area, one, is -- is kind of difficult to injure, and
8 even with injury, injuries heal very quickly, oftentimes
9 examinations will be completely negative, but it does not rule
10 out the possibility of there being sexual abuse.

11 One, because perhaps an alleged perpetrator used
12 techniques to make contact easier, such as lubrication or the
13 -- kind of the speed in which the contact continued.
14 Additionally, contact by touching, licking, rubbing and would
15 not leave any changes to the skin. So it wouldn't be
16 anticipated to have any findings either.

17 Q All right. You had indicated previously that
18 although it's not the most definitive thing, if the abuse took
19 place weeks or months prior to the date of the exam, that can
20 also affect your ability to find anything medically
21 significant; is that correct?

22 A That's correct.

23 Q Now, in this case, did you also make a determination
24 about the probability of any sort of sexual abuse?

25 MR. LOPEZ-NEGRETTE: Objection, Your Honor. Can we

1 approach?

2 THE WITNESS: Yes, it was very similar --

3 THE COURT: Yes, yes. Hold on. Hold on, Doctor.

4 (Off-record bench conference.)

5 THE COURT: Doctor, can you hear us?

6 THE WITNESS: Yes, I can.

7 THE COURT: Okay. Ms. Sudano.

8 MS. SUDANO: All right. Thank you.

9 BY MS. SUDANO:

10 Q All right. So Dr. Cetl, I want to talk to you about
11 at the end of an exam, you had indicated previously with
12 Brandon's exam that there's a literature based approach that
13 you took while working at the CAC to make your ultimate
14 conclusions; is that correct?

15 A That's correct.

16 Q Can you walk us again through that approach as it
17 relates to Ryan's exam?

18 A Sure. So, again, it's the same four, basically,
19 conclusions that there is no indication -- medical indication
20 for sexual abuse; it's possible, probable, and then
21 definitive.

22 Q All right.

23 A And for him, under the possible, it was marked that
24 there was another child or children that had the same alleged
25 perpetrator as a concern for sexual abuse. And then the

1 probable section --

2 THE COURT: Doctor, before you go any further, let
3 me ask you a question. Okay?

4 THE WITNESS: Yes.

5 THE COURT: When you give us this idea of your
6 conclusion of "no" or there's possible, probable, and
7 definitive, are you talking about that there's evidence? Is
8 that what you're talking about, is that there's -- there's
9 definitive proof of evidence of sexual abuse, there's probable
10 proof of evidence of sexual abuse, there's possible -- is that
11 what you're talking about or are you telling us -- you're not
12 giving us a ultimate -- an answer tot question here, are you?

13 THE WITNESS: No. I mean, it's a part of a -- so
14 unfortunately, you know, like with many things, but with
15 sexual abuse it's a multidisciplinary approach, and so from
16 the medical perspective, I can give, you know, a probability
17 of something having occurred or not --

18 THE COURT: Okay.

19 THE WITNESS: -- based on medical examinations and
20 the history with that.

21 THE COURT: Okay.

22 THE WITNESS: Unfortunately, without either a
23 pregnancy that's related to an alleged perpetrator, video, or
24 an injury or sexually transmitted infection, I couldn't
25 definitively tell you what is happening.

1 THE COURT: Okay. So you can't say it one way or
2 the other?

3 THE WITNESS: No, just that it's more likely than
4 not due to the fact that a child were to give some type of
5 detailed and clear disclosure to a objective observer.

6 THE COURT: Okay. All right. Go ahead, Ms. Sudano.

7 MS. SUDANO: All right. Thank you.

8 BY MS. SUDANO:

9 Q So based on your medical examination and the
10 information that was provided to you by the forensic
11 interviewer, you had also indicated probable abuse for Brandon
12 -- or for Ryan; is that correct?

13 A Right, that is correct.

14 MS. SUDANO: Thank you, Your Honor. Nothing
15 further.

16 THE COURT: Okay. Cross?

17 MR. LOPEZ-NEGRETTE: Yes. Thank you, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. LOPEZ-NEGRETTE:

20 Q Good afternoon, Dr. Cetl, can you hear me?

21 A Yes, I can. Thank you. Good afternoon.

22 Q All right. And so when we're talking about these
23 suspected child abuse or sexual abuse exams, obviously,
24 they're performed on victims of alleged sexual abuse, correct?

25 A Or alleged victims, yes. So it would be that

1 there's some kind of concern, so yes.

2 Q Okay. And now, obviously, these victims can be
3 female?

4 A Yes.

5 Q And male?

6 A Yes.

7 Q And the perpetrators of sexual abuse can also be
8 male?

9 A Correct.

10 Q And female?

11 A Yes.

12 Q Okay. Now, in this case, you only did the exams
13 that you were asked to perform; is that right?

14 A I suppose. They have people that were referred to
15 us, yes.

16 Q Right. So you only got certain referrals?

17 A Yes.

18 Q For Ryan and for Brandon?

19 A Right.

20 Q Okay. So you didn't get referrals for any other
21 possible victim of abuse for this case; is that right?

22 A I don't believe so. Not that I'm aware of, no.

23 Q All right. When we're talking about this medical
24 examination, would you say it's fair to call it an invasive
25 procedure?

1 A No, I wouldn't. I suppose it would depend on the
2 patient, but it's done in a gentle manner, and there shouldn't
3 be anything that goes inside the body. It's invasive in that
4 it may be embarrassing or awkward, and it might be difficult.
5 So emotionally invasive, yes, it may be.

6 Q Okay. And obviously, you're having -- you're
7 examining people completely naked, right?

8 A Naked from the bottom down, and they have a gown
9 that's covering them, but yes, when I'm doing my exam, then we
10 lift that -- that sheet up.

11 Q Okay. And it's a -- usually, it's a head-to-toe
12 assessment, right?

13 A Yes.

14 Q All right. And obviously, you're being thorough?

15 A Correct.

16 Q You're taking notes?

17 A Yes.

18 Q All right. And you're also -- the main purpose of
19 the examination, from your perspective, is to look for
20 physical evidence; is that right?

21 A No, it's for the health and welfare of the child.
22 Evidence is secondary. The only reasonable I would ever
23 collect evidence is simply so that there's continuity of care
24 by someone who's trained and ordered to do it so that let's
25 say a child, if evidence collection needs to be a part of it,

1 that it's not, I do one part, someone does another part.

2 So it's more for their -- for their well-being. The
3 purpose of the exam is for medical care to determine if
4 there's any sexually transmitted infections, injuries, or if
5 the child from head to toe needs any other kind of referrals,
6 dental, we do a vision screening, you know, if a murmur is
7 heard, so it's more for their healthcare.

8 Q We're talking about you performing these medical
9 exams as part of a referral from an agency, correct?

10 A Yes.

11 Q And that agency can be, in fact, the police
12 department, right?

13 A It can be. We also do get some referrals from
14 hospital and clinics, but yes, it can be a police.

15 Q Okay. Investigating a crime, obviously?

16 A Yes.

17 Q So I mean, I understand that you're -- you're
18 obviously taking into account the welfare of the patient,
19 right, but it's not just about them?

20 A Well, from our perspective, it is. There's a
21 acknowledgment of the -- there's a legal/medical aspect of to
22 it, and so my documentation and things like that do have a
23 purpose, I suppose, for law enforcement or child protective
24 agencies.

25 However, that's not my priority, no.

1 Q Okay. Obviously, when you're doing these exams, one
2 part of it is to look for injuries, right?

3 A Yes.

4 Q And when we're talking about acute injuries, those
5 are fresh injuries, correct?

6 A Yes.

7 Q Okay. And so you would look, obviously, with the
8 naked eye to look for any types of injuries, right?

9 A Right.

10 Q Okay. You would also ask the patient if they felt
11 any pain or anything like that?

12 A Yes.

13 Q Okay. And in terms of looking at injuries, you can
14 also, for instance, for fluids that are flowing from an
15 injury?

16 A Potentially, yes.

17 Q And then if we're talking about maybe not an acute
18 injury, sometimes you might find actual scarring, scar tissue?

19 A Sometimes.

20 Q Right. And beyond the naked eye, do you also have
21 available to you technological devices to help you also look
22 for injuries?

23 A Well, we do take digital pictures, which we can blow
24 up somewhat. Other than that, I don't do any biopsies of the
25 genitals.

1 Q Do you use any alternating light source?

2 A No.

3 Q You don't use that? Okay.

4 But you do use --

5 A I -- no.

6 Q -- but you do use secure digital forensics imaging;

7 is that correct?

8 A Yes, that's correct.

9 Q To enhance the view of an injury?

10 A It's to -- one, to document it. Second, if another

11 physician or provider, if we need some kind of peer review or,

12 you know, ask for help or suggestions, that's a secure way of

13 sending them.

14 And then I can sometimes blow up the pictures and

15 see them a little more clearly without -- you know, and take

16 my time with it so that a child doesn't have to undergo

17 another examination.

18 Q Okay. And then are you familiar with the toluidine

19 blue dye?

20 A Yes.

21 Q Is that another method of looking for injuries?

22 A On the acute exams. So what happens is that, that

23 blue dye, it will get basically taken up by any area that's

24 actively bleeding. And so that is or has been historically a

25 way to look for acute injuries, so injuries that are bleeding

1 and have active tissue injury. So that a -- a technique that
2 some people still use, but it is not -- it has kind of gone
3 out of flavor, I suppose.

4 Q Since when?

5 A So some people still use it, but in the last about
6 ten years what I've learned at different conferences and from
7 literature is that it's not always accurate, and it's not
8 something that is typically used at the CAC level when there's
9 a non-acute exam.

10 Q I see. Now, the -- when you're looking for -- or I
11 guess, documenting some of these injuries, obviously, you can
12 use a ruler as well, right?

13 A I suppose, yes.

14 Q Okay. Because you want to get down to if you see a
15 small injury that may not be visible to the naked eye,
16 obviously, a ruler will help to establish how small it is, but
17 it's there?

18 A Oh, so due to kind of nature of the examination, if
19 there are bruises or anything on the skin, I might use a ruler
20 to be able to better describe it. However, I would just
21 describe something like that, if it's very small, I would say
22 I had to blow up this picture, I had to look at it, it was
23 very minute, but I would not put a ruler up to a child's
24 genitals while doing the exam.

25 Q Okay. Now, when we're talking about findings of

1 injuries, things like that, you're looking for lots of
2 different kinds of injuries, correct?

3 A I mean, there's a basic few. There could be an idea
4 that there is symptoms of a sexually transmitted infection,
5 tears to the skin, and scars. That would be the major ones.

6 Q Okay. And so and obviously, there's a wide spectrum
7 in terms of what kind of injuries. On one end you would have,
8 for instance, blunt force trauma, right?

9 A Potentially.

10 Q And then on the other end you might have, what,
11 redness or erythema; is that what it's called?

12 A Yeah. I mean, redness is a bit of a non-specific
13 finding. It depends on where it is. The children are
14 notorious for having red genitals from not wiping, from using
15 the wrong detergents, from bubble baths, and so you're right,
16 that would be on the spectrum, saying, yeah, that could be
17 something, but there's a million other reasons why that would
18 happen.

19 Q Sure. But you're looking for everything in between
20 those two types of injuries, right?

21 A I mean, I don't know that redness is the bookend of
22 that, but yes, that is -- that would be the spectrum.

23 Q Okay. And so then in Ryan's particular case, you
24 found he was negatively, obviously, for blunt force trauma?

25 A Yeah, he had no -- not at that times, um-h'm.

1 Q And you didn't note any scars?
2 A Correct.
3 Q Didn't note any lesions?
4 A Correct.
5 Q Didn't note any hematomas?
6 A Correct.
7 Q Didn't note any lacerations?
8 A Correct.
9 Q Didn't note any contusions?
10 A Right.
11 Q Didn't note any abrasions?
12 A Right.
13 Q Didn't note any erythema?
14 A No.
15 Q Didn't note any swelling, right?
16 A That's correct.
17 Q And when we're talking about your scale of abuse,
18 whether there are no medical indications of abuse or definite
19 evidence of abuse; do you remember those questions?
20 A Yes.
21 Q Okay. So your ultimate -- or your opinion, you kept
22 mentioning that there was some sort of disclosure by the
23 patient, right?
24 A Correct.
25 Q But that disclosure wasn't to you specifically?

1 A Correct, it was not to me.

2 Q But you do put that it was supposed to be a detailed
3 disclosure, correct?

4 A Yes.

5 Q And it's supposed to be a clear disclosure, correct?

6 A Correct.

7 Q But you didn't actually review the disclosure?

8 A No.

9 Q So there's no way for you to tell how detailed it
10 actually is?

11 A It was only by a report.

12 Q And that goes the same way for whether it's an
13 actually clear disclosure, right?

14 A Fair enough.

15 Q You're not evaluating whether there are any
16 inconsistencies?

17 A No, not at all.

18 Q Or contradictions?

19 A Correct.

20 Q So all the information in terms of having this
21 disclosure really has nothing to do with the medical findings
22 that you actually can observe during the exam?

23 A Correct.

24 MR. LOPEZ-NEGRETTE: Court's indulgence. Thank you
25 so much. No further questions.

1 THE COURT: All right. Thank you.
2 THE WITNESS: Thank you.
3 THE COURT: Any redirect?
4 MS. SUDANO: No. Thank you, Doctor.
5 THE COURT: All right. Okay.
6 THE WITNESS: Okay.
7 THE COURT: So --
8 THE WITNESS: Thank you for --
9 THE COURT: -- are you done with Dr. Cetl?
10 MS. SUDANO: Yes, Your Honor.
11 THE COURT: Doctor, thank you so much for your
12 testimony. You're excused on this. Okay?
13 THE WITNESS: Wonderful. Thank you so much for
14 accommodating my distance.
15 THE COURT: Okay. All right. Thank you. All
16 right. Have you a good day. All right.
17 THE WITNESS: You, too.
18 THE COURT: Okay. All right. So ladies and
19 gentlemen, we're going to take our evening recess at this time
20 until Wednesday. You won't need to be back until 11:00
21 o'clock Wednesday.
22 Once again, I'm going to ask that you eat before you
23 come. Is that working out okay for you all or are you guys
24 finding that you need lunch or something? Okay.
25 You're admonished not to converse amongst yourself

1 or with anyone else on any subject connected with in trial, or
2 read, watch, or listen to any report or commentary on the
3 trial by any person connected with this case, or by any medium
4 of information, including without limitation to newspapers,
5 television, Internet, or radio.

6 You're further admonished not to form or express any
7 opinion on any subject connected with this trial until the
8 case is finally submitted to you.

9 Ladies and gentlemen, we're going to have a day
10 break, much like the weekend. You know, I -- I think
11 sometimes it's hard not to -- not to talk about things that's
12 going on in here all day long, and I appreciate you following
13 my admonition, and I'm asking to you continue with that.
14 Okay? All right. Thank you. You'll be -- we'll see you,
15 then, on Wednesday. Have a good -- have a good day. Okay?
16 All right.

17 (Outside the presence of the jury at 4:49 P.M.)

18 THE COURT: Okay. We're outside the presence of the
19 jury. During the testimony of Dr. Cetl, the defense had
20 objected to her categorizing four different settings, and one
21 was probable.

22 So, go ahead, make your record.

23 MR. LOPEZ-NEGRETTE: Our objection was basically
24 asking Dr. Cetl about her conclusions regarding whether there
25 was abuse and whether it was definite, possible, probable, or

1 anything along that spectrum because in our view that invades
2 the province of the jury to decide whether there was abuse or
3 not.

4 Our position is that her testimony should only be
5 based on what she observed and what she documented as part of
6 her medical exam.

7 THE COURT: Okay. Ms. Sudano.

8 MS. SUDANO: And, thank you, Your Honor. She wasn't
9 saying that there is definitive abuse or anything along those
10 lines. She did clarify that that came from the literature,
11 and based on the fact that there is a disclosure, that makes
12 it, I think, they said, more likely than not that there's
13 abuse. But an arrest, I think, would also make it more likely
14 than not potentially that there's abuse.

15 So she's not at all invading on the province of the
16 jury, and the jury can still make their determination. It was
17 very clear that that was just based on the forensic disclosure
18 in this particular case as well as the literature and the --
19 the way that they evaluate all of those things.

20 THE COURT: Anything further?

21 MR. LOPEZ-NEGRETTE: No, Your Honor.

22 THE COURT: All right. Okay. The record's made.
23 Okay. We'll see you back on Wednesday. You have a good
24 Tuesday. Okay?

25 MR. LOPEZ-NEGRETTE: You, too.

1 THE COURT: You okay?

2 MS. RADOSTA: Judge, Mr. Sena's just informing me
3 right now that on these days that we're starting at 11:00
4 o'clock, he is not being fed before he comes, so can we once
5 again, ask the COs to please on Wednesday give him a meal
6 before he comes to court?

7 THE COURT: Officers, I've asked every time we've
8 been here on these dates, and I've been assured that he would
9 be fed before he's brought up.

10 Is what is -- is there something that I need to do?

11 CORRECTIONS OFFICER: Sometimes the sack lunches is
12 not ready, Judge --

13 THE COURT: Okay.

14 CORRECTIONS OFFICER: -- so we kind of wait until we
15 get them.

16 THE COURT: Okay.

17 CORRECTIONS OFFICER: And then we'll bring him up
18 one --

19 THE COURT: Okay.

20 CORRECTIONS OFFICER: -- so he eats it when on break.

21 THE COURT: All right. So he does get fed --

22 THE MARSHAL: Yes.

23 THE COURT: -- it's just he's not --

24 CORRECTIONS OFFICER: It's not before coming up here.

25 THE COURT: Okay. I would prefer that he get fed

1 before --
2 CORRECTIONS OFFICER: Okay.
3 THE COURT: -- if that's a possibility.
4 CORRECTIONS OFFICER: We'll try.
5 THE COURT: Can you see what you can do about that?
6 CORRECTIONS OFFICER: Yeah, we'll make it happen.
7 THE COURT: All right. I appreciate it, guys. All
8 right. Thank you. All right. We'll see you back, then, on
9 Wednesday. Okay? Thank you, guys.
10 MS. SUDANO: Thank you, Your Honor.
11 THE COURT: We're off the record.
12 (Court recessed at 4:52 P.M., until Wednesday,
13 February 13, 2019, at 11:20 A.M.)
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INDEX

WITNESSES

<u>NAME</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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STATE'S WITNESSES:

BRANDON SENA	4	60	96	104
DEBORAH SENA	155			
DR. SANDRA CETL (Via Videconference)	246	264		

* * * * *

EXHIBITS

<u>DESCRIPTION</u>	<u>ADMITTED</u>
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STATE'S EXHIBITS:

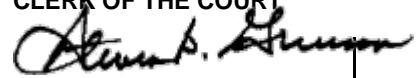
Exhibit 107.	157
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ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual proceedings in the above-entitled case to the best of my ability.

Julie Lord

VERBATIM DIGITAL REPORTING, LLC



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

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

BEFORE THE HONORABLE WILLIAM D. KEPHART, DISTRICT COURT JUDGE

WEDNESDAY, FEBRUARY 13, 2019

**RECORDER'S TRANSCRIPT OF HEARING
JURY TRIAL - DAY 12**

APPEARANCES:

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

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

1 LAS VEGAS, NEVADA, WEDNESDAY, FEBRUARY 13, 2019

2 (Case called at 11:24 A.M.)

3 (Outside the presence of the jury)

4 THE COURT: All right. We're on the record in the
5 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 State and their counsel.

8 We're outside the presence of the jury.

9 Ms. Radosta, the State provided me a copy of what
10 was purported to be the stipulate laying with regards to the
11 sentences of the ladies. Have you seen that?

12 MS. RADOSTA: Yes, Judge.

13 THE COURT: Okay. And you're okay with that? Do
14 you want me to read this to the jury, then?

15 MS. RADOSTA: We had a question about the new --
16 the new -- the new way we are calculating sentences, Judge,
17 with it being a --

18 THE COURT: Under the new math?

19 MS. RADOSTA: Yes. Which is what -- yeah, exactly,
20 new math.

21 Which is, I believe, how Deborah was sentenced,
22 perhaps. But definitely if Mr. Sena would be convicted of
23 anything, it's what we're dealing with right now.

24 THE COURT: Um-h'm.

25 MS. RADOSTA: It is that you come up with a

1 cumulative total. So for the sake of argument, if it's a ten
2 to life plus a ten to life, you at the end of it are required
3 now to say that means a 20 to life.

4 THE COURT: Um-h'm.

5 MS. RADOSTA: But if the front number is doubled
6 for the cumulative, we -- it's our understanding that it's a
7 life plus a life at the end as well.

8 THE COURT: Okay.

9 MS. RADOSTA: So we think that this is a little
10 misrepresentative in that it only says he's possible to have
11 one life sentence.

12 THE COURT: 128 years to life. What about 128
13 years to multiple lives?

14 MS. RADOSTA: That, I think, is appropriate, Judge.
15 I think that's accurate.

16 MR. SWEETIN: Well --

17 THE COURT: I mean --

18 MR. SWEETIN: -- and --

19 THE COURT: -- one -- a life is a life is a life.

20 MS. RADOSTA: I understand that.

21 MR. SWEETIN: That's State's position.

22 THE COURT: Okay.

23 MR. SWEETIN: We had a discussion about this
24 because, I mean, I think the intention of the legislature in
25 the new statutory framework is to say to accumulate the

1 sentences, and a life is a life.

2 THE COURT: Um-h'm.

3 MR. SWEETIN: So there's a potential of being in
4 prison for life, but parole eligibility is at a certain date.

5 So I think it would be misrepresentation actually
6 going the other way, saying that you have multiple lives
7 sentence in prison.

8 THE COURT: So how about -- how about if it's life
9 with the possibility of parole after 128 years has been
10 served?

11 MR. SWEETIN: Yes.

12 MS. RADOSTA: No, we disagree, Judge. If the front
13 number is cumulative, then the back number is cumulative as
14 well, even if it's life.

15 THE COURT: Okay.

16 MS. RADOSTA: I appreciate is a life is a life,
17 but --

18 THE COURT: So I'll say 128 years to possible
19 multiple lives.

20 MS. RADOSTA: That's -- we think that's
21 appropriate.

22 THE COURT: Okay. Okay. All right.

23 MS. RADOSTA: Oh, additionally, Your Honor, if
24 we're done on that topic, we raised an issue the other day
25 about a letter that Deborah apparently wrote prior -- I think

1 it was she wrote it prior it going to her attorney's office.

2 THE COURT: Okay.

3 MS. RADOSTA: We objected that it was not provided
4 to us in discovery.

5 THE COURT: Okay.

6 MS. RADOSTA: I did double check yesterday. I did
7 not find it in the discovery that I have. That being said,
8 Mr. Sweetin did show me this morning about 400 pages of Bate-
9 stamped documents that he provided to me in August of 2017,
10 and it was contained. He showed me a Bate-stamped copy of
11 it.

12 So while I don't recall it, Judge, there's been
13 thousands and thousands and thousands of pages of discovery,
14 it was provided to me --

15 THE COURT: Okay.

16 MS. RADOSTA: -- back in August of 2017.

17 Additionally, we've had the opportunity in the last
18 day to review it, and so, my apologies to Mr. Sweetin for
19 saying --

20 THE COURT: So --

21 MS. RADOSTA: -- that I hadn't received it. My
22 apologies to the Court for --

23 THE COURT: Yeah.

24 MS. RADOSTA: -- saying that -- I honestly don't
25 remember ever seeing it, but --

1 THE COURT: So you're withdrawing your objection,
2 then?

3 MS. RADOSTA: Yes.

4 THE COURT: Okay. All right.

5 MR. SWEETIN: And just to the record's completely
6 clean, it was discovery provided to defense counsel on August
7 23 of 2017. There was a number of pages that were Bates
8 stamped, and Bates stamped pages 337 through 341 are the --
9 represent the actual document that Deborah Sena wrote, which
10 was referenced on the witness stand, in which defense counsel
11 indicated they did not have.

12 THE COURT: Okay. Before we get the jury in, I
13 need to resolve this.

14 What -- is Deborah coming back on now?

15 MS. SUDANO: We have one short witness before
16 Deborah, but then yes, Your Honor.

17 THE COURT: Okay. So the answer is no, I have a
18 short witness on -- okay.

19 And when do you want me to read this to the
20 parties? I mean, to the jury?

21 MS. RADOSTA: To the jury.

22 THE COURT: At the close of her testimony?

23 MS. RADOSTA: I would probably say before she takes
24 the stand again today or maybe in between direct and cross,
25 whatever the Court feels is more --

1 THE COURT: Any preference by the State?

2 MR. SWEETIN: No, Judge. We'd submit it.

3 THE COURT: So what I'll do is once she takes the
4 stand again, before we start further questioning, I'll go
5 ahead and read the stipulation to her. Okay? All right?

6 MR. SWEETIN: That's fine.

7 THE COURT: Is that --

8 MR. SWEETIN: And Judge, just a couple other
9 things. We did file a Fourth Amended Information today, and
10 that merely incorporates the changes the Court has already
11 instruct the jury on for the errors that were made.

12 THE COURT: Okay. Oh, the ones that I talked to in
13 the beginning? Are you talking about with page 1, page 35,
14 page 36, page 38, page 39? Is that -- is that correct?

15 MR. SWEETIN: I'm not positive about the pages, but
16 I know all the changes --

17 THE COURT: Oh, okay.

18 MR. SWEETIN: -- that the Court made reference to
19 were incorporated--

20 THE COURT: All right.

21 MR. SWEETIN: -- in that.

22 THE COURT: Okay. All right. Great.

23 MR. SWEETIN: And Judge, just a -- I'm sorry, just
24 a couple other things.

25 During the continued testimony of Deborah, the

1 Court's going to be -- or the State's going to be asking
2 Court to take judicial notice that August 12th of 2014 was --
3 MS. RADOSTA: June.
4 MR. SWEETIN: I'm sorry, June 12th of 2014 was, in
5 fact, a Thursday. I think we talked to defense counsel about
6 that, they agree with that.
7 THE COURT: Okay.
8 MS. RADOSTA: They showed me a calendar. I have no
9 reason to dispute it.
10 MS. SUDANO: And that would be --
11 THE COURT: All right.
12 MS. SUDANO: -- pursuant to NRS 47.130.
13 THE COURT: Okay. So you're asking the Court to
14 take judicial notice of it?
15 MR. SWEETIN: Yes.
16 THE COURT: Okay.
17 MS. RADOSTA: That June 12, 2014 is a Thursday.
18 THE COURT: Okay.
19 MS. RADOSTA: Was a Thursday.
20 THE COURT: Thursday. Okay.
21 MR. SWEETIN: The State provided their proposed
22 jury instructions both to the Court and to defense counsel.
23 We haven't gotten anything from the defense yet. They
24 indicated that they would provide their proposed by the end
25 of the day; is that correct?

1 MS. RADOSTA: That's our plan, Judge. Sorry, I was
2 out of --

3 THE COURT: Okay.

4 MS. RADOSTA: -- I was really -- I only thought I
5 was going to be busy for a couple of hours yesterday. It
6 ended up taking the majority of the day. Mr. Lopez-Negrete
7 did put together some specials.

8 THE COURT: Okay.

9 MS. RADOSTA: I glanced at them quickly. I'd just
10 like to be able to --

11 THE COURT: All right. That's fine.

12 MS. RADOSTA: -- but that's our hope is by the end
13 of today -- well, after we're done with court or first thing
14 in the morning.

15 THE COURT: Okay. Everything go okay --

16 MS. RADOSTA: And with the caveat that we might be
17 adding one or two if -- you know, because it's --

18 THE COURT: All right. Anything else?

19 MR. SWEETIN: One more thing.

20 THE COURT: Okay. Go ahead.

21 MR. SWEETIN: By the end of the day, we expect that
22 we might get to a witness who is going to actually -- we're
23 going to play some of the pornography that we've been talking
24 about through.

25 I know we talked about earlier and how the Court

1 was going to handle that specifically. We had discussed
2 whether or not the Court was going to turn off one of the
3 screens and restrict the other screen or give any special
4 instructions or what the Court was going to do.

5 THE COURT: I hadn't thought of it anymore. The
6 position I've taken is that this is the way we provide it to
7 the jury by both ways. And I don't think I have the ability
8 to shut one off or the other.

9 And so is there a concern that State has with that
10 or, I mean -- I mean, because it's a public trial, they're
11 here.

12 MR. SWEETIN: It is. It's graphic child porn.

13 THE COURT: I know it is. I know.

14 MR. SWEETIN: You know, I just know that I'm not
15 sure that many of the spectators actually want to see it.

16 THE COURT: Well, what I'll do is if -- before we
17 start showing that, let me know. I'll have the jury leave
18 and I'll discuss it -- I'll let the spectators know what is
19 about to be seen and if they aren't interested in it, that
20 they need to leave.

21 MR. SWEETIN: Okay.

22 THE COURT: Okay?

23 MR. SWEETIN: All right.

24 THE COURT: Because I don't see any --

25 (Pause in the proceedings)

1 MS. RADOSTA: Because for the sake of argument,
2 Judge, while at one point I had asked the same question if
3 that screen was going to be turned off, the one at the front
4 of the courtroom.

5 THE COURT: I don't know how.

6 MS. RADOSTA: In the end, it doesn't matter because
7 these screens --

8 THE COURT: Right.

9 MS. RADOSTA: -- are facing that way. The ones or
10 our desks --

11 THE COURT: Right.

12 MS. RADOSTA: -- are facing that way as well. So --

13 THE COURT: I just don't know how to cut that one
14 off. I --

15 THE COURT RECORDER: We can.

16 THE COURT: We can? Okay.

17 THE COURT RECORDER: Yeah.

18 THE COURT: But then they have -- I'll address it
19 with the audience and let them know. I mean, that's the
20 whole concern.

21 The videos themselves are with the Court filed
22 under seal, though, so that -- you know, the press and them
23 is not going to be able to get it. So we understand that.
24 And I will do that.

25 MS. RADOSTA: Okay.

1 THE COURT: But -- and no one's here with any
2 cameras.

3 MS. RADOSTA: Yeah, I know, the press has lost
4 interest in us.

5 THE COURT: So -- well, they -- I think -- well,
6 never mind. I was going to say something nasty.

7 MS. RADOSTA: There's always another [inaudible].

8 THE COURT: All right. Anything else, Mr. Sweetin?

9 MR. SWEETIN: I think that's all I have, Judge.

10 THE COURT: On a side note, everything okay with --

11 MS. RADOSTA: Thank you, Judge. A little more
12 complicated than I had expected, but yeah, no surgery and
13 then --

14 THE COURT: Oh, good.

15 MS. RADOSTA: -- not in the next couple days.
16 Probably early April.

17 THE COURT: Okay. All right.

18 MS. RADOSTA: So thank you for the accommodation.
19 I do appreciate it. My mom was also very happy. She had
20 already arranged to have somebody else to go with her. I'm
21 like, mom, I told you.

22 THE COURT: Okay.

23 MS. RADOSTA: She said, well, tell the Judge thank
24 you, so --

25 THE COURT: All right. Okay. Well, tell her I

1 appreciate it.

2 So -- all right. So let's get the jury in. Okay?

3 (Pause in the proceedings)

4 THE MARSHAL: All rise for the presence of the
5 jury.

6 (In the presence of the jury at 11:33 A.M.)

7 THE COURT: All right. Everybody go ahead and have
8 a seat. Before we get started, will the parties approach
9 real quick? I need to --

10 (Off-record bench conference.)

11 THE COURT: All right. Ladies and gentlemen,
12 thanks for your patience again.

13 We're back on the record in the case of State of
14 Nevada versus Christopher Sena in C-311453. If I call your
15 name, answer.

16 (ROLL CALL OF THE JURY)

17 THE COURT: Ms. Ruelas, I did receive notice from
18 you yesterday. Are you feeling better today?

19 JUROR NO: Better than yesterday, yeah.

20 THE COURT: Do you want to stay?

21 JUROR NO: Yeah.

22 THE COURT: Okay.

23 (CONTINUE JURY ROLL CALL)

24 THE COURT: All members of the jury have answered
25 to the call. Will the parties stipulate to the presence of

1 the jury?

2 MR. SWEETIN: Yes, Your Honor.

3 MS. RADOSTA: Yes, Your Honor.

4 THE COURT: All right. So ladies and gentlemen,
5 before we took our break Monday, the State had concluded with
6 Dr. Cetl. We are still waiting for a conclusion of Deborah
7 Sena.

8 What's your plan?

9 MS. SUDANO: Your Honor, we have one very brief
10 witness --

11 THE COURT: Okay.

12 MS. SUDANO: -- before we resume with Deborah Sena.

13 THE COURT: On video or out in the hall?

14 MS. SUDANO: Out in the hall.

15 THE COURT: All right. Call that witness.

16 MS. SUDANO: State calls Louise Renhard.

17 THE COURT: Okay.

18 MS. SUDANO: May I approach the clerk, Your Honor?

19 THE COURT: Yes.

20 LOUISE RENHARD, STATE'S WITNESS, SWORN

21 THE CLERK: Thank you. Please be seated.

22 Please state your full name, spelling your first
23 and last name for the record.

24 THE WITNESS: Louise Renhard, L-o-u-i-s-e,
25 R-e-n-h-a-r-d.

1 THE COURT: Your witness.

2 MS. SUDANO: Thank you.

3 DIRECT EXAMINATION

4 BY MS. SUDANO:

5 Q Ma'am, how are you employed?

6 A I'm a senior crime scene analyst with the Las Vegas
7 Metropolitan Police Department.

8 Q What's your shift?

9 A I work grave shift, 10:00 p.m. to 8:00 a.m.

10 Q All right. So we trying to get you home and get
11 you to bed?

12 A Please.

13 Q All right. Can you walk us very briefly through
14 the job of -- job duties of a crime scene analyst?

15 A A crime scene analyst will respond to the scene of
16 a crime. We will document that scene with any one or all of
17 the following duties: we will -- we take notes of what we
18 see, and in cases -- or included sometimes what we do --
19 always what we do, sometimes what we see we will photograph
20 the scene. And in some cases, we will do a sketch or diagram
21 of the scene. We will -- we can process for latent prints or
22 fingerprints. We collect evidence, and we impound the latent
23 prints and the evidence that we collect, and we produce a
24 report.

25 Q How long have you been a crime scene analyst with

1 the Metropolitan Police Department?

2 A Approximately, 22-and-a-half years.

3 Q Were you working as a senior crime scene analyst on
4 the evening of September 17, 2014 into the morning of
5 September 18, 2014?

6 A I was.

7 Q Were you called out to respond to a scene at 6012
8 Yellowstone Avenue?

9 A Yes.

10 Q When you responded, were you responding under event
11 number 140915-1583?

12 A Yes.

13 Q Can you just walk us through what an event number
14 actually is?

15 A An event number is assigned to every incident that
16 the -- a police officer responds on or that somebody will
17 call in an incident to dispatch. They'll produce a -- an
18 event number. At the time this was written, the event
19 numbers were the year were the first two digits, the --
20 they've just -- they've changed it recently.

21 Q The month?

22 A The month was the second two digits. The day of
23 the month was the next one, and then there's two zeros and
24 then how many -- then the next four digits are how many --
25 which event during that day, you know, it could be 000001 or

1 it could be 001542. 1542 would be the one thousandth five
2 hundred and forty second event of that day.

3 Q So this particular event 140915, would respond --
4 or correspond to a call that came out September 9 -- or
5 excuse me, September 15th of 2014; is that correct?

6 A Correct.

7 Q And then the last four digits of 1583 would be the
8 one thousand five hundred and eighty third call for that
9 particular day; is that correct?

10 A Correct.

11 Q So you were responded to this event on September
12 17th -- or September 18th of 2014; is that correct?

13 A Correct.

14 Q Even though we're no longer on September 15th, are
15 we still relying on that same event number?

16 A Yes, until the event is actually closed, they'll
17 use that event number. If something happens the next day or
18 something, they'll do a new event number called a follow-up
19 event number.

20 Q Is part of the reason for that so that everything
21 that happens with the case, all the photos that you take or
22 all the evidence that you've collected all goes back into one
23 place associated with the case?

24 A Yes.

25 Q Now, did you have any information about the nature

1 of the call out when you responded to 6012 Yellowstone?

2 A It was -- I was responding to a search warrant.

3 Q Did you know the nature of the crimes that had
4 given rise to the search warrant?

5 A I didn't.

6 Q Okay. Did you later learn that it was allegations
7 of sexual abuse?

8 A I did.

9 Q Typically, when you're responding to assist in the
10 documentation of a search warrant, are your duties different
11 than when you're just responding to document and process a
12 scene in general?

13 A Yes.

14 Q How is it different when you're actually responding
15 to assist with a search warrant?

16 A Assisting at a search warrant, according to
17 department policy, the evidence is the responsibility of
18 whoever is serving the search warrant. In this case, it was
19 detectives.

20 So I would document the scene at the request of the
21 detectives, and they would point out those things that they
22 felt were necessary to be photographed, in this case.

23 Where a normal scene, I would go out, I would do
24 the notes and the photographs, and then I would do a crime
25 scene search because then the crime scene is my

1 responsibility. I would do a crime scene search, decide
2 what, if anything, needs to be processed for latent prints,
3 decide what, if anything, needs to be collected for evidence,
4 and I would do the photography.

5 Q So in this particular case, were you primarily
6 responsible for photography?

7 A Yes.

8 Q Was it the detective's responsibility to collect
9 and impound any items of evidentiary value?

10 A Correct.

11 Q Okay. When you responded, can you describe the
12 residence for us? Was it all one structure or were there
13 multiple structures?

14 A There were multiple structures.

15 Q What were the multiple structures?

16 A There was a -- the house, and then there was a
17 little kind of apartment turned into a -- an office in the
18 back. There was a trailer in the driveway, and I think there
19 were -- there were sheds. I don't remember if it was two or
20 three sheds on the property.

21 Q Did the detectives direct you to photograph all of
22 those areas?

23 A There was one they -- they determined I didn't need
24 to photograph. I don't recall which one that is, but I did
25 photograph the house, the shed, the location of the trailer,

1 and I think at least one shed.

2 Q All right. Did you also photograph that office
3 area in the become?

4 A Yes.

5 Q After you were done taking the photographs at the
6 scene, what, if anything, did you do with those photographs?

7 A So once we take the photographs, we use a digital
8 camera so it's on an SD card. We only use one -- we only put
9 one event number per card. And that card goes into an
10 envelope that has the event number, the location, my name and
11 P number, how many images I took, and then each card is
12 designated with a letter or number. So that's all on the
13 envelope.

14 I take it back to the CSI section. I log it into a
15 logbook using the event number, the number of images, the
16 number of the card, and the date, and my name -- or my
17 initials and P number, P number being a personnel number.
18 And then I -- once I log it, then there's a locked box with a
19 slot in the top, and I drop it into that locked box.

20 Q Is that the procedure that you followed under this
21 particular event number?

22 A Yes, it is.

23 Q Fair to say you took a large number of photographs?

24 A Yes.

25 Q And you were the only person, to your knowledge,

1 who was actually taking the photographs at that scene; is
2 that correct?

3 A To the best of my knowledge.

4 Q Okay.

5 MS. SUDANO: Your Honor, may I approach with
6 Proposed 111 through 114?

7 THE COURT: Yes.

8 BY MS. SUDANO:

9 Q Ma'am, I'm going to show you Proposed 111 through
10 114. Can you look through those for me? (Witness complies).
11 Did you recognize those items?

12 A I did.

13 Q What did you recognize them to be?

14 A Those are four of the photographs that I took that
15 morning.

16 Q Okay. Where were those photographs taken?

17 A They were taken in the office area, the little
18 apartment that had been converted into an office area in the
19 building behind the house.

20 Q Did those photograph focus on a specific area
21 within the office?

22 A Yes, they did.

23 Q What area was that?

24 A As you entered the office, there was a desk on the
25 left -- on the left, and then there was a desk on the right,

1 and I believe that was the desk on the right.

2 Q And was it just photographs of that, sort of, desk
3 area against the wall?

4 A Yes, it was photographs of that desk area and some
5 of the items, you know, the -- the items associated with that
6 desk area.

7 Q And were those all a fair and accurate depiction of
8 that portion of the office as it appeared during the
9 execution of the search warrant on September 18th of 2014?

10 A Yes, it --

11 MS. SUDANO: Your Honor, I'd move for admission of
12 Proposed 111 through Proposed 114.

13 MS. RADOSTA: Your Honor --

14 THE COURT: Any objection?

15 MS. RADOSTA: -- regarding, I believe, it's 114 --
16 may I see those again for a second?

17 MS. SUDANO: Yeah.

18 MS. RADOSTA: Regarding 114, we would object as to
19 relevance.

20 THE COURT: Let me see it.

21 MS. SUDANO: May we approach?

22 THE COURT: Yes. I just need to see the (Judge
23 reviews exhibits) -- it will be admitted. Okay.

24 MS. RADOSTA: Your Honor, if we could approach just
25 briefly regarding that?

1 THE COURT: Yes, um-h'm.
2 MS. RADOSTA: Thank you.
3 (Off-record bench conference.)
4 THE COURT: All right. It's admitted.
5 (State's Exhibits 111 through 114 admitted)
6 MS. SUDANO: May I publish, Your Honor?
7 THE COURT: Yes.
8 MS. SUDANO: All right.
9 BY MS. SUDANO:
10 Q All right. Ma'am, I'm showing you first Exhibit
11 111. What are we looking at there in Exhibit 111?
12 A That's the desk that we were discussing.
13 Q All right. And is there some sort of a TV and a
14 VCR combination next to the desk?
15 A Yes.
16 Q And a printer underneath the TV and VCR; is that
17 correct?
18 A Correct.
19 Q Okay. And I'm going to show you Exhibit 113. What
20 are we looking at there in Exhibit 113?
21 A So here -- does this not -- does this work
22 differently?
23 Q They're the new ones, so I -- if you describe, I'll
24 point with a pen. How's that?
25 A Okay. Over here on the left side you see the top

1 corner of that TV up in the upper left?

2 Q Um-h'm.

3 A So that's that. And then it's a brace that

4 attaches it to the wall, and then below it the VCR.

5 Q So the brace is towards the center top of the

6 photograph; is that correct?

7 A Correct.

8 Q And --

9 A And then there's another -- some kind of screen up

10 in the upper right.

11 Q Okay. Can you see underneath the VCR whether or

12 not there are any documents on top of that printer that we

13 talked about earlier?

14 A Yes. Down on the bottom, along the bottom.

15 Q And then I'm going to show you Exhibit 112. What

16 are we looking at there in Exhibit 112?

17 A Excuse me, that's another angle where you see the

18 TV. This is actually from the other side of the TV, where

19 the first one was like on the left side of the TV -- or the

20 right side of the TV as you're looking at it. This one is

21 moved over, and it's not quite centered, but a little bit

22 more to the left side of the TV with the VCR, the printer

23 underneath.

24 Q And can you actually see those items or --

25 A Yes.

1 Q -- whatever's on top of the printer there?

2 A Yeah.

3 Q What do they appear to be or what were they?

4 A There's a book to the far right, and then along

5 underneath some pieces of plastic, there's other papers. I

6 didn't really -- I wasn't the one that actually examined

7 those. I just took that picture and they examined them.

8 Q Okay. And then Exhibit 114, what are we looking at

9 there in Exhibit 114?

10 A So this was after the detective started examining

11 items, and there was this paper amongst those ones that were

12 laying on top of that printer.

13 Q All right. So the detectives directed you to

14 photograph this particular item; is that correct?

15 A Correct.

16 MS. SUDANO: Thank you, Your Honor. Nothing

17 further.

18 THE COURT: Any I don't say?

19 MS. RADOSTA: Just briefly. Court's indulgence

20 just for a second.

21 THE COURT: Okay.

22 CROSS-EXAMINATION

23 BY MS. RADOSTA:

24 Q Ms. -- I'm sorry, is it Ms. Renhard, I'm sorry?

25 A Renhard.

1 Q Renhard. All right. I just have a couple of
2 questions about the photographs that the State just showed
3 you.

4 Regarding the one, 114, which is the one that is
5 apparently a typed letter of some sort, you were instructed
6 to take that photograph?

7 A Yes.

8 Q Were there any other individual pieces of paper
9 that you were instructed to take photographs of?

10 A There was a photograph, and I don't recall if there
11 were any others that -- I would have to review the photos to
12 see.

13 Q Okay. Because this particular letter was not
14 located right where you're photographing it originally,
15 correct? It was moved there?

16 A That I don't know.

17 Q Okay.

18 A Where it originally came from because I didn't see
19 that.

20 Q Okay. Well, let me show you State's 113. Do you
21 see the notebook with the eye down in the corner?

22 A Yes.

23 Q And the letter that you photographed in 114 is not
24 in this particular photograph, correct?

25 A I don't know if it's -- you know, with these other,

1 you know, paper items on the desk or not, I don't know.

2 Q But it's in the right next to that --

3 A I can't actually see it there, no.

4 Q Okay. Unlike in this photograph, where you can see
5 the corner of the notebook right there next to the letter?

6 A Correct. And then there's another notebook under
7 that that wasn't in the previous photographer. So it looks
8 like things have been moved.

9 Q So things have been moved around.

10 So the detectives just instructed you to photograph some
11 of the items in the room, but not necessarily all of the
12 documents that were in the room, correct?

13 A That's correct.

14 Q And you do not -- you didn't -- did you know where
15 this particular letter originated from in the room?

16 A No.

17 Q Okay. You -- at some point one of the detectives
18 just said, hey, we need you to take a photograph of this?

19 A Right. Because they'll -- you know, I'll do
20 overalls --

21 Q Okay.

22 A -- which is what those first ones were, and then
23 they will come in and start their search. And as they
24 discover something, they'll call me over there and then
25 another detective will call me over here and then another one

1 over here --

2 Q Okay.

3 A -- and I'll go back and forth to the different
4 detectives between the house and the -- and the sheds
5 outside, and I'll go back and forth. So I won't necessarily
6 be watching the detective at that time.

7 So they'll discover something, they'll lay it
8 there, and they'll call me to come photograph it.

9 Q Okay. So for all you know, this could have been in
10 a trash can and pull out of the trash can by a detective --

11 A Yes, I don't know.

12 Q -- before you photographed it?

13 MS. RADOSTA: Nothing further, Your Honor.

14 THE COURT: Any redirect?

15 MS. SUDANO: No, thank you, Your Honor.

16 THE COURT: All right. All right. Thank you so
17 much for your testimony. You can step down. You're excused.
18 Okay.

19 Parties approach.

20 (Off-record bench conference.)

21 THE COURT: Okay. So -- all right. So call your
22 -- are we calling Ms. Sena back?

23 MS. SUDANO: Yes, Your Honor.

24 MR. SWEETIN: Yes, Your Honor.

25 THE COURT: All right. Is she here? Can you bring

1 her out? Is she here? Okay. Yeah.

2 MS. SUDANO: May I approach the clerk, Your Honor?

3 THE COURT: Yes. Parties approach.

4 (Off-record bench conference.)

5 THE COURT: Okay. Ladies and gentlemen, just
6 relax. We're waiting for a witness to come up. We're
7 waiting for another matter with Ms. Sena. So let me know
8 when they're here. They're in the courthouse, they're just
9 trying to get up the elevator right now, so -- okay?

10 Twenty minutes, Mr. Sweetin, in regards to the
11 other matter. Is that going to -- is that going to be enough
12 time?

13 MR. SWEETIN: Oh, yes, plenty of time.

14 THE COURT: Okay. All right.

15 MR. SWEETIN: For me. I think direct will be less
16 than that.

17 THE COURT: Okay.

18 THE COURT RECORDER: Judge, do you want me to go
19 off?

20 THE COURT: No. No, we're just waiting for the
21 witness.

22 THE COURT RECORDER: Oh.

23 THE COURT: We'll just be at ease. Don't say too
24 much or it will get put on the record that we regret. Okay.

25 I guess this will be a good time while we're

1 waiting, I'll just go ahead and do this.

2 Ladies and gentlemen, the parties have asked the
3 Court to take judicial notice of the date of June 12, 2014,
4 and that that date is a Thursday. Okay?

5 Also, the parties have entered into a stipulation.
6 The stipulation is that the potential penalties for Terrie
7 Sena and Deborah Sena, which they faced prior to their
8 negotiation, prior to negotiation, if Terrie Sena were
9 convicted of all the charges she originally faced, the Court
10 would have had the discretion to sentence her to a range of
11 25 years to life in prison to -- well, it's life in prison
12 with the parole eligibility after 25 years or life in prison
13 with parole eligible after 128 years.

14 Prior to negotiation if Deborah Sena were convicted
15 of all the charges she originally faced, the Court would have
16 had the discretion to sentence her to a range of life in
17 prison with parole eligibility after 25 years or life in
18 prison with parole eligibility after 203 years. All right.
19 Okay. All right.

20 All right. Who's the next witness?

21 MR. SWEETIN: Your Honor, State would call Nileen
22 Knoke.

23 THE COURT: Okay.

24 //

25 //

1 NILEEN KNOKE, STATE'S WITNESS, SWORN

2 THE CLERK: Thank you. Please be seated.

3 Please state your full name, spelling your first
4 and last name for the record.

5 THE WITNESS: Nileen Knoke, N-i-l-e-e-n, K-n-o-k-e.

6 THE COURT: Your witness.

7 MR. SWEETIN: Thank you, Judge.

8 DIRECT EXAMINATION

9 BY MR. SWEETIN:

10 Q Ms. Knoke, how are you currently employed?

11 A Yes, I am. I worked with Cox Communications.

12 Q You mentioned you work for Cox Communications.
13 About how long have you work for them?

14 A It will be 18 years this September.

15 Q Right now, what's your current title or position
16 there?

17 A I'm the human resources manager for the Las Vegas
18 market.

19 Q How long have you held that position?

20 A For about ten years.

21 Q And what did you do previous to that?

22 A I was still with Cox Communications, but I did
23 training and development.

24 Q Okay. So now, just in regards to human resources
25 management, your current position, could you describe to the

1 members of the jury exactly what that encompasses?

2 A Oversee the human resources department. We have
3 about 1500 employees. So overseeing everything from
4 benefits, employee relations issues, concerns, policy,
5 communication, and even some training and development, so.

6 Q Okay. So it would be basically the full spectrum
7 of managing the employees, which would include personnel
8 matters, training, personnel progress, all of those things;
9 is that correct?

10 A Correct.

11 Q Now, in your position as approximately September
12 11, 2014, were you familiar with a Cox employee by the name
13 of Deborah Sena?

14 A Yes.

15 Q How are you familiar with her at the time?

16 A She was -- she had been employed for a long time
17 with the company, and so throughout the years, I had spoken
18 with Ms. Sena several times.

19 Q You said for a long time. Do you know
20 approximately how long she had been employed?

21 A Longer than me. She was there since 1998, I
22 believe.

23 Q Okay. And you indicated that you had contact with
24 her. Could you be more specific in regards to the contacts
25 you had over the years?

1 A Some on what we call a spirit committee to do
2 employee events, and also when she had certain questions and
3 then most recently to that e-mail that you're referring to,
4 to that date of, a few months back we had had a conversation
5 because she had had a --

6 MS. RADOSTA: Objection, Your Honor.

7 THE WITNESS: -- personal --

8 MS. RADOSTA: Hearsay.

9 MR. SWEETIN: It just goes to --

10 THE COURT: Hold on.

11 MR. SWEETIN: -- the subject matter, Judge.

12 THE COURT: I don't think she said anything.

13 MS. RADOSTA: She was about to -- she was saying we
14 had a conversation.

15 THE COURT: Right, but she didn't say what was
16 said, so objection overruled.

17 MR. SWEETIN: Thank you.

18 THE WITNESS: Yeah.

19 BY MR. SWEETIN:

20 Q You indicated that a few months prior that date of
21 September 11, 2014, you had a conversation with Deborah Sena;
22 is that correct?

23 A Correct.

24 Q What was the subject matter of that conversation?

25 A She -- there had been an incident with her spouse,

1 and --

2 MS. RADOSTA: Objection, Your Honor. Hearsay.

3 MR. SWEETIN: I --

4 THE COURT: Sustained.

5 BY MR. SWEETIN:

6 Q You indicated there had been an incident with her
7 spouse; is that correct?

8 A Correct.

9 Q You became aware of that based upon your
10 conversation with her?

11 A Correct.

12 Q Based upon that information, what did you do?

13 A We had a conversation because there was concern of
14 that person coming on property at work. So it was a
15 work-related question, and so we -- we talked -- I asked her
16 if she was going to get a restraining order.

17 MS. RADOSTA: Objection, Your Honor. Hearsay.

18 THE COURT: Well, she -- there's nothing being said
19 by her. It's just she said she asked. So if she's --

20 MS. RADOSTA: It's still an out-of-court statement,
21 Judge.

22 THE COURT: What's that?

23 MS. RADOSTA: It's still an out-of-court statement
24 even if it's by Ms. --

25 THE COURT: No, she's saying she asked. She asked,

1 are you going to get a restraining order. If the objection
2 is what Deborah said to that, yes, that will be sustained.
3 But at this point in --

4 MS. RADOSTA: Okay.

5 THE COURT: -- in time, that's not been said. So
6 I'm going to overrule the objection. You're just -- you're
7 ahead of the game. Okay?

8 MS. RADOSTA: Thanks, Judge.

9 THE COURT: Okay.

10 BY MR. SWEETIN:

11 Q So just to be clear, based upon your conversation,
12 you indicated to her your suggestion that she get a
13 restraining order against her husband at the time; would that
14 be accurate?

15 A Correct.

16 Q Okay. Let me ask you this, you said you had a
17 number of contacts with Deborah over the years; is that
18 correct?

19 A Correct.

20 Q In those contacts, what was Deborah's affect? Was
21 there anything significant to the way she presented herself
22 or the way she acted or anything of that sort?

23 MS. RADOSTA: Objection, Your Honor. Lack of
24 foundation.

25 MR. SWEETIN: I said over the years that she was

1 working there she had a number of contacts with her, and I
2 asked her as to what the affect --

3 THE COURT: Well, maybe you can lay a better
4 foundation as to was there any one particular one that you
5 remember or was there -- you know, that -- or something like
6 that or timeframe. I understand. I'm going to sustain the
7 objection.

8 BY MR. SWEETIN:

9 Q Well, let me ask you this, you had had a number of
10 contacts with her; is that correct?

11 A Correct.

12 Q Could you specify the exact dates of all those
13 contacts?

14 A Not the exact dates.

15 Q Okay. Would it be fair to say that those contacts
16 were throughout the range of time when you've held this
17 position as human resources manager or Las Vegas market
18 leader over the last ten years or so?

19 A Yeah, I mean, they were spread out through --

20 Q Okay. And during those contacts, any idea how many
21 contacts you had with her?

22 A Maybe about five.

23 Q Okay. And in regards to those contacts, did you
24 notice anything significant in regards to her affect, the way
25 she presented herself?

1 A Deborah was always very even -- no emotion,
2 seriously, just the -- just the same even tone, even -- even
3 demeanor.

4 Q Okay. Now, you indicated you had a conversation
5 most recently a couple months before the September 11, 2014
6 date about an issue that resulted in you suggesting she get a
7 restraining order; is that correct?

8 A Correct.

9 Q What was her affect during that conversation?

10 A The same as it had been before.

11 Q Okay. Now, I want to turn your attention to that
12 date of September 11, 2014. Were you so employed on that
13 day?

14 A Yes.

15 Q In that same position that you've described; is
16 that correct?

17 A Correct.

18 Q On that particular day, was your attention directed
19 to any specific e-mails that were received by Cox employees
20 on that day?

21 A Yes. There was a couple of e-mails that came in
22 into Cox and someone -- one of the managers called me about
23 the e-mails they received.

24 Q Do you remember which manager that was?

25 A His name's Allen Livengood.

1 Q Okay. And when you received information from
2 Mr. Livengood as to potential issues with e-mails, what did
3 you do?

4 A I -- he told me a little bit about the e-mails. I
5 asked him to forward them to me because I had not been a
6 recipient of the e-mails, and then from there, based on the
7 content of the e-mails, I needed to start -- I needed to
8 contact public affairs department, our IT department, to
9 ensure that the e-mails would not continue to be disseminated
10 amongst others in the company.

11 Q Okay. So let's take a step back. So ultimately,
12 you were notified that there were some specific e-mails; is
13 that correct? And you had those forwarded to you; is that
14 correct?

15 A Correct.

16 Q Did these e-mails, were they alone or did they have
17 attachments?

18 A There was attachments to it.

19 Q Okay. To both of the e-mails?

20 A Yes. There was pictures.

21 Q How many e-mails were there? I don't know if I
22 asked you?

23 A There was two e-mails.

24 Q Two e-mails that made the subject matter that we're
25 talking about; is that correct?

1 A Yes.

2 Q Did each of those e-mails have attachments?

3 A Yes, they had pictures.

4 Q Okay. And do you remember as you were forwarded

5 those e-mails, whether you had the opportunity to review

6 those pictures?

7 A Yes, I did.

8 Q And what did those pictures show?

9 A They showed Ms. Sena nude on a bed with a dog doing

10 sexual acts with the dog.

11 Q Okay. Would it be fair to say that each of the

12 pictures was a little different?

13 A Yes, a little different poses, so to say, you know,

14 with the dog on her, with her hands on the dog, on his

15 private parts.

16 Q Okay. And that would be for all four of the

17 pictures, the two that was attached to one e-mail, the two

18 that was attached to the other e-mail; is that right?

19 A Correct.

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

21 Exhibits 95 and 96 and ask if you recognize these?

22 A Yes.

23 Q And what are those?

24 A That's the introduction, the copy of the e-mail

25 addresses that were included in that -- in those e-mails that

1 is were received that day.

2 Q Okay. Now, the e-mails themselves, you indicated
3 that these are the addresses on those e-mails; is that
4 correct?

5 A Correct.

6 Q Okay. For each of the e-mails? Is that a yes?

7 A Yes. Sorry.

8 Q You made mention that there was attachments to
9 these e-mails; is that correct?

10 A Correct.

11 Q The attachments aren't attached at this time; is
12 that correct?

13 A Correct.

14 Q And those are the photos that you just described?

15 A Correct.

16 Q Are these clear and accurate depictions of the
17 e-mails that were forwarded to you on September 11th of 2014?

18 A Yes.

19 MR. SWEETIN: State would move for the admission of
20 what's been marked as State's Proposed Exhibits --

21 THE COURT: Approach. Approach.

22 (Off-record bench conference.)

23 THE COURT: Okay. Ladies and gentlemen, due to the
24 conference at the bench, at this time what I need to do is
25 Ms. Knoke; is that it?

1 THE WITNESS: Yes.

2 THE COURT: Ms. Knoke, at the time that the State
3 is seeking to introduce a piece of evidence, we need to
4 basically take a recess with you.

5 THE WITNESS: Okay.

6 THE COURT: And have another witness testify before
7 that. Okay?

8 THE WITNESS: Okay.

9 THE COURT: And we're waiting for somebody to show
10 up on her behalf. And so I know this is kind of out of order
11 and that, but I'm going to have you go back out in the hall
12 and wait --

13 THE WITNESS: Okay.

14 THE COURT: -- until we're ready for you. Are you
15 okay with that?

16 THE WITNESS: Okay. Yes.

17 THE COURT: Okay. I'm going to instruct you not to
18 discuss with anyone your testimony here today. Okay?

19 THE WITNESS: All right.

20 THE COURT: All right. So you're excused. Okay.
21 Don't leave. Wait in the hall. Okay?

22 THE WITNESS: Okay.

23 THE COURT: And then, ladies and gentlemen, I need
24 to do something outside your presence. We have to put
25 something on the record, and we're also waiting for somebody

1 to come in and our anticipation is that we're going to be
2 putting Ms. Sena back on the stand when you come back in.

3 But you're admonished not to converse amongst
4 yourself or with anyone else on any subject connected with
5 this trial, or read, watch, or listen to any report or
6 commentary on the trial by any person connected with this
7 case, or by any medium of information, including without
8 limitation, newspapers, television, Internet, or radio, or
9 form or express any opinion on any subject connected with
10 this trial until the case is finally submitted to you.

11 I'm going to ask that you go ahead and go out in
12 the hall. I'm hoping it's going to be about 15 minutes, it
13 hasn't been yet. So my Marshal will collect you. Okay?

14 So within 15 minutes kind of look to come back in.
15 Okay? All right. So we'll be at ease while the jury exits
16 the courtroom.

17 (Outside the presence of the jury.)

18 THE COURT: Okay. We're outside the presence of
19 the jury. Before we go into anything further, I wanted to
20 make clear that I've marked as Court's Exhibit No. 7 the
21 actual stipulation, and it was typed word for word the way I
22 said it.

23 MS. RADOSTA: Okay.

24 THE COURT: Okay?

25 MS. RADOSTA: Thank you.

1 THE COURT: Also, during direct examination of the
2 CSI, Louise Renhard, Ms. Sudano was moving to admit Exhibits
3 110 through 114, and -- I believe that was the number.

4 MS. RADOSTA: I think it was 111.

5 MS. SUDANO: 111.

6 THE COURT: Or 111 through 114, and the defense
7 objected to 114 and approached the bench on that, discussed
8 it. So make your record as to the objection.

9 MS. RADOSTA: We were just objecting, Your Honor,
10 114 is a photograph of a one-page, maybe half a page, typed
11 couple of paragraphs. I don't even think technically it can
12 be called a letter. There's no beginning part. There's no
13 -- it's not addressed to anyone in particular.

14 It is -- there is a typed signature of Christopher
15 Sena, but no actual, like, signature. Ms. Renhard was unable
16 to testify as to where it was located prior to her
17 photographing it on the desk of the -- in the office.

18 So our objection was to relevance first and
19 foremost because it's just a letter sitting in -- I mean, at
20 best it's a couple paragraphs on a page sitting in an office.
21 There's no proof that it was sent to anybody. There's no
22 proof that there Sena was the author of it.

23 We have no idea where it was located. As Ms.
24 Renhard pointed out, it could have been located in the trash
25 before she photographed it. And for those reasons, Your

1 Honor, we would just object to it being admitted for lack of
2 relevance.

3 THE COURT: Okay. Do you want to address that, Ms.
4 Sudano or --

5 MS. SUDANO: Yes, Your Honor. So it appears to be
6 a letter that was written by the defendant. It addresses the
7 same subject matter as the e-mails that were actually sent to
8 Deborah Sena that we do have here, which is a further link
9 between the fact that it's actually the defendant that was
10 sending those e-mails.

11 It addresses the same subject matter as those. It
12 references a TPO that as the defendant referred to it in
13 another e-mail was, quote/unquote, "squashed". It
14 references, again, the number of days that the family --
15 excuse me, that the family had been gone.

16 It makes reference to financial hardship that the
17 defendant is facing because they're gone. It makes reference
18 to the fact that the defendant doesn't know what the problem
19 is. He's just seeking communication.

20 All of those are things that are referenced in
21 those other e-mails, and so it's highly relevant. It's the
22 defendant's statement. He's apologizing for things that are
23 happening in the family and following through with the same
24 subject matter in those other e-mails.

25 MS. RADOSTA: They're -- I would dispute the fact

1 that it is, per se, the defendant's statement. It is a typed
2 document, that's it. We don't where it was located. We
3 don't know where it was, if it was underneath the stack of
4 other documents.

5 Additionally, Your Honor, for the sake of argument
6 that it references the amount of time they were gone, says 69
7 days. 69 days puts it sometime in August. This was located
8 in the office almost a month after what 69 days would have
9 been.

10 So it's not even an accurate representation of the
11 amount of time that the family has been gone. So
12 additionally, it appears that this might only be a partial,
13 in that it doesn't -- it just starts at the top of page. As
14 I said, there's no address to it.

15 It just seems, as I've said -- our objection mainly
16 is to relevance. But there are also, for the sake of
17 argument, Your Honor, potential other bad acts mentioned in
18 this document that the State has never moved for the
19 admission of, such as the truck, which they've danced around
20 a few times with a few of the witnesses, but have not
21 actually elicited testimony that a truck was taken from one
22 location and that the family believes my client is the one
23 that did that.

24 That was never offered as a bad act, but it is
25 referenced in this letter. So we would object to the letter

1 being admitted for that reason as well.

2 THE COURT: Okay.

3 MS. RADOSTA: Or the photograph of the document.

4 THE COURT: Anything further?

5 MS. RADOSTA: I would just note that Ms. Sena
6 indicated that the truck was in the defendant's name, so it's
7 not a bad act if he took the truck because it's actually his
8 truck.

9 THE COURT: Okay. All right. Well, I do believe
10 that there is relevance to this because the letter addresses
11 or talks specifically about the specific situation that's
12 happening there.

13 I do remember there was testimony by, I believe, it
14 was Tails that said that he was helping his father draft
15 letters and draft e-mails to his sister and to Deborah and to
16 Brandon to have them -- to coax them to come back.

17 The topic in that specific letter there or that
18 statement is that. So there's certainly relevance to this.
19 And I think regarding your statement of whether or not it's
20 his or not, and the fact that it's found in his effects in
21 the -- which everyone's testified that it's his desk and his
22 property in the back office, I believe is admissible and goes
23 to the weight and not to the admissibility.

24 So your objection's noted. Okay? And -- what's
25 that?

1 (Court/Clerk conferring)

2 THE COURT: Oh, and then we took a break
3 specifically because the State was in a position with Nileen
4 Knoke, an employee of Cox Communications, the manager of the
5 employees there, that was beginning to testify specifically
6 about two e-mails, and -- the 95 and 96, I believe it is.

7 MR. SWEETIN: Yes.

8 THE COURT: Do you want to make your record,
9 Mr. Sweetin as to the reason you were offering it at that
10 time?

11 My position that I -- I mean, I discussed at the
12 bench was that there was an objection previously as to those
13 specific e-mails, and there was an objection as to
14 authentication. And we went through a whole litany, I
15 believe, it was on Monday, about those.

16 And I believe that -- I believe that you were able
17 to satisfy -- you would be able to satisfy any concerns of
18 the Court with regards to the record with Deborah's
19 testimony.

20 You started into that questioning area with her and
21 then we took our break. And so my position at this point in
22 time is that before it will be admitted, I'm not satisfied
23 that the record's clear enough for -- to establish
24 authentication. So that's why I stopped it.

25 So do you want to --

1 MR. SWEETIN: And that's fine, Judge. We were
2 eliciting testimony from the witness in regards to the
3 contents of those e-mails. As the Court previously ruled in
4 regards to attachment to those e-mails, which would be the
5 actual pictures, still shots of Deborah with the dog in
6 sexual situations, the Court had basically excluded that from
7 evidence unless certain things happened.

8 But they did allow -- the Court's ruling allowed
9 the State to make reference to the receipt of the e-mails
10 themselves and to discuss the contents of those e-mails.

11 The importance to the State in regards to this is
12 to show who those e-mails were addressed to. It's the
13 State's theory, clearly, that the defendant sent these
14 e-mails, and the purpose of him sending these e-mails was to,
15 sort of, force Deborah to come back to him, showing that he
16 can -- he has things that he can cause harm to her.

17 This witness was going to basically lay out that as
18 far as those e-mails themselves, that they were addressed to
19 a number of Cox employees. Matter of fact, all the names
20 that it was addressed to related to current or past Cox
21 employees.

22 One of the names was addressed to Deborah. And
23 that's the significance of the testimony of this witness.
24 The Court indicated that the State move to admit those
25 documents, those particular e-mails because this witness,

1 basically, recognized them as e-mails that she saw come in.

2 But the Court wanted further foundation in regards
3 to the fact that these e-mails were sent by the defendant.

4 I thought that we probably -- I thought that we had
5 laid a sufficient foundation earlier; although, there are
6 additional things that we could lay. I think Deborah was
7 clear that she did not send it. She also indicated that
8 there were circumstances under which a person who had access
9 to her accounts and phone, as did the defendant, could
10 acquire those particular addresses and send them.

11 She had indicated --

12 THE COURT: Well, you were -- sorry to interrupt
13 you, but you were starting down that road.

14 MR. SWEETIN: Yes.

15 THE COURT: That's why I'm saying, and -- but I
16 just didn't -- I don't think that testimony was complete.
17 You were still in your direct examination. I just didn't see
18 that it was complete.

19 MR. SWEETIN: And that's fine.

20 THE COURT: Okay.

21 MR. SWEETIN: And for that reason, the State
22 indicated to the Court that since that's really the substance
23 of this witness, we asked the Court to allow us to put
24 Deborah back up on the witness stand to build a further
25 foundation and recall that witness.

1 THE COURT: Yeah. Well, I think you were still in
2 your --

3 MS. RADOSTA: They hadn't completed their direct
4 yet.

5 THE COURT: Yeah, they were still in their -- okay.

6 On a side note, Mr. Tomsheck has just come in.

7 Mr. Tomsheck is counsel for Deborah Sena.

8 Mr. Tomsheck, we attempted to recall her. She was
9 informed on Monday that she would be called back because of
10 the break yesterday. And when we went to recall her, she
11 said she didn't feel comfortable unless you were here.

12 MR. TOMSHECK: Okay.

13 THE COURT: So I appreciate you coming in. She's
14 in holding now. Do you mind talking to her and --

15 MR. TOMSHECK: I'll talk to her. Where is she in
16 the context of her testimony? Is she through with direct?

17 THE COURT: No.

18 MR. TOMSHECK: Okay.

19 THE COURT: They're still directing her. Okay?

20 MR. TOMSHECK: I'll talk to her.

21 THE COURT: All right. All right.

22 So did you want to make any record at all with
23 regards to that? Any further record? Okay.

24 MS. RADOSTA: No, Judge. I mean, I -- I -- I'm
25 kind of on the same page as Your Honor, I don't think they

1 had gotten there yet with Ms. Sena, and --

2 THE COURT: Okay.

3 MS. RADOSTA: So --

4 THE COURT: All right.

5 MS. SUDANO: While we're here, Your Honor, can I

6 just make one real brief record as well?

7 THE COURT: Sure.

8 MS. SUDANO: You had asked Ms. Ruelas if she was

9 okay this morning --

10 THE COURT: Right.

11 MS. SUDANO: -- and that was in reference to her

12 e-mailing your JEA indicating --

13 THE COURT: Right.

14 MS. SUDANO: -- that she had a fever.

15 THE COURT: Right.

16 MS. SUDANO: That was your -- the Court's only

17 concern to my understanding.

18 THE COURT: Yes. She had e-mailed the Court on

19 Tuesday, said that she was running a 102 temperature. And so

20 I instructed my JEA just to inform her to stay -- stay down

21 and drink lots of fluids, and if she needed to, to notify us

22 if she wasn't going to be here.

23 She appeared this morning. I called you to the

24 bench because I saw when she came in, and I -- it didn't

25 appear to me that she was her normal self. So that's why I

1 asked. And she said that she's fine. Well, just she feels
2 better was her answer, I think, is what she said. So -- and
3 I gave her that option if she didn't feel good enough to --
4 so -- okay?

5 MS. SUDANO: Thank you.

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

7 (Pause in the proceedings)

8 THE COURT: Yeah. Yes, let's go off the record.
9 Okay.

10 (Court recessed at 12:36 P.M. until 12:47 p.m.)

11 (Outside the presence of the jury.)

12 THE COURT: Okay. We're back on the record in case
13 of State of Nevada versus Christopher Sena in C-311453.

14 We're outside the presence of the jury. Let the
15 record reflect the presence of the defendant, and his
16 counsel, as well as the State, and their counsel.

17 We're just getting ready to recall Deborah Sena. I
18 know that Mr. Tomscheck has been here and had discussion with
19 her. Are we ready to go with that?

20 MR. TOMSHECK: She is ready to testify, Judge.

21 MS. RADOSTA: Your Honor, we would be of the
22 opinion that there was extensive discussions between
23 Mr. Tomscheck and the State --

24 THE COURT: Okay.

25 MS. RADOSTA: -- during this about 20-minute break

1 that we had, and we would like content of those discussions
2 to be put on the record.

3 THE COURT: Why?

4 MS. RADOSTA: Because she is clearly having second
5 thoughts. Was she having second thoughts about backing out
6 of testifying? Was she having --

7 THE COURT: Okay. Okay. So what does that have to
8 do with -- I would tell you, I'd venture to say every single
9 person that ever testifies in a case probably has second,
10 third, fourth, fifth thoughts --

11 MS. RADOSTA: Um-h'm.

12 THE COURT: -- about testifying. What does that
13 have to do with whether or not they testify or not?

14 MS. RADOSTA: She has a benefit, Judge. She is
15 receiving a benefit by testifying. And if --

16 THE COURT: Okay.

17 MS. RADOSTA: -- if she does not complete --

18 THE COURT: You brought that clearly out. I just
19 explained it to them in a stipulation. But what does it have
20 to do with a discussion between her attorney and the State?

21 MS. RADOSTA: I -- were there further offerings
22 made by the State? We have no idea what was said. Were they
23 -- I mean, if she does not get on the stand today, is her
24 deal bust? I mean, are they going to withdraw --

25 THE COURT: What did you just say?

1 MS. RADOSTA: Is the deal bust? Is she going to
2 be --

3 THE COURT: Oh, I -- I swear to God I thought I
4 heard say something else. Sorry, I thought -- I swore I
5 thought I heard what -- it started with the F word, and I was
6 like are you kidding me? I really did.

7 MS. RADOSTA: No.

8 THE COURT: I'm sorry.

9 MS. RADOSTA: No, no, Judge.

10 THE COURT: Okay.

11 MS. RADOSTA: I wouldn't -- no.

12 THE COURT: All right. Well, the reality is, is
13 that if that happens, then, you know, that's part of the
14 negotiation is if she chooses not to testify, and the State
15 could make the determination whether or not they want to bust
16 it or not. It has really nothing to do with your client.

17 MS. RADOSTA: Did they make further offerings,
18 though, at this point?

19 THE COURT: I -- I don't know.

20 MS. RADOSTA: Well, that's why we think we need to
21 -- I mean, the agreement to --

22 THE COURT: Isn't that something that you can ask
23 of her?

24 MS. RADOSTA: I -- we can ask her, but we don't
25 know if she's telling us the truth. How could we know if

1 she's telling us the truth if we don't know the content of
2 the conversation, Judge? So we're just --

3 THE COURT: All right. I would --

4 MS. RADOSTA: -- we're just stuck with her answer,
5 then?

6 THE COURT: I would certainly expect when she swore
7 to tell the truth --

8 MS. RADOSTA: Because nobody's ever misrepresented
9 themselves on the stand, Judge, sorry.

10 THE COURT: No, but you're saying that you want to
11 know whether or not there was any -- was there -- State, was
12 there any additional negotiations, like did you change the
13 original offer?

14 MR. SWEETIN: There wasn't, Judge. If there was
15 anything exculpatory that happened in the conversation, the
16 State would be bound to put that before the jury.

17 Clearly, there was no discussions in regards to
18 negotiations or anything of that sort.

19 THE COURT: Okay. All right. Get the jury back,
20 and then we'll call her. All right.

21 Mr. Tomscheck, do you mind waiting?

22 MR. TOMSHECK: No, I don't.

23 THE COURT: Was that her concern, she wanted her
24 here during your testimony?

25 MR. TOMSHECK: She had a couple questions about

1 procedural issues --

2 THE COURT: Okay.

3 MR. TOMSHECK: -- and she's fine to testify. I

4 told her I would stay in the courtroom for the beginning of

5 her testimony, but I probably won't stay for the entirety.

6 THE COURT: Okay. All right. Thank you. Parties

7 approach.

8 (Off-record bench conference.)

9 (In the presence of the jury.)

10 THE COURT: Okay. Thanks, everybody. Go ahead and

11 have a seat.

12 We're back on the record in case of State of Nevada

13 versus Christopher Sena in C-311453.

14 We're now in the presence of the jury. Will the

15 parties stipulate to the presence of the jury?

16 MR. SWEETIN: Yes, Judge.

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

18 THE COURT: Okay. State, your next witness.

19 MS. SUDANO: The State would recall Deborah Sena.

20 THE COURT: Okay. Ms. Sena, since we did take a

21 break, I'm going to have you resworn. Okay?

22 THE WITNESS: Okay.

23 THE COURT: All right. So --

24 //

25 //

1 DEBORAH SENA, STATE'S WITNESS, RESWORN

2 THE CLERK: Thank you. Please be seated.

3 Please state your full name for the record.

4 THE WITNESS: Deborah Dawn Sena.

5 THE COURT: All right. Ms. Sudano, before we took
6 our break, the last bit of notes that I have with Ms. Sena
7 was with regards to, I think, you were starting to talk to
8 her about e-mails.

9 MS. SUDANO: That's correct.

10 THE COURT: Okay. And then the last note I wrote
11 was she said he hacked into her phone.

12 MS. SUDANO: Correct.

13 THE COURT: So from there.

14 MS. SUDANO: Okay.

15 THE COURT: Okay? All right.

16 MS. SUDANO: And if I may actually --

17 THE COURT: Do whatever you want.

18 MS. SUDANO: Okay.

19 THE COURT: I'm just telling you, that's to bring
20 me become to where -- okay.

21 DIRECT EXAMINATION (RESUMED)

22 BY MS. SUDANO:

23 Q So, good afternoon, again, Ms. Sena.

24 When you were here on Monday, I had asked you about
25 a number of different incidents that took place while you

1 were living at 6012 Yellowstone; is that fair?

2 A Yes.

3 Q Specifically, I asked you about an incident that
4 took place between yourself, the defendant, and Brandon when
5 he was about three years old; is that correct?

6 A Correct.

7 Q And then I had also asked you if you had any memory
8 of an incident that took place between yourself, the
9 defendant, Brandon, and then also Terrie, and Ryan.

10 Do you recall being asked a question about that as
11 well?

12 A Yes.

13 Q Since we've taken a break for the last couple of
14 days, did you want to explain something about either of those
15 prior questions?

16 A Yes.

17 Q What was -- what did you want to explain?

18 A I do believe that I recall Terrie being at -- when
19 -- I'm not sure about the age of -- if it was three or so.
20 She had Ryan with her, and I had Brandon with me.

21 Q Specifically, what do you recall about that
22 incident?

23 A I believe she was on the left-hand side of me with
24 Ryan.

25 Q Okay. And what -- left side of you where?

1 A On the -- in the master bedroom on Chris's side of
2 the bed. I was at the foot of the bed, I believe, and she
3 was on the left-hand side of the bed.

4 Q And did something happen between yourself and
5 Terrie and either of the children that day?

6 A Yes.

7 Q Where was the defendant?

8 A In the doorway.

9 Q What do you recall happening between yourself and
10 either of the children?

11 A I recall the -- the incident with Brandon being
12 three, the -- Chris instructing us to do fellatio on the
13 children.

14 Q All right. So I want to make sure that I'm clear.
15 Are you talking about the same incident that you talked about
16 on Monday?

17 A Correct.

18 Q All right. But it's your memory now that Terrie
19 was also present with Ryan; is that correct?

20 A It -- I think it's the same incident.

21 Q Okay. Are you sure it's the same incident or is it
22 possible it's two different things?

23 A It could be two different things.

24 Q All right. Do you remember Terrie doing anything
25 with either of the children that day?

1 A Yes.

2 Q What do you remember Terrie doing?

3 A Fellatio on Ryan.

4 Q Okay. So it's your memory now that you were

5 performing fellatio on Brandon, and Terrie was performing

6 fellatio on Ryan; is that correct?

7 A Correct.

8 Q Was that happening at the same time?

9 A Yes.

10 Q How was is it that that act of fellatio with the

11 two boys began?

12 A Chris instructed it.

13 Q Now, was that something that you wanted to do?

14 A No.

15 Q Did you put up any physical resistance to Chris at

16 that point?

17 A No. I'm afraid of him. He could hold a

18 transmission up one hand, that's about 300 pounds and crank

19 it down with a wrench with the other hand.

20 Q All right.

21 A Plus, he had security guard schooling.

22 Q Did Terrie do anything to physically resist that

23 incident --

24 A No.

25 Q -- that day? All right.

1 You indicated that the defendant was standing -- I
2 can't remember if you said in the corner or in the doorway.

3 A In the doorway.

4 Q Was the defendant saying or doing anything while
5 that was taking place?

6 A He was watching and instructing, verbal
7 instructions.

8 Q Do you recall how that incident ended?

9 A I'm not sure. I think the children were taken out
10 after that. I mean, that's when he said that the children
11 needed to learn how to have sex.

12 Q Okay.

13 A That was --

14 Q All right. Is there anything else about that
15 incident or those incidents that you wanted to clarify?

16 A No, I think I got it all.

17 Q Okay. Was there anything else that we talked about
18 Monday that you wanted to clarify as well?

19 A No, I'm good on that.

20 Q Okay. So I had started asking you about you leave
21 being the residence with Brandon and Anita in 2014, before we
22 left; do you recall that?

23 A Yes.

24 Q Okay. And you had indicated that you were sure
25 that you had left on the Thursday; is that correct?

1 A Yes.

2 Q Okay. And it was your best memory that was June
3 12, 2014?

4 A Yes, whatever I put in my statement, I had --

5 Q Okay. Now, you went to the Safe House and you
6 stayed there for about two weeks before you got an apartment;
7 is that right?

8 A Correct.

9 Q Okay. Now, at the Safe House, did you take any
10 steps regarding a temporary protective order?

11 A Yes, I did.

12 Q What steps did you take?

13 A They gave me the paperwork. I filled it out, they
14 sent it in, but I didn't -- I wasn't -- I was vague. I
15 didn't really tell what Chris had really had done.

16 Q All right. Did you mention any of the sexual abuse
17 in that temporary protective order?

18 A No, I did not.

19 Q Why is that?

20 A Fear.

21 Q What was the result of your application for a
22 temporary protective order?

23 A It was denied.

24 Q Did you ever reapply?

25 A I was going to, but the police told me not to.

1 Q All right. We talked about last Monday when we
2 were here that you had taken a little bit of time off of
3 work; is that correct?

4 A Yes.

5 Q And I believe you said it was two weeks?

6 A Correct.

7 Q After that two weeks, did you then go back and
8 continue working at Cox?

9 A I did.

10 Q After the time that you left the residence on June
11 12th of 2014, did you have the occasion to see the defendant
12 at your place of employment?

13 A No, I did not.

14 Q All right. Did you take any steps regarding the
15 defendant potentially coming to your place of employment?

16 A Yes, I did.

17 Q What steps did you take?

18 A I got with the -- my boss and security, and I told
19 him that I didn't know how he would react. He did own guns,
20 and I had left him.

21 Q And based on that, were you given some advice to
22 apply for a temporary protective from folks at your work as
23 well?

24 A No.

25 Q All right. But you did at least raise the issue

1 with some folks at Cox; is that correct?

2 A Yes, I did.

3 Q So you indicated that you never actually saw the
4 defendant at your place of employment. Did you see him
5 anywhere else physically face-to-face during the period after
6 you left the residence?

7 A No.

8 Q Do you know if the defendant made any attempts to
9 contact yourself, Anita, or Brandon?

10 A Yes.

11 Q What type of attempts do you know that the
12 defendant made?

13 A He sent e-mails every single day. He had -- we had
14 access to the cameras in the house, you know, because he
15 didn't change the code, so he was leaving messages that he
16 missed us, and he doesn't know why we're doing it, and things
17 like that.

18 Q So I want to talk a little bit about the cameras.
19 You said he was leaving messages. How was he leaving
20 those messages?

21 A He had a sign that he had hung up from the ceiling
22 in front of the camera. I can't remember what they said
23 anymore.

24 Q Okay. But just generally, to come home?

25 A Right.

1 Q All right. Do you know if the defendant sent or
2 left any voicemail messages?

3 A I'm not sure. Anita would know because it would be
4 her phone because I left mine there. So he didn't have
5 access to my new phone number.

6 Q So fair to say you personally did not listen to any
7 voicemail messages?

8 A Correct.

9 Q Okay. You indicated that there were e-mails that
10 were being sent; is that correct?

11 A Yes.

12 Q All right.

13 A Wait, wait, wait. I did hear a few e-mail -- voice
14 messages on Anita's phone when we first got to Safe House.

15 Q Okay. So you did --

16 A But I can't remember what they -- what they said.

17 Q All right. Those were voicemail messages from the
18 defendant, though?

19 A Correct.

20 Q You actually listened to those voicemail messages?

21 A Yes, I heard some and so did Brandon.

22 Q Did you actually recognize the defendant's voice in
23 those particular messages?

24 A Yes.

25 Q You indicated you don't remember exactly what the

1 messages said.

2 A Correct.

3 Q But do you remember the general idea of what the
4 messages were trying to convey?

5 A That he missed us, he wanted us to come back, he
6 loved us, he didn't know why we left. I don't know if that
7 was the same time where he said he sent Terrie away because
8 he thought it was Terrie's fault that I left.

9 Q And so that's your best memory of the voicemails
10 that you heard?

11 A Yes. And I remember Anita breaking down and crying
12 and crumpling onto the floor and Brandon and I had to console
13 her.

14 Q Was that after Anita had listened to one of the
15 voicemail messages?

16 A Yes, and we told her not to listen to any of them
17 anymore.

18 Q So you indicated that the voicemail messages that
19 you heard all happened very soon in time after you left the
20 residence; is that correct?

21 A Correct.

22 Q You indicated that you were receiving a number of
23 e-mails as well; is that correct?

24 A Yes.

25 Q Did the e-mails also only take place right around

1 time that you left the residence or did those continue
2 longer?

3 A It continued all the way until he was arrested.

4 Q Okay. So from all the way in June up until
5 September, you were still receiving e-mails?

6 A Yes.

7 Q Okay. Do you recall the e-mail addresses that you
8 were receiving e-mails from?

9 A Oh, he -- he used every single e-mail address that
10 he had of mine; my work, he sent one to my work. Sent one
11 from his account. I think the Zx6r, I think. I'm not sure.
12 I don't know how many e-mail addresses I had. I know I had
13 like a Facebook one and --

14 Q So fair to say that you were receiving e-mails to
15 multiple different e-mail addresses of yours; is that
16 correct?

17 A Correct. And the children. So a lot of times
18 that's where I got to read some of them was from Anita's
19 phone because Brandon and I left our phones.

20 Q Okay. So Anita also received some of the e-mails?

21 A Yes. That's where we got to mostly read them
22 until, you know, this.

23 Q Do you remember what e-mail address Anita was using
24 at that time?

25 A I think it -- it could have been Pookie (phonetic).

1 Q Okay.

2 A I'm not sure. And I'm not sure what her cell phone
3 one was.

4 Q The Pookie, would that have been at cox.net?

5 A Yes.

6 Q Okay. Was Brandon also receiving e-mails?

7 A Yes. I think it was from his Facebook.

8 Q Now, those e-mails that you were receiving, do you
9 remember the e-mail addresses that you were receiving them
10 from?

11 A It's -- I think it was his Zx10.

12 Q All right. So do you remember that specific
13 e-mail?

14 A It could have been chris-deb@cox.net as well.

15 Q Okay. And then you indicated something Zx10; is
16 that correct?

17 A Zx10, that was his cell phone.

18 Q Okay. Do you remember was it just Zx10?

19 A Chris -- chrissena, I think or chris@ -- I think
20 it's chrissena@zx10.

21 Q Okay. And so we talked a little bit about your
22 e-mail address, the deborahzx6r?

23 A Right.

24 Q You indicated that that was your name plus a
25 motorcycle.

1 A Correct.

2 Q That other e-mail that we're talking about now for
3 Chris, what was that?

4 A The zx10 is his motorcycle. That was his phone.

5 Q Okay.

6 A Chris-deb@cox.net was our joint account, but he
7 only had -- only let -- he only had access to that one
8 because if I checked it online, then it wouldn't go into his
9 inbox, and he wouldn't have known he received it. So
10 basically, it was his e-mail address.

11 Q I see. So did you associate that chriszx10 or the
12 chrissenazx10 e-mail address with the defendant?

13 A Did I what?

14 Q Did you associate that with him?

15 A Yes.

16 Q Had you known him to use that in the past?

17 A Oh, and he may have used area51stageworks as well.

18 Q Okay. So what was area51stageworks?

19 A That was his new business he was starting.

20 Q All right. So he may have also used e-mails from
21 area51stage works.

22 Did he have -- you said that was his new business.
23 Did he have any businesses prior to that?

24 A He did. I can't remember what -- what the e-mail
25 address was at. I think it was knightimaging, but I'm not

1 sure.

2 Q So that would have been something at knightimaging?

3 A Yes.

4 Q Is that also an e-mail address that you associated

5 with the defendant?

6 A Yes.

7 Q Okay.

8 A I think I had a Knight Imaging account. I'm sure.

9 I can't remember the e-mail addresses. It should be on the

10 top of the e-mails.

11 Q All right. Now, did you do anything with some of

12 the e-mails that you had received from the defendant?

13 A Well, I kept copies of them.

14 Q What did you do with those copies, if anything?

15 A I know my attorney, I gave her some copies.

16 Q Did you also provide copies to the detectives?

17 A Yes, I did.

18 Q Specifically, did you provide the attorneys with

19 copies of three e-mails?

20 A I believe so.

21 Q One sent August 14th of 2014 at 5:50 p.m.; does

22 that sound familiar?

23 A I believe so. I'm --

24 Q All right. And then --

25 A I would have to look and verify.

1 Q Sure. And then one sent September 14th, 2014 at
2 12:44 p.m.?

3 A I believe so. Like I said --

4 Q And then one from September 17th, 2014 at 3:05
5 p.m.?

6 A It's possible because I had like one e-mail every
7 single day at least.

8 Q All right.

9 MS. SUDANO: Your Honor, may I approach with
10 Proposed 94, 98, and 99?

11 THE COURT: Yes.

12 BY MS. SUDANO:

13 Q Ma'am, I'm going to show you first Proposed 94.

14 A Okay.

15 Q Do you recognize Proposed 94?

16 A Yes.

17 Q Do you want to flip through it?

18 A I don't have time to read all this, but -- okay.
19 That was the one about the TPO. Yeah.

20 Q Now, this one Proposed Exhibit 94, is this an
21 e-mail from christopherzx10?

22 A Yep, his cell phone.

23 Q @gmail.com?

24 A Um-h'm.

25 Q And was it sent to various e-mail addresses

1 associated with yourself?

2 A Yes.

3 Q On Thursday, August 14, 2014?

4 A Yep.

5 Q Is this a fair and accurate depiction of that

6 e-mail that you received and then provided to the detectives?

7 A Yes.

8 MS. SUDANO: Your Honor, I'd move for admission of

9 Proposed 94.

10 THE COURT: Any objection?

11 MR. LOPEZ-NEGRETE: I think, Your Honor, we've

12 raised an objection previously, so we'll just renew that.

13 THE COURT: Okay. This is the one that is -- she

14 identifies from his e-mail that, the ex10 (sic)?

15 MS. SUDANO: The Zx10, yes, Your Honor.

16 THE COURT: Okay. Zx10. It will be admitted.

17 (State's Exhibit 94 admitted)

18 BY MS. SUDANO:

19 Q All right. And then I'm going to show you as well

20 Proposed 98. Go ahead and look through Proposed 98 for me as

21 well.

22 A Okay. Yeah, I remember that one, too.

23 Q Okay. And is that an e-mail sent from

24 chris@knightimaging.com?

25 A Yep.

1 Q Is that an e-mail that you associate with the
2 defendant?

3 A Yes.

4 Q And that was the e-mail from the business Knight
5 Imaging?

6 A Right.

7 Q And was that sent to multiple different e-mails for
8 yourself?

9 A Yes.

10 Q On September 14, 2014 at 12:44 p.m.?

11 A Yes.

12 Q Is that a fair and accurate depiction of the e-mail
13 that you received and forwarded on to the detective?

14 A It is.

15 MS. SUDANO: Your Honor, I'd move for admission of
16 Proposed 98.

17 THE COURT: Same objection?

18 MR. LOPEZ-NEGRETE: Yes, Your Honor.

19 THE COURT: It will be admitted.

20 (State's Exhibit 98 admitted)

21 BY MS. SUDANO:

22 Q And then I'm going to show you Proposed 99. And
23 look at that one.

24 A Yep, I remember that one.

25 Q All right. Is that an e-mail sent from that same

1 chris@ --
2 A Yep.
3 Q -- knightimaging.com?
4 A It is.
5 Q Sent to multiple different e-mails --
6 A Um-h'm.
7 Q -- for yourself?
8 A I forgot about the techchick one. That's mine,
9 too.
10 Q All right. And was that sent on September 17,
11 2014 --
12 A Yes.
13 Q -- at 3:05 p.m.?
14 A Yes.
15 Q Is that a fair and accurate depiction of the e-mail
16 that you received and then forwarded on to the detectives?
17 A Yes.
18 MS. SUDANO: Your Honor, I'd move for admission of
19 Proposed 99.
20 THE COURT: Same objection?
21 MR. LOPEZ-NEGRETE: Yes, Your Honor.
22 THE COURT: It will be admitted.
23 (State's Exhibit 99 admitted)
24 MS. SUDANO: Your Honor, may I publish those three?
25 THE COURT: Yes.

1 MS. SUDANO: All right. If I can get this zoomed
2 in to the point where we can read some of it.
3 BY MS. SUDANO:
4 Q All right. So showing you Exhibit 94. It's sent
5 from that chriszx10@gmail address, and then what are the
6 e-mail addresses that it was sent to?
7 A Oh, me?
8 Q Yes.
9 A Christopherzx -- oh, to?
10 Q To, yes.
11 A Deborahsena@cci -- okay. That cci is Cox
12 Communications Southwest. I'm not sure what the Deborah Sena
13 and the Deborah D. Sena because it doesn't have the e-mail
14 address, but the Knight Imaging was one of my e-mails, and
15 Brandon Sena and Pookie. So Brandon, I guess, whatever his
16 e-mail address was, and Pookie at my Cox account.
17 Q All right. And the Pookie e-mail address was
18 associated with who?
19 A Anita.
20 Q All right. So it doesn't actually have an address
21 for Brandon Sena, but there is a contact name of Brandon
22 Sena --
23 A Right.
24 Q -- is that correct?
25 And then there were two e-mails for you that are just

1 listed as Deborah Sena and Deborah D. Sena?

2 A Correct.

3 Q And they don't actually provide the e-mail address;

4 is that correct?

5 A Correct.

6 Q And then there's the deborah@knightimaging?

7 A Yes.

8 Q And then the very first e-mail on here is

9 sena,deborah --

10 A Um-h'm.

11 Q And then in parentheses it says cci-southwest.

12 What is that?

13 A Cox Communications International, I believe. The

14 "i" is for international.

15 Q So is --

16 A That's my Cox account. My one at work.

17 Q Okay. So that was your work e-mail address that

18 that particular e-mail was sent to; is that correct?

19 A Correct.

20 Q Okay. What's the subject on this e-mail?

21 A TPO, temporary protective order.

22 Q Okay. The date on this, August 14th of 2014, was

23 that after you had already attempted to obtain the temporary

24 protective order against the defendant?

25 A I believe so. That's the reason why he sent the

1 e-mail.

2 Q And then fourth down in the e-mail, does the
3 defendant actually make a reference to the fact that the TPO
4 no longer existed?

5 A Correct.

6 Q Did this particular e-mail also reference law
7 enforcement friends?

8 A No.

9 Q Are you sure about that?

10 A Oh, wait, yes, yes. Okay. I was thinking the
11 e-mail.

12 Q Oh, the actual --

13 A I was thinking --

14 Q -- recipients?

15 A -- an e-mail address. No, I didn't see an e-mail
16 address for him, but yes.

17 Q All right.

18 A I figured that's how he got information.

19 Q Did it actually mention law enforcement friends in
20 the body of this particular e-mail?

21 A Yes.

22 Q Do you recall what the defendant said about law
23 enforcement friends?

24 A I don't recall. I should have reread it.

25 Q I'll see if I can find it.

1 A I believe it said something having to do with that
2 -- that Safe House makes you --
3 MS. RADOSTA: Objection, Your Honor.
4 THE WITNESS: -- take out a TPO --
5 MS. RADOSTA: I'd ask the --
6 THE COURT: Hold on.
7 THE WITNESS: -- if I remember correctly.
8 THE COURT: Hold on, hold on. When there's an
9 objection --
10 THE WITNESS: Oh.
11 THE COURT: -- you stop. Okay?
12 MS. RADOSTA: At this point, she's just
13 speculating.
14 THE COURT: Yeah, wait for a question. Okay? Your
15 objection is sustained.
16 MS. RADOSTA: Thank you.
17 MS. SUDANO: Your Honor, may I approach?
18 THE COURT: Yes.
19 BY MS. SUDANO:
20 Q Well, would looking at the e-mail refresh your
21 memory as to the reference to law enforcement?
22 A Yes. It just takes me a while to read it. That's
23 the whole thing in a nutshell.
24 THE COURT: You can approach.
25 MS. SUDANO: Thank you.

1 BY MS. SUDANO:

2 Q We'll leave that one up there with you --

3 A Okay. Where is --

4 Q -- if you want to take a second to read it. It's

5 somewhere in that first long paragraph.

6 A (Witness reading). Okay. I found it.

7 BY MS. SUDANO:

8 Q All right. Did that refresh your memory?

9 A Yes.

10 Q What was it that the defendant said about law

11 enforcement or friends in law enforcement?

12 A He said that he reached out to his law friends.

13 Q And that they were providing him with information;

14 is that correct?

15 A Correct.

16 Q Did he then go on to indicate, "I did find out that

17 for 49 days you guys have been avoiding not only me, but your

18 friends and normal things?"

19 A Yes.

20 Q Indicated that you've been staying off of Facebook,

21 changing profiles, being hush, hush?

22 A Yes.

23 Q All because you guys were afraid of the TPO and

24 rules they laid down on you?

25 A Yes.

1 Q All right. Does the defendant then go on to
2 discuss the fact that you could apply for another TPO, but
3 that you would have to lie to obtain that TPO?
4 A Let me see. Yes.
5 Q And that there would be consequences for that?
6 A Yes.
7 Q If you recall, does that e-mail also reference the
8 divorce between the defendant and Terrie?
9 A I'm trying to find that.
10 Q Fair to say it's a long e-mail?
11 A Yes, it is. It's a long e-mail. I'm not a fast
12 reader.
13 Q I'd direct you to the third paragraph on page 2 if
14 that refreshes your recollection?
15 A That will help. Yes.
16 Q And did the defendant indicate, "I remember telling
17 you guys that when Terrie and I went through all of those
18 separations, all they did was get uglier and uglier?"
19 A Correct.
20 Q That before we knew it, everybody else was
21 controlling the situation?
22 A Yes.
23 Q Last time you went through a separation, the only
24 course we had was a divorce?
25 A Correct.

1 Q And I've tried to tell you guys you how ugly all of
2 this got?
3 A Yes.
4 Q Anita of all people should know this, that both
5 sides do not win?
6 A Yes.
7 Q And I won the children because I was not an abuser,
8 and the courts saw me fit to take care of my kids?
9 A Yes.
10 Q I can honestly say that in the eyes of the law, I
11 am not an abuser?
12 A Yes.
13 Q And I can also say that you will not find any bad
14 things about me?
15 A Yes.
16 Q Not even bad pictures -- or excuse me, not even a
17 bad pictures or bad videos to hold against me because it all
18 requires proof?
19 A Correct.
20 Q All I have is rumors and you can't prove rumors?
21 A Correct.
22 Q Rumors are only cheap talk by people when they are
23 upset with you?
24 A Yes.
25 Q And then the e-mail goes on, and on page 3 it's

1 actually signed, I love you, your husband, Christopher Sena;
2 is that correct?

3 A Correct.

4 Q All right. Now, throughout that entire period from
5 that August e-mail up until September of 2014, were you back
6 working at Cox Communications by that point?

7 A I believe so, yes.

8 Q So you indicated you had only taken --

9 A Two weeks off.

10 Q -- two weeks?

11 Did you go to work on September 11th of 2014?

12 A I'm not sure.

13 Q All right. Do you remember anything significant
14 about that date, September 11, 2014?

15 A I'm not sure.

16 Q Okay. Do you remember --

17 A You mean if --

18 Q -- going to a work on a day and being called in to
19 talk to HR?

20 A I do remember talking to HR.

21 Q You're just not sure the date?

22 A Correct.

23 Q Now, the date that you went in to talk to HR, had
24 you received any unusual e-mails at that point?

25 A Oh, I think I know which one you're talking about.

1 The one with the pictures in it.

2 Q Yes. So there was an -- well, do you know whether
3 or not there was an e-mail sent involving pictures of you?

4 A Yes.

5 Q Did you actually receive that particular e-mail
6 when you were at work?

7 A I did, but I didn't get to see it because IT took
8 care of it before I got a chance to see it.

9 Q Okay.

10 A But my boss showed me the picture and asked me my
11 e-mail address.

12 Q All right. Now, fair to say that e-mail -- or was
13 it one e-mail or two e-mails, do you know?

14 A I believe it was one e-mail.

15 Q All right. That e-mail, was it sent from your
16 e-mail address?

17 A It was sent from my phone e-mail address from my
18 cell phone that I used to have, that I left with Chris.

19 Q Okay. And we talked Monday that that was the
20 deborahzx6r@gmail?

21 A Correct.

22 Q Okay. And that was the e-mail address that was
23 accessible from your phone?

24 A Correct.

25 Q Okay. If you know, who was that e-mail sent to?

1 A All the top people at Cox Communications.

2 Q Did you personally send that e-mail?

3 A No.

4 Q Okay. If I told you that there were two e-mails

5 with the same general content, did you send either of those

6 two e-mails?

7 A What do you mean?

8 Q So if I told you that there were actually two

9 e-mails that were sent to the Cox folks, did you send either

10 of them?

11 A No.

12 Q Okay. You indicated that you got called in to talk

13 about an e-mail or some e-mails involving photos of you; is

14 that correct?

15 A Correct.

16 Q Do you recall when that happened?

17 A I don't recall what the date was, but I know it was

18 that same day I went to see my attorney because of those

19 e-mails.

20 Q All right. So do you remember what time of the day

21 it was that you got called in to speak to your boss?

22 A In the morning when I first got there.

23 Q Okay. What time did you typically get to work?

24 A I think I had to be there by 6:00.

25 Q Okay. So sometime shortly after you arrive at 6:00

1 a.m. is when you are called in to talk about that e-mail?

2 A Correct.

3 Q You indicated that you were shown photos from that

4 e-mail; is that correct?

5 A Correct.

6 Q Did you recognize those photos?

7 A Yes.

8 Q What did you recognize them as?

9 A They were me and the dog, and I was naked.

10 Q Were those photographs that you had seen before?

11 A No.

12 Q Do you know what they were photographs from?

13 A Yes.

14 Q What were they photographs from?

15 A It was from when I was with Chris when I was with

16 Hammy.

17 Q All right. You indicated, I believe, Monday that

18 the defendant had filmed that encounter between yourself and

19 the dog; is that correct?

20 A Correct.

21 Q And had you ever actually seen the video of

22 yourself and the dog?

23 A No.

24 Q Before this day, in September of 2014, how were

25 things going for you at work?

1 A Well, I was -- it was well, except I had to keep
2 hiding, basically. I had parked my car in a different spot.
3 I had somebody pick me up and drive me to work. I would go
4 make deliveries to Henderson. So I didn't stay at that main
5 building because we didn't know if Chris was going to come
6 after me.

7 Q Okay. But once you were actually in the building
8 and performing your job duties, any concerns?

9 A No. Except I did break down a few times. They
10 just didn't see me do it.

11 Q Okay.

12 A I went to the bathroom and I was having anxiety
13 attacks.

14 Q Had been disciplined at all at work recently prior
15 to September of 2014?

16 A No.

17 Q Any concerns that you were going to lose your job
18 are be fired?

19 A No. Except for those pictures.

20 Q Okay. But prior to those pictures being sent, you
21 had to concerns while you were at work --

22 A No.

23 Q -- is that fair? All right.

24 So when you got called in and you had that conversation
25 with your boss about the e-mails, did you actually at that

1 point, see the e-mails and who it had been sent to?

2 A Yes, I did.

3 Q Did you recognize the e-mail addresses that were
4 the recipients of that e-mail?

5 A Yes, I did.

6 Q Who did you recognize those recipients to be?

7 A It was like the big top people at Cox
8 Communications, like my boss's boss and other individuals
9 like that. And some of the field techs, their supervisor,
10 because I got a phone call from one of the supervisors
11 telling me, are you aware of the e-mail? What should I tell
12 my guys?

13 Q You indicated that you, yourself, were one of
14 recipients of that e-mail?

15 A Yes, but I wasn't able to open it because they were
16 taking care of it when I got to work.

17 Q Okay. You indicated that once you went in to talk
18 to your supervisor about that e-mail, at that point you had
19 concerns that you might lose your job; is that correct?

20 A I believe so, yes.

21 Q Can you explain for us what your concern was?

22 A Well, they're nude pictures sent to work. Even
23 though I was like fuzzed out in the areola area, but still
24 that was a concern.

25 Q All right. So your breasts were blurred out in

1 those photographs --

2 A Correct.

3 Q -- is that correct?

4 When you talked to your supervisors that day, did
5 they calm your fears about being fired or did they kind of
6 continue those fears?

7 A She asked what e-mail address I had on my cell
8 phone, and I showed her. I said it was not from me, I left
9 my phone with my ex and he's trying to get me fired. So I
10 let her know.

11 Q Okay. Now, you indicated that the folks at Cox
12 were taking care of it when you arrived at work that morning;
13 is that correct?

14 A Correct.

15 Q If you know, what steps were they taking?

16 A They were trying to lock it down so nobody can
17 access that particular e-mail. But if it's already been
18 opened, it was too late.

19 Q And that was your understanding?

20 A Yes.

21 Q Are you aware of whether or not any additional
22 steps were taken by Cox in the days following the receipt of
23 that e-mail?

24 A As far as e-mails go?

25 Q Yes.

1 A I believe they were blocking his e-mails out.
2 Q So would it have been any e-mails from that
3 particular account, the deborahzx6r?
4 A That one and probably anything else that he might
5 send.
6 Q Okay. Do you know whether or not anybody from Cox
7 sent any follow-up e-mails?
8 A I'm not sure.
9 MS. SUDANO: Your Honor, may I approach with
10 Proposed 95 and Proposed 96?
11 THE COURT: Yes.
12 BY MS. SUDANO:
13 Q All right. I'll take that one from you. And I'm
14 going to show you Proposed 95 and Proposed 96. Go ahead and
15 look at those and let me know if you recognize them.
16 A Yep. Those are all Cox e-mails.
17 Q I'm going to switch over here again.
18 A Yeah, just double checking the e-mail. Yes.
19 Q Do you recognize Proposed 95 and Proposed 96?
20 A Yes.
21 Q What do you recognize them to be?
22 A The e-mail addresses that those pictures were sent
23 to.
24 Q Okay. So sent from --
25 A From my old cell phone that Chris has.

1 Q And then sent to a number of different folks within
2 Cox?

3 A Correct.

4 Q Okay. And this --

5 A I don't know how many people there are. That's
6 like 50, 60 people.

7 Q And then this is, to be fair, just the recipients?
8 There's no attachments or anything currently; is that
9 correct?

10 A Correct. There's attachments. It says attachments
11 at the bottom.

12 Q Okay. So there's a --

13 A Deborahc01.jpeg, and then deborahc.jpeg.

14 Q Okay. But as these actually sit here, the
15 attachments aren't part of this; is that correct?

16 A Correct.

17 Q All right.

18 MS. SUDANO: Your Honor, I would move at this
19 time --

20 BY MS. SUDANO:

21 Q Well, are these a fair and accurate depiction of
22 the listing that you saw that day?

23 A Yes.

24 MS. SUDANO: Your Honor, at this time, I would move
25 for the admission of Proposed 95 and Proposed 96.

1 MR. LOPEZ-NEGRETE: We just renew our objection.

2 THE COURT: Okay. Yeah, at this point in time,
3 based on her testimony, I'm going to admit 95 and 96.

4 (State's Exhibits 95 and 96 admitted)

5 MS. SUDANO: And may I publish, Your Honor?

6 THE COURT: Yes.

7 MS. SUDANO: All right.

8 BY MS. SUDANO:

9 Q All right. So ma'am, I've got Exhibit 95 up here
10 currently. And you can see -- who is this e-mail from?

11 A Oh, zx6r, my phone -- my old phone --

12 Q Okay.

13 A -- e-mail address.

14 Q And these -- this e-mail was sent Thursday,
15 September 11, 2014 at 4:43 a.m.?

16 A Correct.

17 Q All right. And then there's a number of different
18 e-mail addresses on here that are @cox.com --

19 A Yes.

20 Q -- or have that same cci-southwest that we talked
21 about previously for your e-mail address; is that correct?

22 A Correct.

23 Q And then can you actually see your name, sena --

24 A Yes.

25 Q -- comma deborah with the cci-southwest --

1 A Yes, I can.

2 Q -- on that particular e-mail? All right.

3 And then you referenced down at the bottom there's a

4 subject --

5 A Attachments.

6 Q -- for the attachments, and there were --

7 A Two jpegs.

8 Q -- two jpegs that were attached, but they're not

9 actually a part of this document; is that correct?

10 A Correct.

11 Q All right. And then Exhibit 96 also sent from that

12 deborahzx6r@gmail account; is that correct?

13 A Correct.

14 Q Thursday, September 11, 2014 at 4:49; is that

15 correct?

16 A Um-h'm.

17 Q Is that a yes?

18 A Yes.

19 Q All right. And then same thing as before, a number

20 of different e-mail addresses that you associate with Cox

21 employees; is that correct?

22 A Correct.

23 Q And then are you also listed in here, sena,

24 deborah?

25 A Yes.

1 Q The cci-southwest? Yes?

2 A Yes.

3 Q All right. And then again with the attachments

4 there's two different attachments listed here, but not

5 actually attached to the exhibit; is that correct?

6 A Correct.

7 Q After those e-mails were sent on September 11th of

8 2014, did you continue to receive e-mails from the defendant?

9 A Yes.

10 Q All right. Specifically, I'm going to publish

11 Exhibit 98. Is this an e-mail that you received from that

12 chris@knightimaging.com e-mail address?

13 A It says to Jillian Tindall.

14 Q Oh.

15 A Okay. From me, yes.

16 Q All right. So the very top portion of this is you

17 forwarding it to Jillian Tindall; is that correct?

18 A Correct.

19 Q Who is Jillian Tindall?

20 A She is my divorce attorney.

21 Q Okay. You had indicated previously that you

22 forwarded these e-mails to not only the detective, but also

23 your divorce attorney; is that correct?

24 A Correct.

25 Q Okay. So you forwarded this on September 15th of

1 2014; is that correct?

2 A Correct.

3 Q But the actual e-mail itself was sent September

4 14th of 2014?

5 A Correct.

6 Q 12:44 p.m.; is that correct?

7 A Correct.

8 Q All right. And this one was sent to three

9 different e-mail addresses for yourself; is that correct?

10 A Correct.

11 Q Is that techchic2b@gmail?

12 A Yes.

13 Q The deborahzx6r e-mail?

14 A Yes.

15 Q And then deborah@knightimaging; is that correct?

16 A Correct.

17 Q Does the e-mail start out, "I thought I would check

18 in and see how things were going from you" -- or "going for

19 you?"

20 A Yes.

21 Q And in bold is, "I just wanted to see how that was

22 all" -- excuse me, "I just wanted to see how all is this

23 working out for you?"

24 A Yes.

25 THE COURT: What exhibit is this?

1 MS. SUDANO: Oh, apologize, Your Honor. It's 98.
2 THE COURT: Okay.
3 BY MS. SUDANO:
4 Q All right. Do you remember the specific contents
5 of this e-mail this detail?
6 A Not in detail. He sent me so many.
7 Q Okay.
8 A One a day.
9 Q Would looking at this exhibit refresh your memory
10 as to the specific content of this e-mail?
11 A Yes.
12 MS. SUDANO: Your Honor, may I approach and leave
13 this up there with her as well?
14 THE COURT: Yes.
15 BY MS. SUDANO:
16 Q Okay. So I'm going to leave Exhibit 98 up there
17 for you.
18 A Okay.
19 Q The second paragraph of this first page, do you see
20 in the middle there it says, A, will ask this again, how is
21 this working out for you?
22 A Okay. I'm trying to find that part there. It's
23 very familiar. Yeah, okay. Wait. Where in the middle?
24 Q Do you see a bolded portion?
25 A Yes. Okay. Yes. Bolded, is this working out for

1 you, yes.

2 Q And then do you see, For the last 93 days things
3 are not going right for any one of us?

4 A Yes.

5 Q All it takes is communication, something you are
6 not willing to do?

7 A Correct.

8 Q Or is it that you're following orders from someone
9 else?

10 A Yes.

11 Q Please remember that this is -- or excuse me,
12 please remember this, always riding on you?

13 A Yes.

14 Q How much of this can you have avoid just by
15 communicating?

16 A Yes.

17 Q And we have not even started yet. Can you imagine
18 how ugly things will get if we keep going this route?

19 A Yes.

20 Q I already know that things are not going well for
21 you, but this is just the beginning?

22 A Yes.

23 Q I see it this way, you've been changing numbers and
24 numbers on accounts that we share together, making it hard
25 for me to get in or even to pay the rent. Do you see that

1 part?

2 A Okay. You skipped over somewhere.

3 Q Oh, I'm sorry. Oh, I didn't mean to be a party

4 pooper, but I'm cancelling the truck license plates --

5 A Yes.

6 Q -- Monday. Okay. And then it says, I see it this

7 way, you've been changing names and numbers on accounts that

8 we share together, making it hard for me to get in or even to

9 pay the rent?

10 A Yes.

11 Q Then I will make things hard and difficult for you.

12 If you want to act like a child, I will treat you like one?

13 A Yes.

14 Q Then I want to skip down to the next paragraph,

15 that last paragraph on the first page. Do you see, and

16 you're creating -- or excuse me.

17 We'll start at the beginning. You are running away

18 from a problem that you're not even trying to fix; is that

19 correct?

20 A Yes.

21 Q And you're creating a new situation that's

22 beginning to turn into a problem, how does that work?

23 A Yes.

24 Q I guess, it's easier to run away from a problem

25 than to repair it?

1 A Yes.

2 Q But that's what makes you a bad parent?

3 A Yes.

4 Q I'm not a bad parent no matter if it is right or if
5 it is wrong, if I win or if I lose, I will stick and solve
6 that problem to the very end?

7 A Yes.

8 Q Okay. I'm going to skip a sentence or two. Does
9 it say I feel very stupid now. I've been telling everyone
10 ever since we got married that you were the brightest,
11 smartest woman I had ever met and that you would never pull a
12 Terrie move?

13 A Yes.

14 Q Everyone expected Anita to do this, but not you?

15 A Yes.

16 Q Does it then go on to say, well, instead of
17 spending all that money for a divorce, all we had to do was
18 send a small video clip of you and Brandon?

19 A Yes.

20 Q And you would never be seeing me again and it would
21 be for free?

22 A Yes.

23 Q You would have free room and board and medical, but
24 I don't know about your roommate, though?

25 A Yes.

1 Q And if you thought I was bad, that place makes me
2 look like a walk in the park?

3 A Yes.

4 Q And then I'm going to skip a couple more sentences,
5 but do you see in that same paragraph, I do believe the
6 statute of limitations of having sex with a minor is longer
7 than 20 years to file?

8 A Yes.

9 Q And you can't say you're forced because when they
10 wash the video, they will see and hear laughing and giggling
11 and a big smile on Brandon's face, and they will not hear you
12 trying to resist at all?

13 A Yes.

14 Q Okay. Then I'm going to skip to the end of that
15 same paragraph. And at the poker run yesterday -- do you see
16 that portion?

17 A Yes.

18 Q There was some talk about a woman having bad
19 pictures at work and they see she should go to jail for them.
20 Do you see that?

21 A Yes.

22 Q It sounded like they do not like that lady very
23 much.

24 A Yes.

25 Q Then skipping down to the next paragraph, third

1 sentence or second sentence. If you really think about it, I
2 do not have much to lose, but you have a lot to lose; do you
3 see that?

4 A Yes.

5 Q And then I'm going to skip again. Just because I
6 have to do all of this does not mean that I don't love you, I
7 do. I just think it is sad that I have to do this; do you
8 see that?

9 A Yes.

10 Q And then towards the end, I can prove everything,
11 can you?

12 A Yes.

13 Q What would Brandon, Anita, and Tails lose?

14 A Yes.

15 Q All because you do not want to communicate?

16 A Yes.

17 Q And that's signed, from Christopher?

18 A Yes.

19 Q And we talked about another e-mail -- or another
20 e-mail that you received on September 17th of 2014; do you
21 recall that?

22 A I'm not good with the dates, but it should be at
23 the top of that page.

24 Q Would it refresh your recollection --

25 A Yes.

1 Q -- if I showed you this?

2 MS. SUDANO: Your Honor, may I approach with 99?

3 THE COURT: Yes.

4 MS. SUDANO: Okay.

5 BY MS. SUDANO:

6 Q I'll trade you. You can read that one [inaudible]

7 for you.

8 A Okay. (Witness reading).

9 Q All right. So that e-mail is September 17, 2014 at

10 3:05 p.m.; is that correct?

11 A Correct.

12 Q All right. And the subject on that e-mail is what?

13 A "The only thing I have been asking you is

14 communication, 98 days."

15 Q All right. Did you understand what that reference

16 to 98 days was?

17 A I've been gone 98 days.

18 Q Okay. And is that the same type of countdown that

19 was repeat in all of the e-mails?

20 A Yes.

21 Q All right. Now, I want to skip to second paragraph

22 on that e-mail. Fair to say that entire second paragraph is

23 in bold; is that right?

24 A Yes.

25 Q All right. Do you see where it says, "I know all

1 of this revolves around Brandon, our son. You do not want to
2 lose him, neither do I?"

3 A Yes.

4 Q "So let's go with the facts"?

5 A Yes.

6 Q "Brandon is getting older and is being more
7 disrespectful, dad steps in, punishes Brandon, mom does not
8 like it"?

9 A Yes.

10 Q And then I'm going to skip down. Do you see about
11 five lines down where it says, "Dad starts apply pressure"?

12 A Yes.

13 Q And then a couple lines after that, "Dad does
14 stupid desperate things to get mom to communicate"?

15 A I'm looking for that one. Okay. Yes.

16 Q And then after that, "Meanwhile, sister does not
17 know the real story of what's going on"?

18 A Yes.

19 Q "Mom won't tell her" -- or "mom won't tell only her
20 and dad know"?

21 A Yes.

22 Q "Mom knows that dad can destroy everything"?

23 A Yes.

24 Q "So mom sits in idle mode afraid to talk to dad"?

25 A Yes.

1 Q "Mom is afraid dad will talk about her and Brandon
2 from age three -- or from the age three to present date that
3 would take mom far away"?
4 A Yes.
5 Q "Mom also knows that animal sex pictures can make
6 it look like she an unfit parent and take Brandon away"?
7 A Yes.
8 Q "So mom sits in idle mode"?
9 A Yes.
10 Q "Dad is keeping things to a small roar"?
11 A Yes.
12 Q "Mom knows that dad has not even begun yet"?
13 A Yes.
14 Q "Dad has been trying to tell mom he has a solution
15 to problem maybe"?
16 A Yes.
17 Q "But mom still does not want to talk to dad about
18 that"?
19 A Yes.
20 Q "How long before dad snaps and just gives up"?
21 A Yes.
22 Q "Or will mom try to make communication and solve
23 the problem with dad"?
24 A Yes.
25 Q All right. And then I'm going to ask you to flip

1 over to the second page. The last paragraph -- or excuse me,
2 the last sentence of that bolded paragraph; do you see that?

3 A Okay. Okay. Yes, it starts with "yes".

4 Q Okay. "This is a very dangerous game you are
5 playing with our family"; do you see that?

6 A Yes.

7 Q And then I'm going to skip down to at no time third
8 paragraph on this page.

9 A Okay.

10 Q "Let me repeat this one again, all of our personal
11 friends do not know what is going on. They all still think
12 you're mad at me and not talking to me"?

13 A Yes.

14 Q "They do not know anything else all the way from
15 Steve and Patty to Shawn (phonetic) and our police friends"?

16 A Yes.

17 Q And then the last paragraph, "But if I have to, I
18 will make certain Barbara knows and Aunt Sandy and uncle know
19 the truth?"

20 A Yes.

21 Q "I don't think it is fair that I have to write
22 letters like this to you. It is not cool. I think it's
23 demoralizing and demeaning, not only to me, but to you as
24 well"?

25 A Yes.

1 Q "Since you are trying to make everything so hard
2 for me, I will do whatever I can to make things extremely
3 hard for you"?
4 A Yes.
5 Q "I feel sad now that I have to lower myself to this
6 standard, but I will protect myself"?
7 A Yes.
8 Q And at the end is that signed, from Christopher?
9 A Yes.
10 Q All right. So fair to say that those e-mails made
11 a number of references to things that you've already
12 testified about here --
13 A Correct.
14 Q -- is that correct?
15 There was reference to pictures of yourself with
16 the dog; is that correct?
17 A Correct.
18 Q And that that could make you seem like an unfit
19 mother?
20 A Correct.
21 Q There was reference to videos or clips between
22 yourself and Brandon when Brandon was three; is that right?
23 A Correct.
24 MS. RADOSTA: Your Honor, objection. Asked and
25 answered.

1 THE COURT: Sustained.

2 MS. SUDANO: Okay.

3 BY MS. SUDANO:

4 Q Now, there was also reference in those e-mails to
5 some family members and friends; is that correct?

6 A Correct.

7 Q Specifically, there was reference to your sister, I
8 believe; is that correct?

9 A Correct.

10 Q What's your sister's name?

11 A Barbara.

12 Q Had you been talking to Barbara about what was
13 going on between yourself and the defendant around this time?

14 A Not in detail. Just that I was leaving him, and he
15 was abusive.

16 Q All right. And there was also reference to some
17 other friends, law enforcement friends, and then I believe it
18 was Steve and Patty; is that correct?

19 A Correct.

20 Q What were the references to Steve and Patty?

21 A That they didn't -- didn't know or -- Steve and
22 Patty is his best friends.

23 Q So they didn't know everything that was going on?

24 A Correct.

25 Q Only yourself and the defendant knew everything

1 that was going on; is that correct?

2 A Correct.

3 Q Now, you had referenced previously your divorce
4 attorney, Jillian Tindall; is that correct?

5 A Correct.

6 Q When's the -- when did you first start going to
7 talk to Jillian Tindall?

8 A After I left him.

9 Q Do you recall was it the day you left him? Was a
10 month later? Two months later?

11 A It was a little time afterward.

12 Q Now, initially, when you were talking to Jillian,
13 what was your intention of talking to her?

14 A Just for a divorce.

15 Q Okay. Was it your intention at that point to go to
16 the police?

17 A No.

18 Q Okay. Did you provide a statement to your
19 attorney, Jillian, about the things that had been happening
20 in the home?

21 A Yes, after Chris sent the pictures to my work.

22 Q When you provided that statement, was that
23 something that you had typed out?

24 A No, I handwrote it.

25 Q Do you also remember at some point typing out?

1 A Oh, I -- that -- I typed that out for the divorce.

2 Q Okay. So you did type out some sort of statement

3 detailing the things that had happened in the residence; is

4 that correct?

5 A Yes. It wasn't the -- the bad stuff. It was more

6 like just general.

7 Q Okay. Did you mention any of the sexual abuse in

8 that letter that you had typed out?

9 A I don't believe I did it in the typed one.

10 Q All right. Why didn't you mention any of the

11 sexual abuse in that typed letter?

12 A Because I was just filing for a divorce.

13 Q Okay. So --

14 A I was -- fear.

15 Q -- at that point, it was still just your intention

16 to go and get a divorce, not to have the police involved; is

17 that correct?

18 A Correct.

19 Q All right. You indicated that you had called your

20 lawyer after the e-mails had been sent to your work; is that

21 correct?

22 A Correct.

23 Q All right. At some point after that, did you then

24 go and talk to your lawyer?

25 A That same day, I was -- I was upset.

1 Q All right. When you went and talked to your lawyer
2 at that point, did you then mention the sexual abuse that had
3 been taking place in the house?

4 A Yes.

5 Q Okay. After you went and talked to your lawyer
6 about the sexual abuse, did your lawyer actually call the
7 police?

8 A Yes.

9 Q Did the police come out and talk to you?

10 A Yes.

11 Q Was that while you were still at the lawyer's
12 office?

13 A Yes.

14 Q Did you write out a statement at that point to
15 provide to the Metropolitan Police Department?

16 A Yes.

17 Q And did you detail the sexual abuse or some of the
18 sexual abuse in that statement?

19 A Yes.

20 Q Okay. At some point after that, did you go and
21 have a subsequent interview with one of the detectives?

22 A Yes.

23 Q Do you recall when that was?

24 A I don't know the date.

25 Q Was it the same day? Was it the next day? Was it

1 the next week?

2 A I think it was within a week, but I'm not really
3 sure.

4 Q Okay. Now, when you went down to talk to the
5 detectives, who did you go with?

6 A I brought the kids.

7 Q Which kids?

8 A Anita and Brandon.

9 Q Okay. Where did you go?

10 A I went down because they asked us to come down and
11 -- I forget the name. I think -- I'm trying to remember the
12 streets. I can't remember the streets where we went.

13 Q Was it the actually police station or did they have
14 you go somewhere else?

15 A They had us go where, I guess, where kids go.

16 Q Okay. The Children's Assessment Center, does that
17 sound -- does that ring a bell?

18 A No. I can't think of the name of the place. I'm
19 trying to remember the it was on.

20 Q Was it something that was associated with CPS or
21 Child Protective Services?

22 A Yes, exactly.

23 Q Okay. Now, did you actually have an interview with
24 some of the detectives that day?

25 A Yes.

1 Q To your knowledge, did Brandon and Anita also have
2 interviews?
3 A Yes.
4 Q Were Anita and Brandon present during your
5 interview?
6 A No, they kept us separate.
7 Q Okay. So were you present for Brandon or Anita's
8 interviews?
9 A No.
10 Q Okay. Now, after that interview, what did you do?
11 A Went home.
12 Q Okay. And you left with Anita and Brandon; is that
13 correct?
14 A Correct.
15 Q All right. Now, I want to fast forward to December
16 of 2014.
17 In December of 2014, were you arrested on these charges?
18 A December 14, 2014, yes.
19 Q Okay. Fair to say that initially you fought the
20 charges against you; is that correct?
21 A Yes.
22 Q And you had a preliminary hearing where a number of
23 the kids testified; is that correct?
24 A Yes.
25 Q And after that hearing, did you enter into the

1 Guilty Plea Agreement that we talked about on Monday?

2 A Yes.

3 Q And so fair to say you ultimately accepted
4 responsibility and pled guilty to sexual assault?

5 A Yes. Oh, wait, I -- the date was December 11,
6 2014. Did I say 14/14?

7 Q You did.

8 A It was 11/14.

9 Q Okay.

10 A It was my dad's birthday.

11 Q Okay. So -- all right.

12 So we talked a lot about the things that happened in the
13 residence with yourself and the defendant and the children.

14 A Right.

15 Q Would you agree with me that you made choices in
16 that residence that led to you being arrested?

17 A Yes.

18 Q Okay. Now, as you sit here today, what's your
19 reaction to the choices that you made in that residence?

20 A It shouldn't have ever happened. I never got to be
21 the mother that I truly wanted to be because of those wrong
22 choices.

23 Q Okay.

24 MS. SUDANO: Court's indulgence, Your Honor. Thank
25 you, Your Honor. Nothing further.

1 THE COURT: All right. Any cross?

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

3 CROSS-EXAMINATION

4 BY MR. LOPEZ-NEGRETTE:

5 Q Good afternoon, Ms. Sena.

6 A Good afternoon.

7 Q I just want to pick up on the -- the blow job with
8 Brandon. When you first testified on Monday, you told us
9 something different than today, right?

10 A Well, I mentioned that I believe Terrie was in the
11 room at the same time.

12 Q You said that on Monday?

13 A On Monday, no.

14 Q Okay. That's what I'm asking. So on Monday you
15 said something different than today?

16 A Yes.

17 Q Okay. And when you first spoke with police, you
18 also said something different than today about this blow job
19 incident; is that right?

20 A I -- I don't know.

21 Q You told police that it was just you and Brandon
22 and him, Chris?

23 A Correct.

24 Q Is that right? Is that what you told the police?

25 A I believe so.

1 Q Okay.

2 A I was very nervous and upset.

3 Q Okay. You wanted to tell the police the truth,
4 though, right?

5 A Yes.

6 Q You didn't want to lie to them, right?

7 A No.

8 Q Okay. And when you come into court, you want to
9 tell us the truth as well?

10 A Correct.

11 Q You obviously, take an oath and swore to tell the
12 truth, right?

13 A Correct.

14 Q And there's a lot riding on you telling truth,
15 right?

16 A Correct.

17 Q You actually have an agreement with the District
18 Attorney's Office to --

19 A Yes.

20 Q -- testify truthfully; is that right?

21 A Yes.

22 Q And if you don't testify truthfully, your deal can
23 go away?

24 A Correct.

25 Q Are you aware of that?

1 A Yes.

2 Q And so then you would actually be back to square
3 one, correct?

4 A Correct.

5 Q Facing the original charges?

6 A Correct.

7 Q You were facing a total of 28 counts; is that
8 right?

9 A I believe so.

10 Q Okay. And you got the negotiation for just one
11 count in the end?

12 A Correct.

13 Q And we'll get back to that.

14 You also testified on Monday, when Ms. Sudano was
15 questioning you, I believe you had said that Chris had
16 threatened to send some nude pictures of you if you didn't
17 perform the blow job; is that right?

18 A Correct.

19 Q Okay. When you spoke with police, you didn't
20 mention anything about these need photos that Chris had of
21 you.

22 A I may have forgotten them. I was nervous.

23 Q Okay. The police sat down with you, actually,
24 right, and spoke with you for quite a while?

25 A Okay.

1 Q Is that right?

2 A Yes.

3 Q And they asked you about this particular incident

4 with the blow job, right?

5 A I believe so.

6 Q And they asked you multiple times to talk about

7 that?

8 A Okay.

9 Q And you kept on changing the subject and

10 eventually, they would bring you back to it to try to ask you

11 for all the details of that.

12 A Okay.

13 Q Is that right?

14 A I believe so, yes.

15 Q And you didn't mention anything about Chris

16 threatening that if you didn't do the blow job, he would send

17 these nude photos?

18 A Okay.

19 Q So you're telling us in court something that you

20 had never mentioned before to anybody; is that right?

21 A I believe so.

22 Q You didn't mention it to the detective when he

23 interviewed you, right?

24 A I believe so.

25 Q You didn't mention it to the Court during the TPO

1 that you applied for?

2 A Correct.

3 Q You didn't mention it in the handwritten voluntary
4 statement that you wrote out for the officers who went to the
5 attorney's office?

6 A Correct.

7 Q And you didn't mention it in the letter that you
8 wrote for your attorney, right?

9 A I believe so. I don't remember everything that I
10 wrote. There was so much.

11 Q Do you want to take a look at your letter? Would
12 that help you remember what's in there?

13 A It could. I mean, I was trying to get --

14 MR. LOPEZ-NEGRETE: May I approach the witness,
15 Your Honor?

16 THE WITNESS: -- stuff down.

17 THE COURT: Yes.

18 BY MR. LOPEZ-NEGRETE:

19 Q Just go ahead and read this to yourself, and tell
20 me when you're finished.

21 A Well, I knew it wasn't in this one.

22 Q Just read it to yourself, and tell me when
23 you're --

24 A Okay.

25 Q -- finished.

1 A This is what I gave to my attorney.
2 Q Does that help you remember what's in the letter?
3 A That's what I gave to the attorney.
4 Q You wrote this, right?
5 A My attorney. Yeah, I typed it for my attorney.
6 Q Okay. In here, you didn't mention what we were
7 talking about, about these nude photos and all that that
8 Chris --
9 A Correct.
10 Q Is that -- is that right?
11 A Right. This is for the attorney for the divorce.
12 Q For the divorce.
13 A That's why it's not in there.
14 Q It's not in there.
15 And -- but there are some other issues in here
16 regarding your sex life with Chris, right?
17 A Yes.
18 Q You do talk about having threesomes, right?
19 A Yes.
20 Q And then towards the end of the letter, you also
21 talk about how often you and Chris have sex?
22 A Yes.
23 Q So the topic of sex is actually in this letter?
24 A Yes.
25 Q But you didn't talk anything about being forced to

1 perform a blow job on Brandon?

2 A Correct, because that was for the attorney. That
3 was not really for the police.

4 Q That wasn't for the police? Okay.

5 So obviously, this incident, the blow job with
6 Brandon, you didn't want to do that?

7 A Correct.

8 Q Obviously, extremely disturbing?

9 A Yes.

10 Q Extremely upsetting?

11 A Yes.

12 Q Okay. And that didn't put you on notice that Chris
13 was interested in sexual acts with children?

14 A I didn't think he'd do it again. I thought he was
15 just going to blackmail me and then he wouldn't do anything
16 else like that.

17 Q You thought it was a one-time thing?

18 A I thought it was a one-time thing.

19 Q And you were just going to forget about it?

20 A Yes.

21 Q Okay. Even if it was a one-time thing, you didn't
22 think to keep a closer eye on your children because of that?

23 A I was busy working.

24 Q Okay. You were also taking care of your children,
25 though, right, when you're home?

1 A Right.

2 Q Okay. After this incident with the blow job, you

3 didn't start your plan right away to leave --

4 A No.

5 Q -- him?

6 A No.

7 Q You didn't start to talk to Terrie about what had

8 just happened?

9 A No, she was the enemy.

10 Q She was the enemy? Okay.

11 You didn't warn Anita to be careful?

12 A No, I didn't think that he would do that to her.

13 Q You didn't tell her to tell you if he tried

14 something with her?

15 A No.

16 Q Okay. You didn't warn any of her friends that

17 might have come over?

18 A No.

19 Q To tell you if something weird happened like that

20 to them with Chris?

21 A No.

22 Q Okay. And you didn't warn Tails to be careful?

23 A No.

24 Q Or to warn you if he tried anything with him, with

25 Tails?

1 A Right.

2 Q You didn't warn Brandon when he got older?

3 A No.

4 Q You didn't tell him to be careful --

5 A No.

6 Q -- around Chris and to tell you if he tried

7 something with him, right?

8 A No.

9 Q And when Ryan got older, same thing, you didn't

10 warn him about Chris?

11 A No.

12 Q You didn't tell him to tell you if something

13 happened like that with him and Chris?

14 A No.

15 Q Okay. And you didn't warn Tamara either to be

16 careful?

17 A No.

18 Q To tell you if something weird was happening

19 between her and Chris, right?

20 A Right.

21 Q And you didn't warn Erin either?

22 A No.

23 Q And you tell her to tell you if something weird

24 happened with Chris?

25 A No.

1 Q Okay. Let me just back up a little bit.
2 So then you're working at Cox Communications for quite a
3 while, right?
4 A Yes.
5 Q You'd worked there for about 16 years?
6 A Yes.
7 Q And you were actually supporting the entire family?
8 A Pretty much.
9 Q You were -- Chris was barely working, right?
10 A Yes.
11 Q Okay. And you were basically the only breadwinner?
12 A Yes.
13 Q Terrie could pay it when she could, but --
14 A Correct.
15 Q -- not all the time, right?
16 A Correct.
17 Q During summertime, she couldn't pay anything,
18 right?
19 A Right.
20 Q And eventually you even had to take out a loan?
21 A Yes.
22 Q So you're basically the head of the house,
23 financially speaking, right?
24 A Yes.
25 Q Now you actually finished high school, right?

1 A Yes.

2 Q And you got some college also?

3 A Yes.

4 Q Okay. And Chris dropped out in ninth grade?

5 A Yes.

6 Q Okay. And originally, when you first got together
7 with Chris, there was a period where you moved back to be
8 with your father; is that right?

9 A Yes.

10 Q And he live in West Virginia?

11 A Correct.

12 Q And you were actually able to even get a job there
13 when you were there?

14 A I just went back to my old job.

15 Q You got your old job back, right?

16 A Right.

17 Q And you were there for about three months; is that
18 right?

19 A Right.

20 Q Okay. And I think you may have testified a little
21 bit about this on Monday. Chris threatened you when he found
22 out when you told him that you were pregnant with Brandon --

23 A Correct.

24 Q -- that if you stayed, that he would try to fight
25 custody away from you?

1 A If I had him, yes.

2 Q If you had him, right?

3 And that didn't concern you?

4 A It did concern me, but at that time, he seemed to

5 be a good father before all this happened. He was a good

6 father. He had custody of his children. I could see that

7 Anita and Tails loved him dearly.

8 Q Were you aware that Terrie gave him custody or how

9 did you know? What did you know about that?

10 A I knew that he -- that he gained custody of his

11 kids, and I'll not used to seeing men get custody of their

12 children.

13 Q So you're back with your dad in West Virginia, and

14 Chris threatens to take your child away from you. Did you

15 talk to your dad about that?

16 A No, I didn't.

17 Q Okay. Even though, obviously, you loved your dad,

18 right?

19 A Yes.

20 Q Respect him?

21 A Yes.

22 Q Appreciate his opinion?

23 A Yes.

24 Q That's not something that you wanted to discuss

25 with him?

1 A No, I didn't.

2 Q Okay. Ultimately, you come back, and when Brandon
3 was being born, Chris fell asleep on the couch in the
4 hospital room; is that right?

5 A Yes.

6 Q Okay. And actually, Chris said that you should
7 pick Brandon's name, right?

8 A Yes.

9 Q And that was because you worked very hard to
10 actually give birth to Brandon, right?

11 A Yes.

12 Q So that was his idea to let you just pick the name,
13 right?

14 A Yes.

15 Q Okay.

16 A We had discussed names prior to that, and we were
17 discussing --

18 Q Names with a B?

19 A He agreed with the B name, so I got to pick either
20 Brandon or Brendon (phonetic).

21 Q All right. And when we're talking about other
22 family or friends that you have, you have a sister, Barbara,
23 right?

24 A Yes.

25 Q And ultimately, when your dad passed away, she

1 became the executor of his estate?

2 A Yes.

3 Q Besides your sister, you have a brother named

4 Johnny?

5 A Yes.

6 Q And you also have another brother named Terry Lee,

7 right?

8 A Yes.

9 Q They're back east; is that right?

10 A Yes.

11 Q All right. But while you were married with Chris,

12 you actually went on vacation and you visited them?

13 A Yes.

14 Q In Maryland?

15 A Yes.

16 Q Okay. And that was when Brandon was about five

17 years old?

18 A Yes.

19 Q Okay. So this was after the incident where Chris

20 forced you to give Brandon a blow job?

21 A Yes.

22 Q You didn't talk to Barbara about that?

23 A No.

24 Q You didn't talk to your brother, Johnny?

25 A No.

1 Q You didn't talk to your brother, Terry Lee?
2 A No.
3 Q Even though you were there?
4 A Yes.
5 Q Okay. You also have an aunt named Sandy?
6 A Yes.
7 Q Where is she?
8 A She's in Connecticut.
9 Q And what about Uncle Al?
10 A Connecticut.
11 Q Okay. You didn't reach out to any of your family
12 members regarding any of the abuse that you were suffering;
13 is that right?
14 A Correct.
15 Q Not until the end when you did call your sister,
16 right?
17 A Yes.
18 Q And you told her that you were leaving Chris?
19 A Yes.
20 Q Okay. But not before?
21 A Correct.
22 Q And Steve and Patty Hinkson, they were some friends
23 of Chris's; is that right?
24 A Correct.
25 Q They were his best friends?

1 A Yes.

2 Q But you were friendly with them as well?

3 A Yes.

4 Q They even actually, I guess, made you or gave you a
5 wedding dinner; is that right?

6 A Yes.

7 Q Okay. Let me talk to you a little bit about your
8 relationship with Terrie.

9 Now, the first question I have for you is, were you
10 aware of Chris having sexual relations with Terrie and
11 Melissa?

12 A Yes.

13 Q You were aware of that?

14 A Yes.

15 MR. LOPEZ-NEGRETE: May I approach the Clerk, Your
16 Honor?

17 THE COURT: Yes.

18 MR. LOPEZ-NEGRETE: May I approach the witness,
19 Your Honor?

20 THE COURT: Yes.

21 BY MR. LOPEZ-NEGRETE:

22 Q I'm showing you State's admitted Exhibit 93. Do
23 you recognize this picture?

24 A It looks like Terrie and Chris kissing.

25 Q Is there a third person in the picture?

1 A Yes.

2 Q Does that look like Melissa to you?

3 A It could be.

4 Q Did you take this picture?

5 A Chris made me take video.

6 Q He made you take video of this encounter?

7 A Yes.

8 Q Okay. So this is part of that?

9 A Yes.

10 Q This is a still from the video that you took?

11 A Yes.

12 Q Of Chris having sex with two other women?

13 A Yes.

14 Q Approximately, when was that, do you remember?

15 A I don't know.

16 Q Early on in your marriage?

17 A I don't know.

18 Q Was Brandon born?

19 A Yes, definitely.

20 Q Okay. And Chris actually talked you into having

21 threesomes with Terrie?

22 A Yes.

23 Q Okay. You don't like threesomes?

24 A No.

25 Q You don't believe in threesomes?

1 A Correct.

2 Q Okay. But you don't believe Chris even believes in
3 marriage?

4 A I don't.

5 Q You think he married you just to take care of the
6 kids?

7 A Yes.

8 Q And he hardly would ever wear his wedding ring; is
9 that right?

10 A Correct.

11 Q And he always had an excuse for not wearing it,
12 right?

13 A Correct.

14 Q You even had to bug him about it?

15 A Correct.

16 Q Okay. He never bought you an engagement ring?

17 A Correct.

18 Q And you had to buy one for yourself?

19 A Correct.

20 Q You used your dad's inheritance to do that?

21 A Yes.

22 Q And on one occasion for your birthday, you and
23 Chris actually bought some Kawasaki motorcycles; is that
24 right?

25 A Yes.

1 Q And you didn't want a Kawasaki?
2 A Correct.
3 Q You wanted a Honda or a Yamaha?
4 A Yes.
5 Q But Chris and Terrie were able to talk you into a
6 Kawasaki?
7 A Yes.
8 Q In order to get a discount for buying two --
9 A Correct.
10 Q -- at the same time?
11 And ultimately, you agreed to do that so that you
12 wouldn't hear Chris whine?
13 A Correct.
14 Q Okay. And then at one point you went on vacation
15 -- your first vacation to Disneyland?
16 A Correct.
17 Q Do you remember that? And it was actually all five
18 of you that went.
19 A Yes.
20 Q Except for Terrie?
21 A Correct.
22 Q And --
23 A Or Ryan.
24 Q I'm sorry?
25 A Or Ryan.

1 Q Okay. So Terrie was kind enough to actually stay
2 behind and watch the house while you were away --

3 A Yes.

4 Q -- with Chris on this vacation?

5 A Yes.

6 Q Now, Terrie, while she was living at the
7 Yellowstone residence, she was in and out of there?

8 A Correct.

9 Q She would one minute be living there with you,
10 right?

11 A Yes.

12 Q And then she would get mad at Chris?

13 A Yes.

14 Q And then she would leave?

15 A Yes.

16 Q And even at the end, you became aware that Chris
17 kicked Terrie out?

18 A Yes.

19 Q The day that you left as well?

20 A Yes.

21 Q Okay. And so seeing Terrie moving in and out of
22 the house, you never thought to yourself you could do the
23 same?

24 A I was afraid of Chris. I was afraid he was going
25 to come out and kill us.

1 Q Okay. And towards the end of your marriage, Terrie
2 actually started bugging Chris to marry her?

3 A Yes.

4 Q And she wanted to basically do it like it was on
5 Sister Wives; is that right?

6 A Yes.

7 Q And that way she would feel like they would be part
8 of the family?

9 A Yes.

10 Q You didn't approve of that?

11 A No.

12 Q And you told Chris?

13 A Yes.

14 Q That you didn't approve?

15 A Yes.

16 Q But he did it anyway, right?

17 A Yep.

18 Q In order to get Terrie to shut up; is that right?

19 A Yes.

20 Q All right. And ultimately, on April 1st of 2014,
21 they had a mock wedding?

22 A Yes.

23 Q And you're saying that that's when you realized
24 that Chris didn't truly love you?

25 A That's what I wrote.

1 Q That's what you wrote?

2 A Yes.

3 Q Is that true?

4 A Because I had told him how hard -- how bad I didn't

5 approve of it.

6 Q All right. Now, when we're talking about the guns

7 in the house, Chris had a Glock; is that right?

8 A Yes.

9 Q He actually kept that underneath his mattress --

10 A Yes.

11 Q -- or the mattress in the master bedroom; is that

12 right?

13 A Yes.

14 Q And the other ones were in the safe in the office?

15 A Yes.

16 Q And he actually kept the combination written down,

17 right?

18 A Yes.

19 Q Okay. Now, the second incident with Brandon, when

20 he was about 14 or 15 years old; do you remember that?

21 A Yes.

22 Q You described to us on Monday that you and Chris

23 were in the pool before that started, right?

24 A I believe so.

25 Q Okay.

1 A I mean, I know I said that, but I believe that's
2 what happened.

3 Q Well, what happened? Is that what happened?

4 A I believe that's what happened.

5 Q Okay. Because you actually described something
6 completely different when you spoke with police; is that
7 right?

8 A I don't recall.

9 Q You told police, "Chris had me -- well, had Brandon
10 come in and have sex with me in the bedroom. It was just,
11 me, him, Chris, and Brandon."

12 And the detective asked you, "Before that happens,
13 where are you?"

14 And your answer was, "I think I was still in bed
15 because I was sleeping in," right?

16 A I wasn't sure, though.

17 Q You weren't sure?

18 A No, I wasn't sure.

19 Q Did you tell the detective that you weren't sure?

20 A I don't know.

21 Q Would looking at the statement refresh your
22 recollection?

23 A I can look at it.

24 MR. LOPEZ-NEGRETTE: May I approach the witness?

25 THE COURT: Yes.

1 MR. LOPEZ-NEGRETTE: Page 33.

2 THE WITNESS: Okay. I told him what you said.

3 BY MR. LOPEZ-NEGRETTE:

4 Q All right. So you didn't tell the police officer,
5 the detective, investigating this crime that you were in the
6 pool with Chris beforehand, right?

7 A Right.

8 Q You told him that you were sleeping in in your
9 bedroom, right?

10 A Yes.

11 Q It was the weekend. And that you were actually
12 already naked in bed.

13 A Yes. That's what I told them.

14 Q Right. And that's because you sleep naked?

15 A I do.

16 Q And --

17 A Or did.

18 Q Did. So the description of this pool is something
19 that you never mentioned before?

20 A Correct. I had forgotten about that incident.

21 Q You had forgotten about that incident?

22 A I had forgotten about the pool incident at that
23 time until it was mentioned later.

24 Q Mentioned later when? What do you mean?

25 A I had forgotten about the pool incident when I

1 talked to the police.

2 Q So there's another incident that I'm talking about
3 here; is that what you're saying?

4 A No.

5 Q How many incidents were there with Brandon?

6 A With the pool -- that pool incident was one time.

7 Q Total --

8 A Yes.

9 Q -- how many incidents with Brandon?

10 A Are you talking about the pool? Once.

11 Q I'm talking about how many times you had sex with
12 Brandon or you had to do sexual acts on Brandon?

13 A The two times.

14 Q Twice?

15 A Yes.

16 Q Okay. So then the pool incident, is that the same
17 as the one where you're already in bed naked?

18 A It could be.

19 Q It could be?

20 A I'm -- like I said, I'm not sure about what
21 happened prior to that. I just remember being in bed with
22 him.

23 Q I see. Okay.

24 A I remember being naked with him -- I mean, naked
25 with Chris in the pool, Chris trying to take off my swimsuit

1 and then he asked Brandon to come into the pool.

2 Q So you do remember being in the pool and that
3 leading to sex?

4 A I'm not sure if it led to sex or not, but we ended
5 up -- I ended up with Brandon at one time, having sex with
6 him in -- when he was like 14 or 15 or whatever it was I
7 said.

8 Q Okay. You told the detective that there were only
9 two incidents with Brandon?

10 A Right.

11 Q Total?

12 A Right.

13 Q Including the blow job?

14 A The -- yeah.

15 Q Right?

16 A Yeah, it was two.

17 Q And today I'm unclear if you're saying that there's
18 more than two.

19 A No, there's two.

20 Q Okay.

21 A As far as the blow -- you're talking about when he
22 was 15 and when he was three.

23 Q So then you were in --

24 A Is the pool the third one? Is that what you're
25 saying?

1 Q It sounds like --

2 A That would be a third one.

3 Q Is that what you're saying?

4 A I'm just trying to see what you're saying.

5 Q Okay. Let me try to clear it up for you.

6 Were you in the pool with Chris and you guys had

7 sex in front of Chris -- in front of Brandon, excuse me?

8 A It was Chris's idea.

9 Q Okay.

10 A I didn't want to do it.

11 Q And then after that, you went into the master

12 bedroom?

13 A Yes.

14 Q All right. And that led to you and Brandon having

15 sex, right?

16 A I believe so.

17 Q Because he made you do it?

18 A Right.

19 Q All right. So then what are we talking about here

20 when you're already in bed sleeping in on the weekend naked

21 and Brandon comes in?

22 A Maybe I wasn't sleeping.

23 Q So maybe you weren't be honest with the police

24 officer --

25 A No.

1 Q -- is that what you're saying?

2 A I'm trying to remember everything.

3 Q So you just have a bad memory; is that what you're

4 saying?

5 A Definitely.

6 Q Okay.

7 A When you go through trauma, you do go through that.

8 That's what my therapist said.

9 Q All right. The incidents with Tails, there were

10 two of them right?

11 A Yes.

12 Q Okay. And the incident where it started from

13 painting the trailer; is that right?

14 A Correct.

15 Q All right. That was one of them?

16 A That was the shower.

17 Q Right. Everyone else was actually home at that

18 point?

19 A Yes.

20 Q All right. And Chris told the kids to stay

21 outside?

22 A Yes.

23 Q And you told us on Monday that right after the

24 shower, that Chris forced you to perform fellatio on him; do

25 you remember that?

1 A Yes.

2 Q You told us that on Monday, right?

3 A Yes.

4 Q Okay. And that also he stuck a dildo in you?

5 A That was in the office. That was a different time.

6 That was after watching the shower scene.

7 Q That was after watching the shower scene?

8 A The video, yes.

9 Q Okay.

10 MR. LOPEZ-NEGRETE: Court's indulgence.

11 BY MR. LOPEZ-NEGRETE:

12 Q You never mentioned anything about having a dildo

13 stuck inside of you after the incident with Tails to the

14 detective.

15 A Correct.

16 Q So that's something new that you've told us since

17 you took the stand?

18 A Correct.

19 Q You didn't share that he had forced fellatio on you

20 either to the detective?

21 A Correct.

22 Q That's something new that you're telling to us --

23 you're telling us while you're on the stand now?

24 A Okay.

25 Q Is that right?

1 A Yes.

2 Q Okay. And while we're at it, so then Chris showed
3 you the video of you and Tails in the shower; is that right?

4 A Correct. That was that time in the office.

5 Q During the incident with Tails in the shower, you
6 actually put your hand on his penis to prevent him from
7 actually entering you; is that right?

8 A Correct.

9 Q All right. So you actually disobeyed what Chris
10 was asking you to do?

11 A Correct.

12 Q And you pretended?

13 A Correct.

14 Q All right. And then afterwards, you actually admit
15 this to Chris?

16 A Yes. I shouldn't have, but I did.

17 Q So you admitted to him -- you weren't scared to
18 admit -- that you had pretended with Tails?

19 A Yes.

20 Q And that's --

21 A Well, I was afraid to admit it, but I did.

22 Q And that's what led to the second incident with
23 Tails; is that right?

24 A Yes.

25 Q Okay. Now, you actually never saw Chris do

1 anything to Brandon by himself, right?

2 A No.

3 Q And Brandon never told you that Chris did anything
4 to him by themselves?

5 A No.

6 Q And you never asked him if he had done anything
7 like to him?

8 A No.

9 Q You never saw Chris do anything to Tails also, just
10 one on one?

11 A No.

12 Q And Tails never told you anything about something
13 like that happening between them two?

14 A No.

15 Q You never reached out to Tails to ask him?

16 A No.

17 Q And you also never saw Chris do anything to Ryan
18 either?

19 A No.

20 Q And you never reached out to ask him --

21 A No.

22 Q -- if he had done anything like that? Okay.

23 Now, when we're talking about Anita, obviously, you two
24 are very close, right?

25 A Yes.

1 Q And even though she's your stepdaughter, you
2 consider her your daughter?

3 A Yes.

4 Q Okay. And initially, you lied to police and you
5 said that Chris never made you do anything with Anita?

6 A That's right.

7 Q Okay. And she, Anita, didn't disclose anything to
8 you about what Chris had done to her until you got to the
9 Safe House; is that right?

10 A Correct.

11 Q What she described to you was that he took her
12 virginity; is that right?

13 A Yes.

14 Q Okay. And at what age did she tell you that?

15 A I believe she said nine.

16 Q Okay. Now, you actually believe that he had
17 strangled Anita multiple times?

18 A Yes.

19 Q But none of these times were in front of you?

20 A Correct.

21 Q Okay.

22 A Well, I think maybe one time. I'm not sure.

23 Q You saw him strangle Anita one time?

24 A I think.

25 Q You think?

1 Now, after hearing about Anita getting strangled or
2 possibly even seeing it, you didn't reach out to her and ask
3 her if he did done anything else?

4 A No.

5 Q Okay. And you actually did the threesome with
6 Anita; is that right?

7 A Yes.

8 Q Now, the way it started was that Chris acted like
9 Anita wanted to have sex with you, too, right?

10 A Yes.

11 Q She was an adult at the time?

12 A I believe so.

13 Q She was about 18?

14 A She was about 18.

15 Q And Terrie took Tails, Brandon, and Ryan out of the
16 house before you guy the started?

17 A Yes.

18 Q All right. Now, obviously, you said you felt weird
19 doing this?

20 A Yes.

21 Q And you weren't comfortable with it?

22 A Correct.

23 Q But you and Anita actually got your toys for this?

24 A Yeah. Yes.

25 Q And during the sex -- now, let me just clarify.

1 When you say your toys, you told the detective our toys,
2 meaning you and Anita, right?

3 A Yes, that would mean ours, yes. I --

4 Q So each of you had your own toys, basically?

5 A Yes, I -- yes.

6 Q And both of you brought those out for this sexual
7 encounter?

8 A Yes.

9 Q Okay. And during the sex, Chris wanted you guys to
10 come?

11 A Yes.

12 Q All right. And you can't come without a vibrator;
13 is that right?

14 A Correct.

15 Q Okay. So that's why you went out and you got one?

16 A Yeah. Well, I didn't go outside the house. I --

17 Q You went to get one?

18 A The bedroom, yeah.

19 Q To actually have an orgasm during this threesome?

20 A Yes.

21 Q Okay. And also, Anita, it looked to you like she
22 also had an orgasm; is that right?

23 A Yes.

24 Q You couldn't tell go she was faking it?

25 A I couldn't tell.

1 Q Okay. And afterwards, I believe you testified with
2 us on Monday that you didn't have any conversation with Anita
3 after he left?

4 A No. Too embarrassing.

5 Q You didn't check on her later that day?

6 A No.

7 Q Or the next day?

8 A No.

9 Q Or the next week?

10 A No.

11 Q Or the next month?

12 A No.

13 Q And you didn't pretend in this incident, like you
14 did with the time with Tails in the shower, right?

15 A No, he's right there.

16 Q You actually went out and you used toys in order to
17 climax?

18 A Yes.

19 Q Okay. You never saw Chris do anything to Erin,
20 right?

21 A Correct.

22 Q And you never saw him do anything to Tamara?

23 A Correct.

24 Q And you never saw him -- strike that.

25 Now, you never told a single friend about the sexual

1 abuse as it was occurring?

2 A No.

3 Q Not even --

4 A My dad said you're not supposed to say anything bad
5 about people.

6 Q Okay. You never told a pastor?

7 A No.

8 Q Or a doctor?

9 A No.

10 Q Or a therapist?

11 A No.

12 Q The first person you told was your lawyer?

13 A Yes.

14 Q And that was because you were getting threatening
15 e-mails?

16 A Yes.

17 Q Okay. And when some of this sexual abuse was
18 happening, you actually had contact with Metro officers at
19 your house, right?

20 A The e-mails.

21 Q Before that. While you were still living at
22 Yellowstone --

23 A Oh, yes.

24 Q -- you guys were friends with police officers; is
25 that right?

1 A Right. It was mainly Chris's friend. Not really
2 mine.
3 Q All right. They would come over to the house?
4 A Yes.
5 Q And these were social visits?
6 A Yes.
7 Q Okay. They would come over on the weekend?
8 A It -- mainly -- not a whole lot, but like for a
9 birthday party. They came for Ryan's birthday party. They
10 came for a Power Point presentation Terrie made.
11 Q All right. And they actually swam in the pool for
12 Ryan's birthday party; is that right?
13 A I know the kids did. I don't remember the officer
14 in the pool.
15 Q Okay. Now, this leaving the home, that was Anita's
16 idea? I can --
17 A I don't know if it's her idea or all three of us.
18 It was -- they were saying they weren't happy and they wanted
19 to leave.
20 Q Anita came to you?
21 A Came to me.
22 Q You didn't go to her?
23 A Correct.
24 Q Okay. And initially you were hesitant to leave; is
25 that right?

1 A Right, because I didn't -- I knew of what evidence
2 Chris had against me.

3 Q Okay. And you didn't think that you could leave or
4 tell, excuse me, Ryan or Tails, right?

5 A Correct.

6 Q Because they would possibly compromise your plan,
7 right?

8 A Correct.

9 Q But you never called police afterwards to say there
10 might be kids left in the house who are being abused?

11 A No. Well, I knew Tails could leave, and he's a big
12 social butterfly, and he had his own band. So I knew he
13 couldn't leave his friends, and I knew he could go somewhere.

14 Ryan belonged to Terrie, and I knew if I was gone,
15 Terrie would end up leaving with Ryan.

16 Q Okay. And during the -- you didn't mention any of
17 the sexual abuse in the temporary protective order that
18 you --

19 A Correct.

20 Q -- got, right?

21 Just like in the letter to your attorney?

22 A Correct.

23 Q Okay. But like we talked about, the topic of sex
24 was in the letter to your attorney?

25 A A little bit.

1 Q In two different places?

2 A Right. But it wasn't like with the children or --

3 Q It wasn't detailed?

4 A -- anything like that?

5 Q You talked about the threesomes?

6 A Right.

7 MS. SUDANO: Your Honor, I'm going to object as to

8 asked and answered.

9 MR. LOPEZ-NEGRETE: I mean, she --

10 THE COURT: It's cross.

11 MR. LOPEZ-NEGRETE: -- saying she's not sure.

12 THE COURT: Go ahead, go ahead. Overruled.

13 BY MR. LOPEZ-NEGRETE:

14 Q And when you're talking about the sex, you have a

15 few lines about how much sex you were giving to Chris and how

16 much he wants more, right?

17 A Right. But it wasn't necessary for a divorce.

18 Q So the only concern you had was the divorce at that

19 point?

20 A Correct.

21 Q Okay. Now, you had actually spoken with the

22 divorce attorney early on after you left the house, right?

23 A Correct.

24 Q Okay. And she's the one who actually called the

25 police?

1 A Yes.

2 Q But not until September?

3 A Right.

4 Q And you had been out since the middle of June shall

5 right?

6 A Right.

7 Q Okay.

8 A I believe, if that's what the date is.

9 Q Okay. Now, ultimately, when you got arrested, you

10 still tried to stay in contact with your children; is that

11 right?

12 A Oh, yes, I call them every Sunday, generally. I

13 couldn't do it in here, though.

14 Q Okay. And that's despite the fact that there was a

15 court order saying that you couldn't have contact with them?

16 A Not when I was in jail. When I was in prison, I

17 had permission.

18 Q What I mean is right after you got arrested, when

19 you were at CCDC.

20 A It stopped as soon as that was over. I mean, as

21 soon as they put that -- I didn't contact them.

22 Q You didn't violate the court order?

23 A No.

24 Q Okay. And ultimately, you got charged with a lot

25 of crimes, right?

1 A Yes.

2 Q You were facing a count of conspiracy of sexual
3 assault, right?

4 A Whatever the paperwork says.

5 Q Right. Two counts of sexual assault, right?

6 A Whatever the paperwork says.

7 Q One count of incest, three counts of open and gross
8 lewdness, four counts of sexual assault, five counts of
9 sexual assault with a victim under 16 years old, two counts
10 of child abuse and neglect, sexual abuse, sexual
11 exploitation, two counts of open and gross lewdness, one
12 count of use of a minor producing pornography, four counts of
13 sexual assault under 16, two counts of incest, another three
14 counts of child abuse and neglect with sexual abuse.

15 The maximum exposure that you were facing was 200
16 plus years, right?

17 A I believe, whatever it says.

18 Q And ultimately, the deal that you struck cut that
19 down by a lot, right?

20 A Yes.

21 Q To just ten to life?

22 A Yes.

23 Q And ultimately, you're up for parole in 2024?

24 A Yes.

25 Q And it's important, obviously, for you to try to

1 get out, right?

2 A Yes. There's no guarantee, though.

3 Q You're doing everything you can so that you can get
4 out on parole, right?

5 A Yes.

6 Q And you're doing everything you can to maintain
7 your relationship with your children?

8 A Yes.

9 Q But originally, before you pled guilty, you
10 actually were fighting the case, right?

11 A Yes.

12 Q The DA actually extended an offer to you back in
13 January of 2015, right?

14 A I believe.

15 Q And you didn't actually plead guilty until January
16 of 2016, right?

17 A Well, I know some time elapsed. I don't know what
18 the dates were.

19 Q Right. Initially you rejected the offer?

20 A Correct.

21 Q And you actually had your children testify against
22 you at the preliminary hearing?

23 A Well, they did.

24 Q And you pleaded not guilty?

25 A Correct.

1 Q But all that changed when you entered into a
2 negotiation with the District Attorney's Office, right?

3 A Yes.

4 Q And that included testifying against Chris?

5 A Yes.

6 Q And ultimately, when you pled guilty, the State
7 also agreed to lift the no-contact order with your children?

8 A Yes.

9 Q And at sentencing, even though you got sentenced to
10 prison, you presented a report of suffering from basically,
11 battered women's syndrome; is that right?

12 A Yes.

13 Q That everything that you did happened because Chris
14 made you do it?

15 A Yes.

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

17 BY MR. LOPEZ-NEGRETTE:

18 Q Just a couple more questions, Ms. Sena.

19 Regarding the temporary protective order that you filed,
20 you actually went into a lot of detail regarding the physical
21 abuse in the home?

22 A Okay. Which paperwork?

23 Q The temporary protective order --

24 A Okay.

25 Q -- that you filed shortly after you left the home

1 in the middle June?

2 A Okay. Is that the one I filed when I was at Safe
3 House?

4 Q I believe so.

5 A Okay.

6 Q Would it refresh your recollection if I showed it
7 to you?

8 A Yes.

9 MR. LOPEZ-NEGRETTE: May I approach the witness?

10 THE COURT: Yes.

11 THE WITNESS: Okay. Yeah, that's the TPO.

12 BY MR. LOPEZ-NEGRETTE:

13 Q So obviously, the purpose of this was to get
14 protection from Chris?

15 A Correct.

16 Q Because you were afraid of him?

17 A Yes.

18 Q And you were also filing this on behalf of Brandon,
19 not just you?

20 A Yes.

21 Q But you only detailed physical abuse?

22 A Right.

23 Q You didn't detail any of the sexual abuse that
24 Chris was inflicting on you --

25 A Right.

1 Q -- or Brandon --
2 A Right.
3 Q -- is that right?
4 A Because I was afraid.
5 Q Because you were afraid. But not too afraid to get
6 a temporary protect order?
7 A Right.
8 MR. LOPEZ-NEGRETE: No further questions. Thank
9 you.
10 THE COURT: Anything further?
11 MS. SUDANO: Yes, Your Honor.
12 REDIRECT EXAMINATION
13 BY MS. SUDANO:
14 Q So Ms. Sena, you were asked some questions about
15 the incident with the defendant having sex with you in the
16 pool while Brandon watched, and then you being forced to
17 engage in sex acts with Brandon when he was 14 or 15. Do you
18 recall those questions?
19 A Yes.
20 Q All right. Now, did you tell the detective
21 initially that you thought you were sleeping? Did you say I
22 think I was sleeping?
23 A Yes.
24 Q All right. And then I think -- I believe you
25 testified on Monday that you thought the pool incident was

1 the same day.

2 A Correct.

3 Q Are you sure those two things are the same day?

4 A I'm not sure on that.

5 Q Okay. Do you specifically recollect the defendant

6 making Brandon watch the two of you having sex in the pool,

7 though?

8 A Brandon, I remember him talking to me about it.

9 And I remember being in the pool --

10 Q Okay.

11 A -- yes, with Chris and him trying to take my

12 swimsuit off to have sex in front of Brandon.

13 Q All right. So you do specifically remember Brandon

14 being in the pool while you had sex with the defendant?

15 A Yes.

16 Q Okay. And you specifically remember the incidents

17 that you described happening in the bedroom with Brandon when

18 he was 14 or 15 --

19 A Yes.

20 Q -- is that correct?

21 All right. You're just not sure same day, different

22 day?

23 A Correct. Sometimes it kind of mushes together.

24 Q All right. All right. Now, you were also asked

25 some questions about the incident between yourself, the

1 defendant, and Anita; do you recall those questions?

2 A Yes.

3 Q All right. And you were asked whether or not you
4 and Anita went to get sex toys; is that correct?

5 A Yes.

6 Q Would the defendant make you continue engaging in
7 sex acts if you didn't have an orgasm?

8 A I don't know.

9 Q Was that just typically what you would do?

10 A Well, yes. It didn't -- didn't always happen,
11 though.

12 Q What didn't always happen?

13 A Orgasms.

14 Q Okay. Would that prolong the sex acts if you
15 didn't have a orgasm?

16 A If you had it would be quicker.

17 Q Okay. So having an orgasm would make things end
18 quicker?

19 A Yeah.

20 Q Now, you talked also about an incident where you
21 said you may have seen the defendant strangle Anita; do you
22 recall that?

23 A Yes.

24 Q Tell us what you remember about that incident.

25 A I'm not sure if he had her on the floor with his

1 foot on her neck or not.

2 Q You were actually present for that?

3 A I'm not sure. I don't know if it's something she
4 told me.

5 Q Okay.

6 A Because she had told me in the --

7 MR. LOPEZ-NEGRETTE: Objection. Hearsay.

8 THE COURT: Sustained.

9 THE WITNESS: -- about --

10 THE COURT: Sustained.

11 MS. SUDANO: Okay.

12 BY MS. SUDANO:

13 Q So you're not sure if that's something that you
14 actually witnessed or if it was something that you learned
15 about later?

16 A Correct.

17 Q You were asked some questions about filming an
18 incident between the defendant, Terrie, and Melissa; do you
19 recall that?

20 A Yes.

21 Q And you indicated that the defendant had made you
22 do that; is that correct?

23 A Yes.

24 Q How did the defendant force you to do that or make
25 you do that?

1 A He just told me I had to do it. You know, I have
2 to do what he says. He doesn't take no for an answer.

3 Q Did you want to be filming that?

4 A Definitely not.

5 Q Now, you were asked whether or not you had told the
6 detectives that the defendant shoved a dildo into you while
7 you were in the back office, and you had made -- or he had
8 made you watch the video between yourself and Tails; do you
9 recall that?

10 A Yes.

11 Q Okay. You indicated that you didn't tell the
12 detective specifically about the defendant shoving the dildo
13 into you; is that correct?

14 A Correct.

15 Q But you did tell the detective that the defendant
16 had made you watch a video of yourself and Tails in the
17 shower; is that correct?

18 A Correct.

19 Q Okay. Did you ever watch any of the videos when
20 the defendant wasn't there?

21 A No.

22 Q Now, other than the incidents that you specifically
23 were involved in and present for, did you have knowledge that
24 the defendant was having sex with any of the other children
25 in the house?

1 A No.

2 Q So did you know that the defendant was forcing
3 Brandon to engage in sexual acts that you were not present
4 for?

5 A No.

6 Q Did you know the defendant was forcing Ryan to
7 engage in sexual acts that you were not present for?

8 A No.

9 Q Did you know that the defendant was forcing Anita
10 to act -- engage in sexual act that you were not present for?

11 A No.

12 Q Now, you were asked some questions about what you
13 had told your sister about when you left. Do you recall
14 being asked those questions?

15 A Yes.

16 Q You indicated that you didn't talk to your sister
17 -- or you did talk to your sister about why you were leaving
18 in general terms; is that correct?

19 A Correct.

20 Q Did you tell your sister about any of sex abuse
21 that was happening in the house?

22 A No.

23 Q Why didn't you tell your sister about any of that?

24 A It's embarrassing.

25 Q All right. Now, you'd also made reference to the

1 fact that you were afraid to leave or worried to leave
2 because you knew that the defendant had evidence against you;
3 is that correct?

4 A Correct.

5 Q All right. So you'd agree with me that at least
6 part of why you didn't leave was you protecting yourself; is
7 that correct?

8 A Me and the children because I figured if we did
9 what he asked, he wouldn't hurt us.

10 Q All right. Now, you indicated that you were
11 comfortable filing the TPO because you were seeking
12 protection from Chris; is that correct?

13 A Correct.

14 Q All right. But at that time again, you did not
15 detail any of the sexual abuse; is that correct?

16 A Correct.

17 Q Okay. Because again, you were trying to protect
18 yourself and you knew what evidence he had; is that correct?

19 A Correct.

20 Q All right. Same with when you initially went to
21 the lawyer, you were trying to protect yourself, and you knew
22 he had evidence; is that correct?

23 A Correct.

24 Q All right. You were asked some questions about
25 what you had told the detectives reference the incident with

1 Brandon when he was three. Do you recall being asked some
2 questions about that?

3 A Yes.

4 Q All right. Now, you told -- or you were asked if
5 you were telling the detectives all of the information that
6 they wanted at that point; is that correct?

7 A Yes.

8 Q All right. Fair to say that the detectives had to
9 keep redirecting you back to that; is that correct?

10 A Correct.

11 Q You were trying to provide them other information?

12 A Yes.

13 Q You were trying to talk about the violence in the
14 home and other things along those lines?

15 A Correct.

16 Q Okay. And they had to keep bringing you back to
17 get detail about that; is that correct?

18 A Correct.

19 Q All right. Would you agree with me, again, that at
20 that time you were trying to protect yourself?

21 A Yes.

22 MS. SUDANO: Court's indulgence. Thank you, Your
23 Honor. Nothing further.

24 THE COURT: Any recross?

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

1 THE COURT: All right. So are we done with Ms.
2 Sena, then, State?
3 MS. SUDANO: Yes, Your Honor.
4 THE COURT: All right. Ms. Sena, thank you so much
5 for your testimony. You can step down.
6 THE WITNESS: Thank you.
7 THE COURT: Officers. Okay.
8 THE WITNESS: Oh, there's some paperwork up here.
9 THE COURT: Okay. Ladies and gentlemen, we're
10 going to take a recess, 15 minutes. All right? Give you a
11 chance to stretch your legs and use the restroom, whatever
12 you need to do.
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 or commentary on the
16 trial or by any person connected with this case, or by any
17 medium of information, including without limitation, to
18 newspapers, television, Internet, or radio.
19 And you're further admonished not to form or
20 express any opinion on any subject connected with this case
21 until it is finally submitted to you.
22 It is now, by my watch, ten till. So if you're
23 ready to get started by five after, we'll come back in.
24 Okay?
25 All right. We'll be at ease while the jury exits

1 the courtroom.

2 (Outside the presence of the jury at 2:49 P.M.)

3 THE COURT: Okay. We're outside the presence of
4 the jury.

5 Before we take our break, is there anything that
6 needs to be put on the record?

7 MR. SWEETIN: Not from the State.

8 MR. LOPEZ-NEGRETTE: No, Your Honor the.

9 THE COURT: All right. Five after. Okay? We're
10 off the record.

11 (Court recessed at 2:50 p.m. until 3:10 p.m.)

12 (Outside the presence of the jury.)

13 (Pause in the proceedings)

14 THE MARSHAL: Come to order. Court is back in
15 session.

16 (Pause in the proceedings)

17 THE COURT: All right. We're back on the record in
18 the State of Nevada versus Christopher Sena in C-311453.

19 I'd like the record to reflect the presence of the
20 defendant, his counsel, as well as the State, and their
21 counsel. We're outside the presence of the jury.

22 How many more witnesses do you have, State?

23 MR. SWEETIN: I think we just have two more
24 witnesses. A really short one that we started --

25 THE COURT: Yeah.

1 MR. SWEETIN: -- Ms. Knoke, and then we have the
2 case detective, and I think that's probably all that we have.
3 THE COURT: Okay. And that will be your case,
4 then?
5 MR. SWEETIN: Yes.
6 THE COURT: Okay. We ought to be able to finish
7 that today, right?
8 MS. SUDANO: No.
9 MR. SWEETIN: I don't think so. I think we have a
10 statement of the defendant that we're going to play.
11 THE COURT: Okay.
12 MR. SWEETIN: It's going to be about 45 minutes
13 long. And the background that leads up to that through the
14 investigation, I that will take us a couple hours.
15 THE COURT: Okay.
16 MR. SWEETIN: So I think that might close out --
17 THE COURT: All right.
18 MR. SWEETIN: -- the day.
19 THE COURT: Okay. And then -- and tomorrow you'll
20 be showing the exhibits?
21 MR. SWEETIN: Right.
22 THE COURT: And then we'll probably start by 9:00
23 tomorrow.
24 MR. SWEETIN: Okay.
25 THE COURT: And then we'll have -- we have --

1 you'll be resting possibly tomorrow.

2 MR. SWEETIN: Yes.

3 THE COURT: Okay. So -- all right. So I don't

4 know what -- if you're going to be presenting any evidence or

5 any defense, so --

6 MS. RADOSTA: We're anticipating a couple

7 witnesses, Judge.

8 THE COURT: Okay.

9 MS. RADOSTA: One or two.

10 THE COURT: So --

11 MS. RADOSTA: Maybe three.

12 THE COURT: -- it would be fair, you'll be done

13 tomorrow with yours?

14 MS. RADOSTA: Possible, possibly.

15 THE COURT: Okay.

16 MS. RADOSTA: I mean, it's hard -- honestly, it's

17 -- it kind of depends.

18 THE COURT: So we'll at least be settling

19 instructions, then, on Friday. Let them go for Friday?

20 MS. RADOSTA: I --

21 THE COURT: Let's see where we're at tomorrow?

22 Okay. And then I fully anticipate that you'll be doing your

23 closings on Tuesday, so --

24 MS. RADOSTA: That's fine, Judge.

25 THE COURT: Okay?

1 MS. RADOSTA: Because I would prefer -- I don't
2 know if Your Honor is of this opinion, but to start anything
3 on Friday and not finish all of the closings in one day is
4 not something that I would think the Supreme Court would
5 really particularly over a three-day weekend, would not
6 necessarily be something we'd want to do if we don't have to.

7 THE COURT: Okay.

8 MS. RADOSTA: And we don't have to. We told these
9 jurors a longer period of time than we're at right now, so --

10 THE COURT: Okay. Then we'll come in on Saturday
11 and -- is that what you're saying?

12 MS. RADOSTA: No. No, no, no, no, no. I just mean
13 either -- whenever -- if -- whenever we start openings like
14 we should try to power through the whole day.

15 THE COURT: Um-h'm. Okay.

16 MS. RADOSTA: Like, that -- start Friday afternoon
17 at 3:00 o'clock, have the State do their first opening and
18 then have us come back on Tuesday to do our closing.

19 THE COURT: Okay.

20 MS. RADOSTA: I had --

21 THE COURT: Really, there's some Supreme Court
22 opinion that way? Well, I'd like to see that --

23 MS. RADOSTA: I'm not really sure if there's a
24 Supreme --

25 THE COURT: -- I mean, trying to tell us when to do

1 our --

2 MS. RADOSTA: -- Court --

3 THE COURT: -- when to do closings.

4 MS. RADOSTA: I'm not really sure, Judge, if

5 there's a Supreme Court ruling on it, in all honesty, but --

6 THE COURT: I'd be real surprised if there's any --

7 MS. RADOSTA: -- I think if it is possible not to

8 do it, they would prefer us not to do it.

9 THE COURT: I'd like to see what their opinion

10 would be on how that's affecting the case --

11 MS. RADOSTA: The only time it happens --

12 THE COURT: -- and how it's prejudicial to the

13 parties.

14 MS. RADOSTA: For the sake of argument, the only

15 time that it did happen to me, Judge --

16 THE COURT: Um-h'm.

17 MS. RADOSTA: -- where the State closed and then we

18 came back the next morning, and then we did our closing --

19 THE COURT: Um-h'm.

20 MS. RADOSTA: -- was in my case against Mr. Sweetin

21 about 15 years ago, and we won, so I'm actually kind of okay

22 with it.

23 THE COURT: So you had a not guilty? Okay. So --

24 all right. So --

25 MS. RADOSTA: But -- so --

1 THE COURT: -- looks like it was in your favor.
2 MS. RADOSTA: -- I don't actually know what the
3 opinion of the --
4 THE COURT: I can't imagine that that --
5 MS. RADOSTA: -- Supreme Court is.
6 THE COURT: -- would be something that they would
7 be citing to that --
8 MS. RADOSTA: Not in that particular case, Judge,
9 since there was in appeal.
10 THE COURT: Okay.
11 MS. RADOSTA: But --
12 THE COURT: All right.
13 MS. RADOSTA: -- the only other problem we have,
14 Judge, just so that you're aware and I hesitate to bring this
15 up, but Mr. Lopez-Negrete has a summit hearing in front of
16 Judge Leavitt 11:00 on Tuesday.
17 THE COURT: Okay.
18 MS. RADOSTA: He has asked to move it -- I'm sorry,
19 10:30. He asked to move it, she refused.
20 THE COURT: Okay.
21 MR. LOPEZ-NEGRETTE: Well, she said that.
22 THE COURT: You have what a hearing?
23 MR. LOPEZ-NEGRETTE: Summit Miller hearing --
24 THE COURT: Okay.
25 MR. LOPEZ-NEGRETTE: -- with some witnesses.

1 THE COURT: Okay.

2 MR. LOPEZ-NEGRETE: So I may need the Court's

3 assistance in --

4 MS. RADOSTA: I --

5 MR. LOPEZ-NEGRETE: -- letting her know that we're

6 still in trial or to work around that -- that [inaudible].

7 THE COURT: Well, let's see where we're at.

8 MR. LOPEZ-NEGRETE: Okay.

9 THE COURT: Okay? Let me take this opportunity at

10 this time to talk to Mr. Sena.

11 Mr. Sena, I want you to understand that you have a

12 constitutional right under the United States as well as the

13 State of Nevada to not be compelled to testify in this case.

14 Do you understand what I mean by that?

15 THE DEFENDANT: Yes, I do.

16 THE COURT: Okay. You may, at your own request,

17 give up that right and take the witness stand and testify.

18 If you do, you will be subject to cross-examination by the

19 deputy district attorney, and anything that you say, be it on

20 direct or cross-examination, will be subject to fair comment

21 when the deputy district attorney speaks to the jury in their

22 closing arguments.

23 Do you understand that?

24 THE DEFENDANT: Yes, I do.

25 THE COURT: You also, if you choose not to testify,

1 I want you to understand that I will not permit the deputy
2 district attorney to make any comments to the jury because
3 you have not testified.

4 Do you understand what I mean by that?

5 THE DEFENDANT: Explain it a little bit more.

6 THE COURT: Basically, it says that if you choose
7 not to testify, they can't get up and later say, you know
8 what, why didn't we hear from the defendant? Why didn't the
9 defendant testify? Does that mean that he's guilty? Does
10 that mean -- they can't say anything to that regard because
11 they can't come in any regards why you didn't testify. They
12 can't ask the jury to consider that.

13 THE DEFENDANT: Okay.

14 THE COURT: And if you do choose not to testify,
15 and if your attorney asks me to do so, I will instruct the
16 jury that the law does not compel a defendant in a criminal
17 case to take the stand and testify, and no presumption may be
18 raised, and no inference of any kind may be drawn from a
19 failure of a defendant to testify.

20 The jury will be instructed that way if your
21 attorney asks me to do that. Do you understand?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay. The reason I talk to you about
24 this now is that's something I want you to discuss with your
25 counsel. Okay?

1 THE DEFENDANT: I will definitely do that.

2 THE COURT: All right. Do you have any questions
3 about these rights at this time?

4 THE DEFENDANT: I think I will ask them, and I
5 appreciate they'll be able to inform me.

6 THE COURT: Okay. I want you to also understand
7 that you further would be advised that if you do have a
8 felony conviction and more than ten years have not elapsed
9 from the date that you've been convicted of discharge from
10 prison, parole, or probation, whichever is later, and the
11 defense has not sought to preclude that if coming before the
12 jury, and you elect to take the stand to testify, the deputy
13 district attorney in the presence of the jury will be
14 permitted to ask the following questions: Have you been
15 convicted of a felony, what was the felony, when did it
16 happen, but I won't let them get into it.

17 Do you understand? I don't know if that's an issue
18 for you at all, but if you -- basically, if you have a prior
19 felony and you take the stand and you fit within the certain
20 parameters of the timeframe, the State would be able to ask
21 about it.

22 THE DEFENDANT: Oh, so that means if I do take the
23 stand, because I don't have no felonies, that they can't use
24 that?

25 THE COURT: Yeah, they won't be asking are you a

1 convicted felon.

2 THE DEFENDANT: No.

3 THE COURT: No, they wouldn't do that. Because if
4 you're not a felon -- it's for impeachment purposes.

5 THE DEFENDANT: I think I understand it, but I
6 think they'll fill me in more later.

7 THE COURT: Okay. So you need to discuss that with
8 them. Think about that. I'm not asking you now to tell me
9 one way or the other. But when the time comes when you're
10 presenting your defense, there may be a situation where you
11 may be -- your attorney may be discussing whether or not
12 you're going to testify or not, and then that -- you need to
13 let me know. Okay?

14 THE DEFENDANT: I will, sir.

15 THE COURT: All right. Okay. So with that being
16 said, let's go ahead and get the jury back in. Okay?

17 And then call Nileen Knoke.

18 THE DEFENDANT: Oh, I have one --

19 THE COURT: Oh, hold on, hold on. He's got another
20 question.

21 THE DEFENDANT: I tried calling my public defender
22 yesterday because I wanted to talk to him.

23 THE COURT: Okay.

24 THE DEFENDANT: And the jail moved over to a new
25 phone system.

1 THE COURT: Okay.

2 THE DEFENDANT: And every time I tried calling the
3 Public Defender's Office, the numbers, they kept saying these
4 numbers are restricted.

5 THE COURT: Okay.

6 THE DEFENDANT: And I couldn't get to him at all to
7 try to talk to him before we came in here today.

8 THE COURT: Did you tell him that?

9 MR. LOPEZ-NEGRETTE: This morning.

10 MS. RADOSTA: This morning, Judge.

11 THE COURT: Okay. Well, then --

12 THE DEFENDANT: And I told the CO that, too, and --

13 THE COURT: I understand. He can talk to you now
14 about it.

15 THE DEFENDANT: So now --

16 MS. RADOSTA: So we might need a little extra time,
17 Your Honor, today or tomorrow to have a conversation with
18 him --

19 THE COURT: Okay. Well --

20 MS. RADOSTA: -- just in the back.

21 THE COURT: -- we're going to it be taking our
22 break by 5:00 o'clock. You'll have until 9:00 o'clock
23 tomorrow morning to certainly discuss that. And then I know
24 the State's got some more testimony.

25 MS. RADOSTA: Um-h'm.

1 THE COURT: So you'll have time. I'm just --
2 you'll have probably two or three days to discuss that and
3 decide.

4 THE DEFENDANT: Okay.

5 THE COURT: Okay? All right?

6 THE DEFENDANT: I just wanted to let you know that
7 I did try, and the phone systems, like I said, they're moving
8 it over to a new system --

9 THE COURT: Okay.

10 THE DEFENDANT: -- and it just kept saying
11 everything was denied.

12 THE COURT: Okay. All right. Well, that's why I
13 said, you brought that up to your attorneys' --

14 THE DEFENDANT: Yes.

15 THE COURT: -- attention this morning?

16 THE DEFENDANT: Yes.

17 THE COURT: Okay. All right. Okay. So Ed, go
18 ahead and get the jury, and bring back Nileen Knoke.

19 THE MARSHAL: All rise for the presence of the
20 jury.

21 (In the presence of the jury at 3:18 P.M.)

22 THE COURT: All right. We're back on the -- go
23 ahead and have a seat, everybody.

24 We're back on the record in the presence of the
25 jury in Case No. C-311453, State of Nevada versus Christopher

1 Sena.

2 Will the parties stipulate to the presence of the
3 jury?

4 MR. SWEETIN: Yes, Judge.

5 MS. RADOSTA: Yes, Judge.

6 THE COURT: All right. We're re-calling -- my
7 Marshal went to get her. All right. There she is.

8 Ms. Knoke, can you come back in? Come back up to
9 the witness stand. Okay. Ms. Knoke, go ahead and have a
10 seat.

11 THE WITNESS: Okay.

12 THE COURT: I want to remind you that you're still
13 under oath.

14 THE WITNESS: Yes.

15 THE COURT: All right. When we took a break, the
16 State was in the process of asking you some questions. We'll
17 pick up from there. Okay?

18 THE WITNESS: Okay.

19 DIRECT EXAMINATION (RESUMED)

20 BY MR. SWEETIN:

21 Q Ms. Knoke, when we last spoke, we were discussing
22 what's been marked now as State's Exhibits 95 and 96. Do you
23 remember that?

24 A Yes.

25 Q And just to get back up to speed, we were talking

1 about some e-mails that were received by Cox Cable early on
2 the morning of September 11th of 2014; is that right?

3 A Correct.

4 Q And you became aware of those, and those were
5 forwarded to you; is that correct?

6 A Correct.

7 Q So now looking at these exhibits, these comprise
8 two e-mails; is that correct?

9 A Yes.

10 Q And these are the two e-mails that were forwarded
11 to you?

12 A Yes.

13 Q Now, we also discussed that there was some
14 attachments to each of those e-mails; is that right?

15 A Correct.

16 Q Okay. And you described in some detail what those
17 attachments were; is that correct?

18 A Yes.

19 Q Now, when those attachments were received and
20 forwarded to you, were there body parts that were blurred or
21 was it just all clearly visible, the entire body?

22 A It was all visible.

23 Q Okay.

24 A Yeah.

25 Q Now, did there come a point in time when you later

1 had a discussion with an employee by the name of Deborah
2 Sena?

3 A Yes.

4 Q At that time, did you show her the photos that you
5 made reference to?

6 A Yes.

7 Q At that time, were the photos blurred at all?

8 A No.

9 Q Okay. So the photos were clear?

10 A Yes.

11 Q All right. Now, in regards to these two e-mails,
12 these e-mails specifically, I think, we mentioned are on both
13 on the date of September 11, 2014; is that correct?

14 A Yes.

15 Q And what's the times?

16 A It was really early in the morning. 4:49 a.m. and
17 4:43 a.m.

18 Q Okay. So one comes at 4:43 a.m.; is that right?

19 A Yes.

20 Q The other comes at 4:49 a.m., just a few minutes
21 later?

22 A Um-h'm.

23 Q And --

24 THE COURT: Is that a, yes.

25 THE WITNESS: Yes, yes.

1 MR. SWEETIN: Thank you, Judge.

2 BY MR. SWEETIN:

3 Q And they're -- they come from what e-mail address?

4 A It's a deborahhzx6r@gmail.com.

5 Q Okay. And they're addressed to a number of people;
6 is that correct?

7 A Correct.

8 Q Now, would it be fair to say that you were asked to
9 determine if you were familiar with any of the individuals
10 that were addressed in any either of these e-mails; is that
11 correct?

12 A Yes, that's correct.

13 Q And are you familiar with all of the individuals
14 addressed in these e-mails?

15 A Yes, I am.

16 Q Would it be fair to say that all those individuals
17 were on that day or previously employees of Cox Cable?

18 A Yes. Correct.

19 Q And just to be clear, in regards to the individuals
20 that we're talking about as employees of Cox Cable, are these
21 all, sort of, workers at Cox Cable, are they management of
22 Cox Cable? Who are they exactly?

23 A There's a variety in there. Some are managers,
24 some are workers, frontline employees, so exempt and
25 non-exempt employees.

1 Q Okay. Now, you indicated that Deborah Sena was an
2 employee of Cox Cable on that day, is that correct, September
3 11, 2014?

4 A Yes.

5 Q Is she, in fact, one of the addressees in each of
6 these e-mails?

7 A That I don't recall. I don't believe she was. Was
8 she?

9 Q Can you take a look and let us know.

10 A Sorry. Let's see. I wonder -- I don't see it --
11 see her here. I mean, I see the e-mail address from -- and
12 sorry, my contacts can get blurry at times, if there was.

13 Oh, sorry, I do. I -- it is included in the
14 e-mail, too. So it was in the "from" and the "to".

15 Q Okay. Now, just to be clear, I just want to
16 clarify, there's two e-mails that we're talking about; is
17 that correct?

18 A Um-h'm. Yes.

19 Q So is Deborah Sena one of the individuals each of
20 those e-mails was sent to?

21 A Yes.

22 Q All right.

23 A Her -- looks like the work e-mail address.

24 Q Okay. Now, want to talk to you a little bit about
25 the e-mail addresses that we had because you mentioned work

1 e-mail; is that correct?

2 A Correct.

3 Q How do you differentiate with what is work e-mail
4 and what's not a work e-mail?

5 A All our e-mail addresses that are work issued are
6 -- have the tag line cox.com, and all of those are work
7 e-mails.

8 Q Okay. So some of these e-mails have cci-southwest;
9 is that correct?

10 A Yes.

11 Q What does that signify?

12 A That means Cox Communications Inc., southwest
13 region.

14 Q Okay. So it would be fair to say that every e-mail
15 that we have that had that behind it are work e-mail?

16 A Yes.

17 Q Now, are all of these work e-mails?

18 A No, not all of them are.

19 Q Okay. Would it be fair to say there's about 68
20 individuals that these are addressed to?

21 A Yes.

22 Q Okay. And would it be fair to say that there's
23 about six that aren't actually work e-mails?

24 A Yes.

25 Q Were you able to determine who the individuals

1 associated with those e-mails that were not work e-mails
2 were?

3 A I -- I made the assumption that they were also --
4 because based on the non-work e-mail, it their names, first
5 and last names there, so --

6 Q Okay.

7 A -- I recognize the names.

8 Q And based upon those names, you said you recognized
9 them; is that right?

10 A Yes.

11 Q Were you aware that they were, in fact, employees
12 of Cox Cable as well?

13 A Correct.

14 Q Okay. So all of these individuals were employees
15 of Cox Cable?

16 A Correct.

17 Q Okay. Now, you indicated that once you received
18 these e-mails, that you took some steps; is that correct?

19 A Yes.

20 Q What did you do exactly?

21 A I started contacting people I needed to regarding
22 the e-mails. So one was our IT department, and IT and
23 security department to determine if we could stop -- since
24 they were so early in the morning, there were still people
25 that maybe had not gotten to work, so if we could stop people

1 from opening those e-mails and see if we could block in any
2 way from this e-mail address continuing to send e-mails in.

3 Our public affairs department, so they understood
4 what was just received in case other people decided to
5 forward and disseminate what they had received. Our -- and
6 our leadership -- our senior leadership team so that they
7 would be prepared to respond to any questions about it.

8 Q All right. So at that time, are you aware of
9 whether or not the IT team was able to stop the dissemination
10 of the e-mails personally?

11 A No, they -- they tried, and they weren't sure if it
12 was a hundred percent successful from people opening the
13 e-mails.

14 Q Okay. Now, you've alerted the individuals within
15 your company that you've described. Do you take any other
16 steps at that particular time?

17 A And -- well, after we had all that settled, well,
18 then the next step was to talk to -- I wanted to talk to the
19 employee to help understand if they understood why those
20 e-mails and if they knew that this had come through.

21 Q And when you say the employee, you're referring to
22 Deborah Sena?

23 A Correct.

24 Q Now, you indicated -- you said Deborah Sena was an
25 employee there. Do you know that she was working on that

1 particular day?

2 A At that time I didn't know if she was, but I did
3 reach out to her leader and found out that she was working
4 that day and we were able to meet with her.

5 Q Do you recall when during the day that you, in
6 fact, met with her?

7 A A few hours later. I don't remember the exact
8 time.

9 Q And when you met with her, was it there at work in
10 your office at Cox Cable, somewhere else?

11 A It was in my office at Cox Communications.

12 Q Was there anybody else there at that time?

13 A When I first met with her, no. No, it was just
14 trying to figure out why these e-mails came in.

15 Q Okay. When you first met with her, did you become
16 aware that she had any knowledge of these -- or appeared to
17 have any -- appeared to you to have any knowledge at all of
18 these e-mails being sent?

19 A It seemed that she was aware, and she acknowledged
20 that that was -- she acknowledged the pictures and that that
21 was her.

22 Q Okay. And did you, in fact, have a discussion with
23 her as to those photos?

24 A Yes. I -- we had a conversation, and she gave me
25 some information as to what -- because it seemed to come from

1 her, but at the time, she was saying that it was her husband
2 or soon to be ex-husband and that she had received -- she --
3 he had told her that he was going to do --

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

5 THE COURT: Overruled.

6 THE WITNESS: So --

7 THE COURT: She's testified.

8 MS. RADOSTA: I'm sorry?

9 THE COURT: She's been subject to
10 cross-examination.

11 MS. RADOSTA: But, I'm --

12 THE COURT: Go ahead.

13 BY MR. SWEETIN:

14 Q And you indicated --

15 A Okay.

16 Q -- that, in fact, she said what?

17 A So that she said that she had been having trouble
18 with her husband, and so they had left him, that she had --
19 was trying to get a divorce from him and that he had
20 threatened her, and so she wasn't surprised that this
21 occurred.

22 Q Based upon that, did you have any suggestions for
23 her at that time?

24 A Since she said she had retained a lawyer at that
25 time to help her with the divorce and she said she had --

1 MS. RADOSTA: Objection, Your Honor. Hearsay.

2 THE COURT: Overruled. Go ahead. You can answer.

3 THE WITNESS: So she -- I said she -- I advised her
4 to speak to her lawyer about what occurred.

5 BY MR. SWEETIN:

6 Q Okay. Now, you mentioned that you had talked to
7 management about everything that was going on here; is that
8 correct?

9 A Correct.

10 Q Was there any e-mail or memo that was disseminated
11 as a result of what had happened here?

12 A Yes, there was a memo that went out to all
13 employees from our market vice president since we weren't
14 able to know for sure if all the e-mails had stopped
15 requesting that anyone that had received some sort of e-mail
16 that wasn't work-related to please not disseminate it and
17 delete it.

18 Q Okay. And I'm showing you what's marked as State's
19 Exhibit 97. Do you recognize that?

20 A Yes, that's the message that went out.

21 Q Okay. And is that a clear and accurate copy of the
22 memo or message that you indicated went out?

23 A Yes, that is.

24 Q Okay.

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

1 THE COURT: Cross.

2 MR. SWEETIN: And Judge, just to be clear, I
3 thought this hadn't been moved in yet either. It's Exhibit
4 -- it's marked as State's Exhibit 97. I'm not sure that we
5 moved it in, but I think I've laid an adequate foundation.
6 If we haven't, I would move for the admission.

7 THE CLERK: I thought Ms. Sudano had moved it in.

8 MR. SWEETIN: I'm not sure if we had or not.

9 MS. SUDANO: I didn't.

10 THE COURT: That's not an e-mail. That's a memo.
11 So what you're saying; this is a memo that was sent by Cox
12 communication to the employees?

13 MR. SWEETIN: Yes.

14 (Pause in the proceedings)

15 THE COURT: Any objection?

16 MS. RADOSTA: We'll submit it, Your Honor.

17 THE COURT: It will be admitted.

18 (State's Exhibit 97 admitted)

19 MR. SWEETIN: Thanks. Nothing further, Judge.

20 THE COURT: All right.

21 CROSS-EXAMINATION

22 BY MS. RADOSTA:

23 Q Good afternoon, Ms. Knoke, how are you?

24 A Good, thank you.

25 Q I just have a few -- just a couple questions for

1 you. I presume that Cox Communications has some type of
2 policy against any type of e-mails containing nudity or sex
3 you mean innuendo or sexual -- anything sexual traveling back
4 and forth on Cox work e-mail?

5 A Correct.

6 Q Sorry, that was a horrible question. My apologies.
7 But you are ahead of HR, correct?

8 A Correct.

9 Q So this is something you don't want there to be
10 nudity being passed around at work via e-mail, correct?

11 A Correct.

12 Q You don't want there to be sexual jokes being
13 passed around via e-mail at work, correct?

14 A Correct.

15 Q Because it is a work environment and there are
16 certain rules that are just simply in place?

17 A That's correct.

18 Q So when you found out that these e-mails were in
19 the system, I presume, were you already at work that day or
20 were you getting a phone call at home?

21 A I was getting a phone call on my cell phone, yes,
22 because I wasn't at work yet.

23 Q Yeah, because it was quite early?

24 A Yeah.

25 Q Before 5:00 that these were in system? Okay.

1 A Correct.

2 Q So you were making phone calls from home to try to
3 get as many people in the loop as possible; is that fair to
4 say?

5 A No, I was on my way to work --

6 Q Okay.

7 A -- so at work I started making all the calls, yeah.

8 Q Okay. And your first order of business was to
9 contain the e-mails, correct?

10 A Correct.

11 Q To just prevent them from being spread or from them
12 being opened?

13 A Correct.

14 Q And that took a few hours to get that part of it
15 under control?

16 A Maybe about an hour or so. To at least just get it
17 into the right hands so that they could start working on
18 doing that.

19 Q Okay. Because you're not in the tech department?

20 A No, exactly.

21 Q Okay. So you were just calling people saying,
22 please do what I need you to do?

23 A Correct.

24 Q Okay. It was only after that part of it was
25 contained that you took -- or started to take care of

1 figuring out what had happened, correct?

2 A Correct.

3 Q Because the fact that these e-mails were sent
4 potentially from a Cox employee was a concern, correct?

5 A Yes.

6 Q So when you first saw the return e-mail address,
7 your first thought was that these e-mails did come from
8 Deborah Sena, correct?

9 A I can't say that that was my first thought. It was
10 based on the pictures that I immediately thought of her and
11 that she was --

12 Q Okay.

13 A -- part of that.

14 Q You did notice at some point, though, that the
15 e-mails were sent from an e-mail account can Deborah Sena's
16 name in it, correct?

17 A Yeah, the e-mail contained that information.

18 Q Okay. And when you eventually had her come to your
19 office, your purpose was to figure out if she had sent the
20 e-mails, correct?

21 A Correct.

22 Q And you took her at her word when she said it
23 wasn't her that had done this, correct?

24 A Yes, and based on that conversation, and what had
25 happened -- the conversation that I had with her a few months

1 back.

2 Q Okay. But you -- she was an employee at Cox longer
3 than you've been at Cox, correct?

4 A That's correct.

5 Q So part of why you are basis for believing her was
6 just the nature of her relationship with the company that she
7 had been there that long?

8 MR. SWEETIN: I believe the question's been asked
9 and answered, Judge.

10 THE COURT: Overruled. Go ahead.

11 THE WITNESS: Not necessarily the -- it was based
12 on the previous interaction.

13 BY MS. RADOSTA:

14 Q Okay.

15 A Because that never happened before with this
16 employee --

17 Q Okay.

18 A -- so looking at past history and patterns,
19 which --

20 Q Okay.

21 A -- didn't exist at the time for that behavior, and
22 then after she and I spoke, there was going to be follow-up
23 to it, too. So it wasn't an immediate on one conversation.

24 Q What was the follow-up?

25 A She was going to go back to her lawyer and she was

1 going to come back and talk to me and see what she was going
2 to do --

3 Q Okay.

4 A -- at that point.

5 Q Okay. But no follow-up with you at Cox
6 Communications necessarily? There wasn't like a counseling
7 session or anything like that?

8 A I'm sorry, can you clarify what you mean by
9 counseling session?

10 Q Well, like did you have her sit down with anybody
11 else in HR to see if they had any additional questions for
12 her?

13 A No. There was -- I mean, we had follow-up to
14 continue determining, and she was going to show me if she got
15 the restraining order and whatever. So that would prove
16 further what the --

17 Q Did she ever --

18 A -- situation that was going on with her at the
19 time.

20 Q Did she ever show you a follow-up restraining
21 order?

22 A No, there -- it didn't occur.

23 Q Did she ever inform you that the police told her
24 not to get a restraining order?

25 A No.

1 Q Fair to say that you would have been surprised had
2 Ms. Sena sent these photos herself, given the nature of the
3 photos?

4 A I guess.

5 Q Okay. Not necessarily?

6 A Not -- I mean -- I mean, I didn't have an opinion
7 one way or the other.

8 Q Okay. Fair enough. Fair enough.

9 MS. RADOSTA: Court's indulgence. Nothing further,
10 Your Honor.

11 MR. SWEETIN: No questions, Judge.

12 THE COURT: Ms. Knoke, thank you so much for your
13 patience with the Court here.

14 THE WITNESS: All right.

15 THE COURT: You're excused. You can step down.

16 THE WITNESS: Thank you.

17 THE COURT: Okay? State, call your next witness.

18 MS. SUDANO: Thank you, Your Honor. State calls
19 Larry Samples.

20 DETECTIVE LARRY SAMPLES, STATE'S WITNESS, SWORN

21 THE CLERK: Thank you. Please be seated.

22 Please state your full name, spelling your first
23 and last name for the record.

24 THE WITNESS: It's Lawrence, L-a-w-r-e-n-c-e,
25 Samples, S-a-m-p-l-e-s.

1 THE COURT: Your witness.

2 MS. SUDANO: Thank you.

3 DIRECT EXAMINATION

4 BY MS. SUDANO:

5 Q Sir, how are you employed?

6 A I'm a detective with the Las Vegas Metropolitan
7 Police Department.

8 Q Are you assigned to any particular bureau within
9 the detective detail?

10 A Yes, I'm assigned to the homicide and sex crime
11 bureau, specifically the sexual assault section.

12 Q How long have you been a sexual assault detective?

13 A Four-and-a-half years now.

14 Q Were you working in that capacity in September of
15 2014?

16 A I was.

17 Q Were you assigned to investigate an investigation
18 -- or investigate a case involving Deborah Sena?

19 A I was.

20 Q Is that from a report that came in September 15th
21 of 2014?

22 A Yes, there was.

23 Q Under event number 140915-1583?

24 A Yes.

25 Q What were the details of the report as it arrived

1 to you?

2 A The summary details were that there was a female
3 named Deborah, and her two children, at an attorney's office
4 that had been -- disclosed to the attorney a number of years
5 and decades of sexual abuse by their husband and father.

6 Q Was it your understanding from the initial report
7 that it was actually the attorney who had called and gotten
8 the police involve?

9 A Yes, the police responded to the attorney's office.

10 Q Now, are there times where sex assault detectives
11 respond immediately as soon as a call comes out?

12 A Yes, there is.

13 Q Are there times where a detective may not respond
14 immediately when a call comes out?

15 A Yes.

16 Q What's the distinguishing factor between those two
17 response times?

18 A At the time, the criteria for initial response,
19 immediate response, would be impending danger of what's
20 reported to us. Anything that's happened within 72 hours, if
21 the suspect and the victim are in the same home, things like
22 that would be our immediate response. That was the criteria
23 at the time.

24 Q So if you don't have information that you're
25 dealing with something that has happened within the last 72

1 hours, if you're not dealing with the situation where there's
2 immediate danger or a suspect and a victim living in the same
3 residence, is it common for detectives to respond
4 immediately?

5 A No.

6 Q What's the process for a case being assigned out
7 for further response?

8 A So a patrol officer would document the report, an
9 incident crime report. That report would then be forwarded
10 up to our section and then our supervisor assigns it to the
11 appropriate detective from there.

12 Q So after that initial report on September 15th of
13 2014, you had the case assigned to you; is that correct?

14 A I did.

15 Q When did you begin your follow-up?

16 A The 17th, two days later.

17 Q Okay. What were your first steps that you took on
18 September 17th?

19 A On the 17th, the reporting person, Deborah, and her
20 two children, Anita and Brandon, came to our office, the
21 Southern Nevada Children's Assessment Center, and interviews
22 occurred down there.

23 Q Now, you said at the Southern Nevada Children's
24 Assessment Center?

25 A Yes.

1 Q Is that the office that's located, sort of, Pecos
2 and Bonanza?

3 A It is.

4 Q And it's in the same compound as CPS and family
5 court?

6 A Yes, it is.

7 Q You indicated that Deborah came down with who with
8 her?

9 A She had Anita Sena with her and then another child
10 named Brandon Sena.

11 Q How old was Anita Sena at that time, if you recall?

12 A 24.

13 Q How about Brandon Sena?

14 A 16.

15 Q So Anita was an adult, Brandon was still a minor;
16 is that correct?

17 A Yes.

18 Q You indicated that interviews took place that day;
19 is that correct?

20 A Yes, there were.

21 Q Okay. Can you explain to us how that process
22 worked with the interviews?

23 A Each person was actually interviewed by different
24 involved persons and detectives. So Brandon was forensically
25 interviewed by a forensic interviewer. I interviewed Anita.

1 And two other detectives in my squad obtained a statement
2 from Deborah.

3 Q You mentioned that Brandon was forensically
4 interviewed. Can you just explain what that means?

5 A So a forensic interview is a protocol style of
6 interviewing of children that produces statements that are
7 best used in an investigation for court purposes.

8 They are non-leading interviews as in -- the
9 easiest way to explain it is basically like a conversation
10 that's occurring between a trained interviewer and forensic
11 interviewer and a child.

12 Q And are forensic interviewers -- or excuse me,
13 interviews typically conducted on children or minors?

14 A Yes.

15 Q Now, you indicated that all of those interviews
16 were happening essentially at the same time; is that correct?

17 A Yes.

18 Q Was there ever an opportunity for Deborah or Anita
19 and Brandon to communicate amongst themselves while those
20 interviews were taking place?

21 A No, they were separated at all times.

22 Q At some point, did yourself and the other
23 detectives have the opportunity to converse amongst
24 yourselves during the interviews?

25 A We did.

1 Q What was the purpose of that?

2 A It was to meet and go over the information that was
3 being discovered during the course of all the interviews so
4 everyone was aware of what was occurring and disclosures that
5 were being made by all the involved parties.

6 Q And would it be fair to say that you were the case
7 agent, you were the person that was responsible for putting
8 the entire investigation together?

9 A Yes.

10 Q So was it important for to you have the information
11 from Brandon and Deborah, even though you were not the person
12 that was directly conducting those interviews?

13 A Yes, it was.

14 Q About what time did those interviews take place in
15 the day, if you recall?

16 A It started in the afternoon and ran pretty late.
17 Almost all day.

18 Q After those interviews, what happened with Deborah,
19 Brandon, and Anita?

20 A They were assigned a CPS caseworker and then they
21 left the assessment center.

22 Q Was Deborah permitted to leave with Anita and
23 Brandon at that point?

24 A Yes, she was.

25 Q Was that a decision that you had any involvement in

1 at that point?

2 A No, that was CPS's decision.

3 Q Is there anything that was concerning to either
4 yourself or the other detectives about the substance of
5 Deborah's interview in particular?

6 A We had some concerns and reservations of how
7 forthcoming she was in regards to her involvement. So it was
8 something that they took note of for the rest of the
9 investigation.

10 Q Now, would it be fair to say that based on the
11 totality of the interview with Brandon, Anita, and Deborah,
12 you had learned that there was a possibility of photographic
13 or video evidence?

14 A Yes.

15 Q What, if anything, did you do once you learned that
16 there was possibility photographic or video he was in this
17 case?

18 A We had concerns that there was a potential losing
19 of that evidence if it was ever -- it was discovered they
20 were in a office. So we drafted a telephonic search warrant
21 for the residence of where the abuse had occurred at. And
22 then we were granted the telephonic search warrant, and then
23 we served it from there.

24 Q Okay. So you indicated that you had concerns about
25 that evidence being destroyed; is that correct?

1 A Yes.

2 Q All right. Did yourself or any of the other
3 detectives have a conversation with Deborah about her next
4 steps as she was leaving the office?

5 A We had known that she already was attempting to
6 begin the process of a divorce of filing paperwork that way.
7 So we had concerns of notifications from there.

8 Q Was she instructed not to reach out to the
9 defendant, not to have any contact with the defendant?

10 A Yeah, she was.

11 Q Was she encouraged not to do anything that would
12 let the defendant know that she had spoken with detectives?

13 A Yes.

14 Q So you indicated that you started working on the
15 search warrant right away; is that correct?

16 A Yes.

17 Q Is that a quick process or is it something that
18 takes time?

19 A Takes a little bit of time.

20 Q Were you granted that search warrant the same day?

21 A I was.

22 Q What, if anything, did you do once you were granted
23 the search warrant?

24 A Once we were granted the search warrant, we began
25 the process of serving it. So we -- in this situation, it

1 was necessary for our SWAT team to serve the search warrant.
2 So contact was made with them. And then we met with them,
3 and then they executed the service of the actual search
4 warrant for us.

5 Q And that was a decision that was made just based on
6 the protocols that were in place at that time; is that
7 correct?

8 A Yes, it was our policy.

9 Q And the search warrant I don't remember if you said
10 was actually executed at 6012 Yellowstone; is that correct?

11 A Yes, it was.

12 Q Were you present when SWAT made interview into the
13 residence?

14 A From a distance, yes.

15 Q Were you present when SWAT exited the residence?

16 A Yes.

17 Q Was anybody present with the SWAT team when they
18 came out of the residence?

19 A There was two persons present.

20 Q Who was present?

21 A Christopher Sena and then another juvenile by the
22 name of Terry Tails Sena.

23 Q Do you see either of those individuals here in the
24 court?

25 A Christopher.

1 Q Can you point to him and tell me an article of
2 clothing that he's wearing today?

3 A He's wearing a light blue shirt and a -- I'd say a
4 light blue tie.

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

7 THE COURT: It will.

8 MS. SUDANO: All right.

9 BY MS. SUDANO:

10 Q So after the SWAT team had pulled the defendant and
11 Tails out of the residence at 6012 Yellowstone, what did you
12 do?

13 A Christopher was brought over to me, and I conducted
14 an interview with him inside my department vehicle.

15 Q Okay. Now, I want to talk to you a little bit
16 about that interview. You said that that interview took
17 place inside your patrol car; is that correct?

18 A It was an unmarked vehicle.

19 Q Oh, I'm sorry. Inside your unmark vehicle, but it
20 was your department issued vehicle?

21 A Yes.

22 Q Was anybody else present during that interview?

23 A No.

24 Q What time did that interview start, if you
25 remember?

1 A I don't remember the exact time.

2 Q Okay. Did you take any steps to memorialize the
3 contents of that interview?

4 A Yes, it was audio recorded.

5 Q Was at that audio recording then turned into a
6 transcript so you could read the actual conversation?

7 A Yes, it was.

8 Q Would looking at that transcript refresh your
9 recollection the time the interview started?

10 A Yes, it will.

11 MS. SUDANO: Your Honor, may I approach?

12 THE COURT: Yes.

13 MS. SUDANO: All right.

14 BY MS. SUDANO:

15 Q Detective, I'm showing you a copy of the interview
16 in this case; do you recognize that?

17 A Yes.

18 Q And does that refresh your memory?

19 A It does.

20 Q What time did the interview in this particular case
21 start, Detective?

22 A 02:25 hours a.m.

23 Q So 2:25 in the morning?

24 A Yes.

25 Q Okay. At the point that you were conducting that

1 interview, you indicated it was just yourself and the
2 defendant present; is that correct?

3 A Yes, it was.

4 Q Where were you in the vehicle?

5 A I was seated in the driver's seat.

6 Q Where was the defendant in the vehicle?

7 A He was seated in the passenger's seat.

8 Q Was the defendant free to go at that point?

9 A He was not.

10 Q Based on the fact that the defendant was not free
11 to go, what, if anything, did you do?

12 A I advised him of his -- I provided him his
13 advisement of custodial rights, interrogation rights off of
14 my department issued LVMPD advisement of custodial
15 interrogation card.

16 Q Okay. So you read him his Miranda rights?

17 A Yes.

18 Q Did he indicate that he understood those rights?

19 A He did.

20 Q Did he indicate that he was willing to speak with
21 you?

22 A He did.

23 Q Did you then go on to conduct an interview with the
24 defendant?

25 A Yes, I did.

1 Q About how long did that interview last, if you
2 recall?

3 A It was approximately 45 minutes to an hour.

4 MS. SUDANO: Your Honor, may I approach the
5 witness?

6 THE COURT: Yes.

7 BY MS. SUDANO:

8 Q So Detective, you had already indicated that the
9 interview was audio recorded; is that correct?

10 A Yes, I it.

11 Q And we already talked about the fact that it was
12 typed up and put into a transcript; is that correct?

13 A Yes.

14 Q Now, I'm showing you what's been marked as State's
15 Proposed Exhibit 100. Do you recognize that?

16 A I do.

17 Q How do you recognize that?

18 A It's a audio recording and my name and -- or my
19 initials and badge number are on there.

20 Q Have you previously had the opportunity to review
21 this audio recording?

22 A Yes.

23 Q And what's contained on the audio recording?

24 A My interview with Christopher.

25 Q Is it a fair and accurate copy of your interview

1 with the defendant?

2 A It is.

3 Q And then what about Proposed Exhibit 101, do you
4 recognize that?

5 A Yes.

6 Q What is that?

7 A It is the transcribed statement of my interview
8 with Christopher.

9 Q And is that a fair and accurate depiction of the
10 transcript of that interview?

11 A It is.

12 MS. SUDANO: Your Honor, at this time, I would move
13 for the admission of Proposed 100 and 101.

14 THE COURT: Any objection?

15 MS. RADOSTA: Submitted, Your Honor.

16 THE COURT: They'll be admitted.

17 (State's Exhibits 100 and 101 admitted)

18 MS. SUDANO: And Your Honor, at this time, I would
19 move for permission to publish the audio, which is Exhibit
20 100.

21 THE COURT: Yes.

22 (Playing audio recording of Detective Samples/Defendant)

23 MS. SUDANO: Court's indulgence.

24 BY MS. SUDANO:

25 Q All right. Detective, so we just listened to the

1 entirety of that interview; is that correct?

2 A Yes.

3 Q All right. So I wanted to direct your attention
4 and just kind of follow up on a couple of things in that
5 interview.

6 There was a period where you paused the interview;
7 is that correct?

8 A Yes.

9 Q What was the purpose of you pausing the interview?

10 A A SWAT officer walked up to the vehicle to talk to
11 me, and I didn't want the potential of any tactical
12 information or anything like that to be caught on the
13 recording. And then that's why I paused it.

14 Q All right. Was there also another period where you
15 paused the interview?

16 A Quickly, when the -- another officer walked --
17 another detective walked over because they were having a
18 difficult time opening the safe. So they just clarified the
19 code to the safe.

20 Q Okay. And the defendant did actually provide the
21 code to the safe during that interview; is that correct?

22 A Yes.

23 Q Okay. And actually indicated or distinguished
24 between a safe that was located in the master bedroom and a
25 safe that was located in the office; is that correct?

1 A Yes, he did.

2 Q Okay. You asked the defendant about a number of
3 items or what was located in the safe; is that correct?

4 A I did.

5 Q And he provided information about a number of
6 different things that were located in the safe?

7 A Yes, he did.

8 Q Initially, when you were talking about the safe,
9 did he provide any information about the fact that there was
10 a flash drive located in that safe?

11 A Not initially, no.

12 Q Okay. After you relayed the information to the
13 detectives about the information -- or the pass code to the
14 safe, was it your understanding that that safe was actually
15 opened?

16 A Yes.

17 Q Okay. Now, I heard that there were a number of
18 periods where it sounded like the defendant was saying ow or
19 ouch.

20 A Yes.

21 Q Can you explain to us what was going on with that?

22 A He was still in restraints and handcuffs, and he
23 was complaining about -- complaining they were not
24 comfortable, so --

25 Q And were they actual handcuffs or you had mentioned

1 flex cuffs?

2 A So initially, they were flex cuffs is what the SWAT
3 officers put on, and then when the interview was over, we
4 were able to find the proper snips to get them out of the
5 flex cuffs and put them into regular handcuffs.

6 Q Okay. And so the zip -- they're basically zip
7 ties?

8 A Kind of like zip ties, yeah.

9 Q Okay. Now, while you were interviewing the
10 detective -- or excuse me, the defendant, were there other
11 detectives that were processing the rest of the scene?

12 A Yes.

13 Q All right. So it's a fairly dynamic scene while
14 this interview is taking place; is that right?

15 A Yes.

16 Q Now, are you trained on how to interview suspects
17 and victims?

18 A Yes.

19 Q Specifically, are there certain techniques that
20 you'll use during the interview with a suspect?

21 A There's a number of different ones from different
22 classes that I've taken. I just combine and make what works
23 best for me, but, yes.

24 Q Specifically, are -- were there anything in this
25 particular interview that we just listened to where we could

1 hear you using some much those interviewing techniques?

2 A Yes, I kind of slow played it. He was kind of very
3 specific on what he wanted to know specifics right off the
4 bat. In the beginning of the interview you hear him ask, you
5 have to be more specific with me.

6 So I kind of didn't give it to him, I guess, would
7 be fair to say it.

8 Q So is it part of your training to know what
9 information to release and when?

10 A Yes, it's a technique I use.

11 Q So were you providing all of the information tot
12 defendant when he was asking you what was going on?

13 A No, not all of it.

14 Q Did you start to provide the defendant with more
15 information as the interview progressed?

16 A Yes.

17 Q Did the defendant in response, sort of, start to
18 provide you with some additional information as well?

19 A Yes, he did.

20 Q Specifically, he was asking for information about
21 the allegations that you were there to investigate; is that
22 correct?

23 A Yes.

24 Q And he was responding in kind when you said sex
25 abuse allegations; is that correct?

1 A Yes, he did.

2 Q He was talking to you about his sex life?

3 A Yes.

4 Q Okay. Did he initially state to you how long it

5 had been since he had sex?

6 A He initially did, yes.

7 Q And he indicated it had been several months?

8 A Yes, since Deborah left.

9 Q And he indicated that Deborah was the only person

10 that he had sex with; is that correct?

11 A He did.

12 Q Did that eventually change?

13 A It did.

14 Q What did it change to?

15 A It eventually changed to --

16 MS. RADOSTA: Objection, Your Honor. We've already

17 listened to the entirety of the tape. Asked and answered, I

18 guess.

19 THE COURT: I don't believe the --

20 MS. RADOSTA: (Indecipherable).

21 THE COURT: I don't believe that they asked this

22 question.

23 MS. RADOSTA: Well, then cumulative, Judge. We've

24 listened to the entirety of the tape.

25 THE COURT: I understand. Overruled. Go ahead.

1 MS. RADOSTA: Thank you.

2 BY MS. SUDANO:

3 Q So what did the defendant change the answer to
4 about who he had had sex with?

5 A Over the course of the interview, he added --
6 sorry, Deborah, Terrie, and then he started adding in Anita
7 walking in on Brandon, and then having sex with Deborah after
8 that. He just kept adding more and more instances and more
9 and more times throughout the interview.

10 Q All right. So initially, the defendant provided
11 you with information and then he started to supplement that
12 information; is that fair?

13 A Yes.

14 Q Okay. So he said that he had -- he was drunk and
15 had sex with Anita when she was approximately 22; is that
16 correct?

17 A Yes.

18 Q And then he supplemented that so say that he had
19 sex with Anita and Deborah?

20 A Yes.

21 Q On one occasion?

22 A To begin with.

23 Q And then did that change?

24 A Yes.

25 Q What information did he ultimately provide that?

1 A And then it ultimately added up to he -- it was
2 between three and four times total between the two of them.

3 Q And then an incident between Anita and Deborah?

4 A Yes.

5 Q Did he indicate any contact between Anita and
6 Terrie?

7 A Yes, he did.

8 Q What did he say about that?

9 A He said in the office, there was another time that
10 the three of them had intercourse.

11 Q Did he indicate that he thought he had had sex with
12 Anita and Terrie --

13 A Yes.

14 Q -- on one occasion?

15 A He did.

16 Q So we talked a little bit about the flash drive or
17 the thumb drive. Initially, that was not something that the
18 defendant told you was located in the safe; is that correct?

19 A That's correct.

20 Q After you get on to the subject of who in the
21 residence the defendant had had sex with, did he volunteer
22 information about the flash drive and the safe?

23 A Yes, during the course of the interview did.

24 Q Okay. What did he say about the flash drive at
25 that point?

1 A He said that they would be images of bestiality
2 between Deborah and sex acts between him and Deborah and
3 Terrie.

4 Q Okay. Did he specifically indicate that it would
5 be photos of Deborah and the dog?

6 A It was video.

7 Q What did the defendant indicate that it was photo
8 or video, do you recall?

9 A I'm sorry, say that again.

10 Q Do you recall specifically what the defendant said?

11 A No, I don't, no.

12 Q Would looking at your statement --

13 A Yes, it would.

14 Q -- refresh your recollection? All right.

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

16 THE COURT: Yes.

17 MS. SUDANO: Page 39.

18 BY MS. SUDANO:

19 Q Draw your attention to the bottom of page 39.

20 A Okay.

21 Q All right. Does that refresh your recollection --

22 A Yes, it did.

23 Q -- Detective? Did the defendant specifically
24 indicate that there would be photos of Deborah and the dog on
25 the flash drive?

1 A Yes, he did.

2 Q All right.

3 MS. SUDANO: Your Honor, I can continue or this
4 might actually be a good time to take a break.

5 THE COURT: Okay. How long do you think you have?

6 MS. SUDANO: A another hour-and-a-half.

7 THE COURT: With this -- really?

8 MS. SUDANO: May I approach?

9 THE COURT: Yes.

10 (Off-record bench conference.)

11 THE COURT: Ladies and gentlemen, it appears that
12 there's additional -- I -- you know, I -- please disregard my
13 rude comment to the State about an hour-and-a-half. They
14 have a considerable more amount and that involves all the
15 video and that. So it looks like tomorrow we're going to
16 have to come back and be dealing with that.

17 So tomorrow at 9:00 o'clock. Okay? But I'm going
18 to give you your evening recess admonishment again not to
19 converse amongst yourself or with anyone else on any subject
20 connected with this trial, or read, watch, or listen to any
21 report or commentary on the trial by any person connect with
22 this case, or by any medium of information, including without
23 limitation, newspapers, television, Internet, or radio, or
24 form or express any opinion on any subject connected with
25 this case until the case is finally submitted to you.

1 9:00 o'clock okay? Everyone's shaking their head
2 yes. Okay. We'll see tomorrow at 9:00. All right? We'll
3 be at ease while the jury exits the courtroom.

4 Detective, we'll need you back tomorrow.

5 THE WITNESS: Yes, Your Honor.

6 THE COURT: I'm going to ask you not to discuss
7 this case and your testimony with anyone during this recess.

8 THE WITNESS: Yes, Your Honor.

9 THE COURT: Okay?

10 THE WITNESS: No problem.

11 THE COURT: All right. Okay.

12 (Outside the presence of the jury at 4:49 P.M.)

13 THE COURT: Okay. We're outside the presence of
14 the jury. Is there anything that need to be put on the
15 record before we take our evening recess?

16 MR. SWEETIN: Not from the State, Judge.

17 MS. RADOSTA: Nothing from us, Judge.

18 THE COURT: All right. Ya'll have a good evening.
19 Okay? We'll see you in here by 9:00 tomorrow. Okay?

20 MS. RADOSTA: Thank you.

21 THE COURT: Officers, can you get him here by 9:00?

22 CORRECTIONS OFFICER: Yeah.

23 THE COURT: Okay. Thanks. All right

24 (Court recessed at 4:49 P.M., until Thursday,

25 February 14, 2019, at 9:18 A.M.)

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WITNESSES

<u>NAME</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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STATE'S WITNESSES:

LOUISE RENHARD	15	25		
NILEEN KNOKE	31/178	189		
DEBORAH SENA	57	113	157	--
LARRY SAMPLES	196			

* * * * *

EXHIBITS

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CHRISTOPHER SENA,) No. 79036
)
 Appellant,)
)
 v.)
)
 THE STATE OF NEVADA,)
)
 Respondent.)
)

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I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 20 day of May, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

BY /s/ Carrie Connolly
Employee, Clark County Public Defender's Office