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Respondent.

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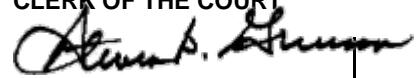
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ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual proceedings in the above-entitled case to the best of my ability.



JULIE LORD, TRANSCRIBER
VERBATIM DIGITAL REPORTING, LLC



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

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

BEFORE THE HONORABLE WILLIAM D. KEPHART, DISTRICT COURT JUDGE

THURSDAY, FEBRUARY 14, 2019

**RECORDER'S TRANSCRIPT OF HEARING
JURY TRIAL - DAY 13**

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, THURSDAY, FEBRUARY 14, 2019

2 (Case called at 9:18 A.M.)

3 (Outside the presence of the jury)

4 THE COURT: All right. We're back on the record in
5 the case of State of Nevada versus Christopher Sena in
6 C-311453.

7 I'd like the record to reflect the presence of the
8 defendant and Mr. Negrete -- Ms. Radosta has stepped out --
9 and the State with their counsel.

10 Before we get started on this with the jury, we had
11 one juror late because of the rain. But before we get
12 started, I'm looking at this. I don't know what the defense
13 is possibly going offer, but if we're done with the State's
14 case by noon, and that would give the afternoon for the -- I
15 would think that we would be able to settle jury instructions
16 this afternoon and maybe argue tomorrow.

17 I mean, that's kind of how I -- I don't know.

18 MR. LOPEZ-NEGRETE: Right.

19 THE COURT: So -- but just think about it. All
20 right?

21 MR. LOPEZ-NEGRETE: We will.

22 THE COURT: I've got everybody's jury instructions.
23 I've been looking at them. So we'll wait for Violet to come
24 back, and then we'll get the jury back. Unless you guys need
25 to put something on the record now. Nothing? Okay. Just --

1 MR. SWEETIN: No, Judge. We are -- we do plan on
2 playing the porn.

3 THE COURT: Okay.

4 MR. SWEETIN: You mentioned that you might want to
5 instruct --

6 THE COURT: I will.

7 MR. SWEETIN: Okay.

8 THE COURT: I can do that now before we get the
9 jury in.

10 Ladies and gentlemen in the gallery, I will inform
11 you that based on the representation of the State, is that
12 what you're about to see in the courtroom may be extremely
13 graphic.

14 It does involve child pornography. I'm going to
15 ask that if you decide to leave in the middle of it, that you
16 not come back. And if you need to leave, that's fine, and
17 try to do it as quietly as you can. Okay? All right.

18 All right. Ms. Radosta, we're getting ready to
19 call the jury in. Are we ready?

20 MS. RADOSTA: Sorry, Judge. I thought we were
21 still waiting for one more. My apologies.

22 THE COURT: Well, she's here now --

23 MS. RADOSTA: Okay.

24 THE COURT: -- or he. It was a juror that got
25 caught in the rain, so -- okay. So go ahead and get the jury

1 in. Okay. Is your witness here?

2 MS. SUDANO: Yeah, he's in the ante room.

3 THE COURT: Okay. All right.

4 THE MARSHAL: All rise for the jury.

5 (In the presence of the jury at 9:21 A.M.)

6 THE COURT: Ed, could you --

7 (Off-record bench conference.)

8 THE COURT: All right. Good morning, ladies and

9 gentlemen.

10 THE JURY: Good morning.

11 THE COURT: I see that you've brought your boats to

12 work today, huh? Okay.

13 So we're back on the record in Case No. C-311453,

14 State of Nevada versus Christopher Sena. I do want the

15 record are reflect the presence of the defendant with his

16 counsel, as well as the State and their counsel.

17 (JURY ROLL CALL)

18 THE COURT: All members of the jury have answered

19 to the call. Will the parties stipulate to their presence?

20 MR. SWEETIN: Yes, Your Honor.

21 MS. RADOSTA: Yes, Your Honor.

22 THE COURT: All right. So ladies and gentlemen,

23 before we took our break, the State was in the middle of

24 direct examination of Detective Samples. Is he here, Mr. --

25 MS. SUDANO: Yes, Your Honor.

1 THE COURT: Ms. Sudano?
2 MS. SUDANO: Yes.
3 THE COURT: Can you recall him, then? Okay.
4 MS. SUDANO: Yes. The State would recall Detective
5 Samples.
6 THE COURT: Okay. Good morning, Detective. Could
7 you come back up to the stand here? Detective, I'm going to
8 remind you that you're still under oath. I don't think we
9 need to -- okay.
10 Go ahead.
11 MS. SUDANO: Thank you, Your Honor.
12 DETECTIVE LARRY SAMPLES, STATE'S WITNESS, PREVIOUSLY SWORN
13 DIRECT EXAMINATION (RESUMED)
14 BY MS. SUDANO:
15 Q So Detective, when we broke yesterday, we had just
16 finished listening to the interview that you conducted with
17 the defendant on the morning of September 18, 2014; is that
18 correct?
19 A Yes.
20 Q Now, we talked about some of your interview
21 techniques a little bit. There was one more thing that I
22 wanted to follow up on about that.
23 Do you ever attempt to normalize the behavior that
24 you're hearing during an interview?
25 A Yes.

1 Q Can you describe that for us?

2 A In regards to this interview?

3 Q Yes.

4 A In regards to this interview, I kind of tried to

5 kind of get on the same level, explain that I -- you hear me

6 at one point say, I would understand, we're both men talking.

7 If there's two people having sex in front of you, of course,

8 you would be attracted to it, something along those lines.

9 So that's kind of how I tried to normalize it with him.

10 Q All right. What is the purpose of that technique?

11 A Essentially, it's to gain rapport, try and get the

12 person involved to relax a little bit.

13 Q All right. Is the purpose of you conducting an

14 interview is that you're trying to get information; is that

15 correct?

16 A Yes.

17 Q So you're trying to facilitate a rapport or whatever

18 you can do to get that information; is that fair?

19 A Yes.

20 Q Now, we had talked about the fact that you were

21 conducting the interview while there were other things

22 happening at the scene; is that fair?

23 A Yes, it is.

24 Q Did the majority of the actual search of the

25 residence take place while you were doing the interview?

1 A Yes, it did.

2 Q Were you present for parts of that search?

3 A I was present for the end of it, the concluding part
4 of it.

5 Q All right. Was it your understanding that the other
6 detectives who were present had located a number of items of
7 evidentiary value?

8 A Yes.

9 Q What happened with those items after they were
10 located by your colleagues?

11 A They were all catalogued and then placed into my
12 vehicle and then driven back to our office where we went
13 through each item again, catalogued each item again, and then
14 they were all impounded properly.

15 Q Okay. Would it be fair to say that you had
16 information from Deborah prior to beginning the search that
17 there was potentially a flash drive stored somewhere in the
18 back office?

19 A Yes.

20 Q What did Deborah say about where that was stored; do
21 you recall? She mentioned it being kind of by the TV or in
22 the arm of the TV stand?

23 A Yes, it was -- she kind of described like a -- I
24 can't -- I -- kind of like shoved down somewhere she kind of
25 described it.

1 MS. SUDANO: And Your Honor, may I publish?

2 THE COURT: Yes.

3 MS. SUDANO: All right.

4 BY MS. SUDANO:

5 Q Detective, I'm showing you Exhibit 111.

6 THE COURT: Can't get it to zoom?

7 MS. SUDANO: I cannot get it to zoom.

8 (Pause in the proceedings)

9 BY MS. SUDANO:

10 Q All right. We just have kind of a close-up version
11 of 111 there.

12 Can you see a TV on a stand?

13 A Yes.

14 Q In 111? And was this in this back office?

15 A Yes.

16 Q All right.

17 MS. SUDANO: Court's indulgence.

18 (Pause in the proceedings)

19 BY MS. SUDANO:

20 Q All right. So looking at Exhibit 111. Thank you.
21 We've got the TV on that stand in the back office; is that
22 correct?

23 A Yes.

24 Q Is it your understanding that that stand was pulled
25 apart to see if there was a flash drive where Deborah was

1 describing it kind of shoved down there in there?

2 A Yes.

3 Q Was it your understanding that nothing was located
4 in that particular location?

5 A Yes.

6 Q All right. But you had interview -- or information
7 from your interview with the defendant about a red flash
8 drive; is that correct?

9 A Yes, it was.

10 Q All right. And the information that was provided by
11 the defendant was that that was located in the safe; is that
12 correct?

13 A Yes.

14 Q Okay. Was there, in fact, a red flash drive located
15 in that safe?

16 A There was.

17 Q Okay. Were there a number of other flash drives or
18 hard drives located in that same area?

19 A There was a lot.

20 Q Was there only one red flash drive or were there
21 multiple red ones?

22 A There was just one red flash drive.

23 Q Okay. You indicated that you recovered all of those
24 items, you collectively, the detectives, and then you took
25 them back and catalogued them; is that correct?

1 A Yes.

2 Q Were you the one that was actually responsible for
3 cataloguing and impounding all of the evidence in this case?

4 A Yes, I was.

5 Q How did that task fall to you?

6 A Being the primary case agent on it, we set up a
7 system where each thing was going line by line through
8 detective, to ensure that it was double, triple checked, and
9 then I had the final check on it.

10 Q Okay. So based on the defendant's statement and
11 your understanding that you were looking for the red flash
12 drive, did you package that particular flash drive
13 separately?

14 A I did.

15 Q Was that in package 6, item 25?

16 A It was.

17 Q Okay. I'm going to show you Exhibit 109-A. Do you
18 recognize Exhibit 109-A?

19 A I do.

20 Q What is that?

21 A It's the red flash drive that was found in the safe.

22 Q And it was impounded under in particular event
23 number; is that correct?

24 A Yes.

25 Q Okay. And then I'm going to show you Exhibit 110.

1 Can you tell what Exhibit 110?

2 A It's the same flash drive.

3 Q All right. Did we actually ask you to go and take a
4 photograph of that particular flash drive?

5 A Yes, you did.

6 Q Okay. And that's documented here in Exhibit 110. I
7 know you can't actually tell because we're zoomed way in, but
8 is that correct?

9 A Yes, that's correct.

10 Q All right. And then same thing for Exhibit 111, is
11 that just your other picture?

12 A Yes, just the other side of it.

13 Q All right. Now, in a typical investigation, once
14 you've done a search warrant and interviewed a suspect, is
15 that more towards the end of your investigation or is it
16 towards the beginning?

17 A It's still just the beginning.

18 Q Okay. In this particular case, it was still just
19 the beginning?

20 A Yeah, absolutely.

21 Q Now, you had information from Brandon, Anita, and
22 Deborah because they had been interviewed; is that correct?

23 A Yes.

24 Q After you had interviewed the defendant and you'd
25 searched the residence at 6012 Yellowstone, did you realize

1 that there were some additional steps that needed to be
2 taken?

3 A I did.

4 Q What steps needed to be taken?

5 A There was the need to have all the evidence that we
6 recovered, all the digital forensics forensically processed,
7 to start.

8 Q Is that something that you do?

9 A No.

10 Q Did you take any steps to ensure that the digital
11 evidence in this case was analyzed?

12 A I did.

13 Q What did you do?

14 A I contacted a detective with the Internet Crimes
15 Against Children Task Force, Detective Ramirez. They
16 assisted us in this aspect of the investigation and the -- I
17 provided him with the information, and then he took it from
18 there.

19 Q All right. At some point later, do you have
20 additional contact with Detective Ramirez once he begins his
21 analysis?

22 A Yes, I did.

23 Q Okay. And we'll come back to that in a second.

24 After your initial interviews, did you know that there
25 were some folks living in the house other than just the

1 definite, Deborah, Anita, and Brandon?

2 A Yes.

3 Q Who else did you learn was living in the house as
4 well?

5 A We learned that there was throughout the time the
6 ex-wife, Terrie. There was also another juvenile named Ryan,
7 and then Terry Tails.

8 Q Okay. Did you make any efforts to contact those
9 people?

10 A I did.

11 Q Why were you attempting to contact them?

12 A In our investigations we interview every possible
13 person we can, and there was also some concerns that the
14 children that had not been interviewed at that point were
15 also potential victims and/or witnesses, and the same for
16 Terrie.

17 Q So at that point, you had information from Deborah
18 regarding incidents with Tails; is that correct?

19 A Yes.

20 Q And then you had, I guess, concerns about Ryan and
21 Terrie; is that fair?

22 A Yes.

23 Q Okay. No you, were you able to get Tails to come
24 down for an interview?

25 A Yes, I was.

1 Q Did that happen on September 30th of 2014?

2 A Yes.

3 Q Just generally, what did Tails tell you during that
4 first interview?

5 A During the first interview, he pretty much just
6 denied everything, said he wasn't a victim of any type of
7 crime, and kind of kept it relatively short. He didn't want
8 to really be there, so we let him go.

9 Q Okay. Did you also make efforts to contact Terrie
10 and Ryan?

11 A Yes.

12 Q What efforts did you make?

13 A In regards to Terrie, we contacted her on the phone
14 a number of times. I had initially scheduled an interview
15 with her. She requested it to be canceled the day of.

16 She had explained that she was a truck driver, she
17 was going to truck driving school, so she was out of the
18 state. She remained in contact with me, and eventually I was
19 able to schedule an interview with her.

20 Q Did that take place on or about December 9th of
21 2014?

22 A Yes, it was.

23 Q So about three months after the initial allegations
24 had been made?

25 A Yes.

1 Q Okay. And then Ryan was Terrie's child; is that
2 correct?

3 A Yes.

4 Q And he was still underage at that time?

5 A He was.

6 Q Did you make any efforts to contact Ryan?

7 A I did. We had found that Ryan was staying with his
8 biological father, so I had worked with trying to schedule a
9 time to get Ryan into our office for a forensic interview.
10 It took a little bit of time, but we were eventually able to
11 have an interview conducted with Ryan.

12 Q Did that formal interview take place on December
13 16th of 2014?

14 A It did.

15 Q All right. Now, the interviews that we've talked
16 about so far, Brandon, Anita, Deborah, and then eventually
17 Tails, Terrie, and Ryan, did those all take place at the
18 Southern Nevada Children's Assessment Center?

19 A They did.

20 Q While those interviews were taking place, was there
21 also additional investigation that was ongoing in this case?

22 A Yes.

23 Q What additional investigation was ongoing?

24 A We had begun to start getting the information back
25 from Detective Ramirez in regards to his forensic study

1 conducted on the evidence that we found.

2 Q Was Detective Ramirez able to find things that he
3 believed were relevant to this particular investigation?

4 A He did.

5 Q To your knowledge, had Detective Ramirez interviewed
6 or interacted with any of the victims or witnesses in this
7 particular case?

8 A Not to my knowledge.

9 Q Okay. Based on that, what, if anything, did you do?

10 A I met with Detective Ramirez at his office and
11 reviewed the evidence that he had found. As a result, there
12 was a -- a quite a bit of pictures and videos that he had
13 located of what appeared to be underage juveniles that we
14 couldn't identify.

15 Q What, if anything, did you do once you realized that
16 you also were not able to identify those individuals?

17 A We had made a decision to actually contact Anita,
18 explain to her what was occurring, and Anita full willingly
19 agreed that she wanted to come in and assist us and identify
20 the other children and kids that we couldn't exactly tell who
21 they were.

22 Q So at that point, you already knew that Anita was
23 one of victims in this particular case; is that correct?

24 A Yes.

25 Q Is it common practice to have a victim come in and

1 view photographs or video of this nature?

2 A Rarely.

3 Q Okay. Why was it done in this particular case?

4 A We -- there was so much stuff that was found than
5 they were -- you could tell that some of them were old. The
6 age difference from the time the videos and the pictures were
7 taken versus the age difference of kids at that point.

8 They had obviously changed, and we were having
9 difficulty identifying them, per se, which is why we made a
10 decision to ask Anita if she would be willing to assist us.

11 Q Is there any particular reason why it was Anita who
12 was asked?

13 A Anita was 24 years at the time. She wasn't a
14 juvenile any longer, and she was probably the best of the
15 children that we had spoken to at the time to be able to come
16 in and handle that situation.

17 Q Did you consider trying to have Terrie or Deborah
18 come in at that point?

19 A No.

20 Q And why is that?

21 A Because at that same time we were still conduct
22 being the investigation into Terrie and Deborah's involvement
23 in it. So they were still potential suspects at the time.

24 Q Okay. So did Anita actually, then, come in and view
25 some of the photographs and videos in this particular case?

1 A She did.

2 Q When did that take place? Is it fair to say it was
3 after you had done your initial investigation?

4 A Yes, it was after that.

5 Q Okay.

6 A It was sometime later.

7 Q If I told you it was November 24th of 2014, would
8 you have any reason to dispute that?

9 A No.

10 Q Was Anita able to provide the identities of some of
11 the individuals that you'd found in photographs and videos at
12 that point?

13 A Yes, she was.

14 Q After your follow-up interview with Anita, what, if
15 anything, did you do?

16 A We then took the steps to contact the additional
17 people that we had located in those videos and pictures.

18 Q Specifically, did you contact three additional
19 individuals.

20 A We did.

21 Q Who were those individuals?

22 A Their last names are different. It's Erin Clark, or
23 Grisham at the time, she was going by. Tamara or Tamara
24 Clark or Grisham, and then Melissa Clark.

25 Q After you made contact with Melissa, Tamara, and

1 Erin, what, if anything, happened at that point?

2 A We conducted three additional interviews with them,
3 one each, and during that time, we had obtained -- or they
4 all had disclosed to being victims of abuse as well, sexual
5 abuse as well.

6 Q Were all of those interviews also conducted at the
7 CAC?

8 A Yes, it was.

9 Q Did those take place about December 1st of 2014?

10 A Yes.

11 Q So just shortly after Anita had let you know who she
12 believed those individuals in the photos and videos were?

13 A Yes.

14 Q Was there any additional investigation that was
15 ongoing at that point?

16 A We were still working on getting an interview
17 conducted with Terrie, and eventually, we were to around that
18 time frame.

19 Q Now, when you talked to Anita, Deborah, and Brandon
20 earlier on in the investigation, fair to say that they
21 provided you a lot of information about things that were
22 potentially going on in the home?

23 A Yes.

24 Q Specifically, Anita, did Anita mention some other
25 people that had been around for incidents?

1 A She had vaguely mentioned friends of hers that would
2 come over to the house. She provided a name, I believe, it
3 was of three or four different friends.

4 Q Did she provide you with a time frame for when those
5 individuals had been around the house?

6 A It was sometime -- pretty far back, middle school,
7 early high school age time frame.

8 Q Okay. Did you attempt to do anything to follow up
9 with that information or talk to those people that Anita had
10 mentioned?

11 A We did. Unfortunately, Anita only was able to
12 remember first names of a lot of them. She did find of
13 describe a neighborhood and a house that one of them lived
14 in. We went and drove the neighborhood and tried to find the
15 house she was describing, but we weren't able to.

16 Weren't able to identify the other couple of
17 friends that she had named as well. And then we had also, at
18 some point, a press release was put out, and we were hoping
19 that maybe they would contact us in that forum, but they
20 didn't.

21 Q All right. So was there any additional
22 investigation that was ongoing throughout that period? Is
23 that essentially it?

24 A Essentially.

25 Q Now, you indicated that eventually in December

1 you're able to interview Terrie.

2 A Yes.

3 Q What, if anything, happened after Terrie was
4 interviewed?

5 A After Terrie was interviewed, the determination was
6 made that there was enough cause after -- between what was
7 located in the evidence and the thumb drive and the videos
8 and pictures, and the interviews conducted with everyone
9 involved, we determined there was enough cause to submit
10 charges on Terrie and Deborah.

11 Q Once you had made that determination, did you start
12 the process to arrest Terrie and Deborah?

13 A I did. As soon as -- actually, as soon as I was
14 done interviewing Terrie, I began to type everything up. It
15 was hand delivered to the screening DA in the District
16 Attorney's Office.

17 And then the next day it was signed by a Judge, and
18 then the following day they were arrested.

19 Q Okay. And they were arrested about December 11th of
20 2014 --

21 A Yes.

22 Q -- is that correct?

23 After Deborah and Terrie were arrested in this case,
24 was your investigation complete at that point?

25 A No.

1 Q Okay. Did you take some additional steps after
2 Deborah and Terrie were arrested?

3 A Yes.

4 Q Specifically, did you take some steps with Deborah's
5 work?

6 A I did.

7 Q What, if anything, did you do with Deborah's work?

8 A We had learned that there was an e-mail delivered to
9 Deborah's work account at work at Cox Communications, which
10 was flagged by their IT department.

11 I drafted a search warrant for two locations in
12 regards to that. The first location was her actual office
13 where her desk was. And the second was a location where Cox
14 had pulled her hard drive and her computer and recovered --
15 sorry -- recovered the computer from there and then did a
16 search of her desk, her cubicle area at the office.

17 Q Did you get those -- or that search warrant approved
18 by a Judge?

19 A I did.

20 Q And did you actually take that warrant down to Cox
21 and search those two locations?

22 A I did.

23 Q What, if anything, when you searched those two
24 locations?

25 A We took the computer, and then her desk wasn't -- we

1 didn't find much. Just documentation stuff and pictures.

2 Q What, if anything, did you do with the computer?

3 A That again, was turned over to Detective Ramirez.

4 Q Okay. So you impounded the computer and gave it to
5 Detective Ramirez for further follow up?

6 A Yes.

7 Q To your understanding, did Detective Ramirez search
8 that computer?

9 A He did.

10 Q Did he find anything of evidentiary value for this
11 case on that computer?

12 A I don't believe so.

13 Q At some point, did you get a additional search
14 warrant in this case?

15 A There was so many. I did.

16 Q Okay. Specifically, in 2016, did you get a search
17 warrant for a trailer?

18 A I did.

19 Q Okay. Can you tell us how that came about?

20 A We were contacted by, I think, it was Victoria,
21 actually, Christopher's sister. She had explained that she
22 was going through the process of cleaning out his trailer
23 that she had on his trailer that she had on her property, and
24 found a bag of hard drives and a phone.

25 And with the potential of everything we had already

1 found, did another search warrant for that trailer, which was
2 drafted by myself and then approved and signed by a Judge.
3 And we did serve that search warrant. Recovered additional
4 items from that trailer as well as some stuff that Victoria
5 had previously given to me during an interview.

6 Q Okay. So Victoria had found some items initially;
7 is that fair?

8 A Yes.

9 Q And she had provided those to you?

10 A Yes.

11 Q And that was some more electronic devices?

12 A Yes.

13 Q And then you had a conversation with her subsequent
14 and gone out and actually searched the trailer --

15 A I did.

16 Q -- is that correct?

17 A Yes, I did.

18 Q Did she indicate to you where the trailer had come
19 from?

20 A It had come from the Yellowstone address, 6012
21 Yellowstone.

22 Q All right. I don't know if this is going to work,
23 but I'm going to show you Exhibit 4.

24 Do you recognize what we're looking at there in
25 Exhibit 4?

1 A Yes, that's the trailer.

2 Q All right. So that was the trailer that was at the
3 Yellowstone property that you subsequently searched in 2016?

4 A Yes.

5 Q What, if anything, did you recover from this
6 trailer?

7 A Paperwork, CDs, DVDs, like a couple of hard drives,
8 that's pretty much the extent of it.

9 Q Did you go through those items as well?

10 A We did.

11 Q To your best memory, was there anything of
12 evidentiary value located in any of those items?

13 A There was not.

14 Q So while this entire investigation was going on --
15 well, actually, was there another search warrant?

16 A There was, there was one more.

17 Q What was the last search warrant?

18 A The last search warrant was to Google and to try and
19 confirm and recover any IP addresses that would have been
20 related during that time frame of e-mails that we were
21 learning were being sent back and forth.

22 Q Did you actually recover any information from Google
23 as part of that search warrant?

24 A I did.

25 Q You did or did not?

1 A I did.

2 Q What information, if any, did you obtain?

3 A Google just provided the IP address that matched up
4 to the e-mail addresses, and then the registered person on
5 those e-mail addresses, which would have been Deborah and
6 Christopher Sena.

7 Q All right. Now, throughout that entire process,
8 would it be fair to say that you had also reviewed a number
9 of items that Detective Ramirez had presented to you in this
10 case?

11 A Yes.

12 Q Was it your understanding that all of those items
13 were located on the red flash drive that was taken out of the
14 safe?

15 A Yes.

16 Q Specifically, were there a number of photographs and
17 videos located on that flash drive?

18 A There were.

19 Q Did you review a photograph that -- or excuse me, a
20 video that appeared to be depict Deborah performing sexual
21 acts with a dog?

22 A Yes.

23 Q Is it just Deborah and the dog in the video?

24 A You could tell Chris is there.

25 Q When you say, Chris --

1 A Sorry.

2 Q -- do you mean the defendant?

3 A The defendant, yes, I apologize.

4 Q And how can you tell he's there?

5 A You can hear his voice, at one point his hand
6 actually comes into the screen.

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

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

9 MR. SWEETIN: Can we approach, Judge?

10 THE COURT: Sure. Well, the objection is to the
11 hand, right?

12 MS. RADOSTA: Yes.

13 THE COURT: Do you still want to approach? Okay.

14 MR. SWEETIN: I do, Judge.

15 (Off-record bench conference)

16 THE COURT: Ms. Sudano, I've sustained that
17 objection on foundation.

18 MS. SUDANO: Thank you, Your Honor.

19 THE COURT: Okay.

20 BY MS. SUDANO:

21 Q So Detective, you indicated that you could hear the
22 defendant's voice in that video; is that correct?

23 A Yes.

24 Q Now, by the point that you're reviewing the videos
25 in this case, had you already had the interview with the

1 defendant?

2 A Yes.

3 Q So you had spoken with him face to face for a
4 significant period of time; is that fair?

5 A Yes.

6 Q And you were comfortable recognizing the voice in
7 that video as being the defendant's voice; is that correct?

8 A Yes.

9 Q You had also testified that at one point you could
10 see a hand coming into the video; is that correct?

11 A Yes.

12 Q And that would be not Deborah's hands because you
13 see Deborah in the video at that point?

14 A Yes.

15 Q And you had testified previously that you believed
16 it was the defendant's hand; is that correct?

17 A Yes.

18 Q What led you to believe that?

19 A The talking that's going on during the course of
20 that video. At the time, you can hear the interaction
21 between Deborah and what I know to be the defendant,
22 Christopher, and while they're talking, he's kind of
23 instructing on what to do to the dog. And then at that --

24 MS. RADOSTA: Objection, Your Honor.

25 THE COURT: Excuse me?

1 MS. RADOSTA: Can we approach?
2 THE COURT: Yes.
3 MS. RADOSTA: Sorry.
4 (Off-record bench conference.)
5 THE COURT: Okay. I'm going to sustain that
6 objection as well.
7 MS. RADOSTA: Thank you, Your Honor.
8 MS. SUDANO: Thank you.
9 THE COURT: All right.
10 BY MS. SUDANO:
11 Q Detective, you had just referenced a conversation
12 that was taking place between the defendant and Deborah in
13 that video; is that correct?
14 A Yes.
15 Q Can you tell us what that conversation was?
16 A It's -- word for word, no. It's -- I can generalize
17 it. It is kind of trying to get the, I guess, for lack of a
18 better term, get the dog aroused by using Deborah's mouth and
19 hand.
20 Q Can you hear the defendant in the background while
21 that's taking place?
22 A Yes.
23 Q And when there's a conversation about the dog being
24 aroused, is that the point where you see another hand coming
25 in?

1 A Yes.

2 Q Does the defendant make a comment along the lines of
3 I had him all ready for you?

4 A Yes.

5 Q Okay. Now, you've seen that entire video; is that
6 correct?

7 A I have.

8 Q Did you also see some still photographs that were
9 sent to Deborah's place of employment?

10 A I have.

11 Q Did you recognize those still photos?

12 A Yes.

13 Q What did you recognize them to be?

14 A It's a screen shot still photo from that video.

15 Q Now, you just testified that you can hear the
16 defendant at points in that video, and you can see who you
17 believe to be the defendant at points in that video; is that
18 correct?

19 A Yes.

20 Q Was the defendant visible in any of the stills that
21 were sent to Deborah's employment?

22 A No.

23 Q All right. Now, did you also have the opportunity
24 to view through the course of this investigation some
25 photographs depicting Melissa in the nude?

1 A Yes.

2 Q Did those photographs appear to be taken on one day
3 or multiple days?

4 A Multiple days.

5 Q What are you basing that on?

6 A The screen, the overall picture, positions, and
7 locations.

8 Q Are you basing that as well on Melissa's appearance?

9 A Yes.

10 Q Specifically, were there several photographs of
11 Melissa holding a dildo and appearing to be posing?

12 A Yes.

13 MS. SUDANO: I really don't know if we're going to
14 be able to see any of these.

15 Your Honor --

16 THE COURT: Yes.

17 MS. SUDANO: -- I apologize, may I publish?

18 THE COURT: Yes. Make sure everything's been
19 admitted that you wish to publish. You don't have to ask any
20 further on that. Do you want to use that as your -- as long
21 as it's been admitted.

22 MS. SUDANO: Thank you. And then I think we fixed
23 the Elmo here as well.

24 THE COURT: Just identify when you're putting it
25 up.

1 MS. SUDANO: Okay. And I just wanted to make sure
2 based on the nature of what I'm publishing.

3 THE COURT: Yeah.

4 MS. SUDANO: Okay. Thank you.

5 THE COURT: It's your evidence, isn't it?

6 MS. SUDANO: It is. All right.

7 BY MS. SUDANO:

8 Q Detective, I'm showing you Exhibit 83 there. What
9 are we looking at?

10 A Nude image of Melissa with a dildo.

11 Q What is she doing with the dildo in that particular
12 photograph?

13 A Posing as if she's going to place it in her mouth.

14 Q And is she sitting on a bed with like a white and
15 yellow bedspread?

16 A Yes.

17 Q Does she have fairly distinctive tan lines in this
18 particular photograph?

19 A She does.

20 Q And then showing you Exhibit 84, what are we looking
21 at there in Exhibit 84?

22 A Another picture of Melissa with another sex toy,
23 dildo.

24 Q And what is she doing with the sex toy in that
25 particular photograph?

1 A She has it placed in between her breasts.

2 Q Showing you Exhibit 85, what are we looking at there

3 in Exhibit 85?

4 A The same picture of Melissa inserting the sex toy or

5 dildo inside of her vagina.

6 Q Exhibit 86?

7 A Same as the previous, just different position, and

8 Melissa.

9 Q What is Melissa doing in that particular photograph?

10 A Again, she's looking backwards at the camera,

11 inserting a sex toy inside of her.

12 Q All right. And then Exhibit 87, what are we looking

13 at there in that particular photograph?

14 A Just the -- another picture of Melissa in the nude.

15 Q Is the dildo visible in this particular photograph?

16 A In the -- you can kind of see it in the corner off

17 to the left.

18 Q All right. Just back over here --

19 A Yes.

20 Q -- kind of behind Melissa? All right.

21 All right. I'm going to show you Exhibit 88. Do

22 you recognize what we're looking at there in Exhibit 88?

23 A Yes.

24 Q What are we looking at there?

25 A That is on left is Terrie Sena, and on the right is

1 her sister Melissa.

2 Q Does this appear to be taken in the same location as
3 the prior photographs?

4 A The bedspread is different.

5 Q I'm going to show you Exhibit 89. What are we
6 looking at there in Exhibit 89?

7 A That is a picture of -- on the right would be
8 Deborah Sena, and on the left -- or no, I'm sorry. Sorry, I
9 apologize for that. Pregnant, Terrie Sena, and again her
10 sister, Melissa.

11 Q Does that appear to be taken in the same location as
12 any of the prior photographs?

13 A I can't tell, but definitely not the first set.

14 Q What is that based on?

15 A The bedspread and Terrie's obviously pregnant now.

16 Q All right. And then showing you Exhibit 90. What
17 are we looking at there in Exhibit 90?

18 A That would be Melissa and Terrie again.

19 Q Where is Melissa located in this particular
20 photograph?

21 A She is kind of bent over Terrie, appears to be
22 sucking on her breasts.

23 Q Is it actually Melissa that's down here? Do you
24 want to see the actual photograph?

25 A Yeah, it's kind of --

1 Q Would that help? I know that these are --
2 A -- grainy.
3 Q -- bad colors.
4 MS. SUDANO: May I approach, Your Honor?
5 THE COURT: Yes.
6 MS. SUDANO: All right.
7 BY MS. SUDANO:
8 Q All right. All right. And, Detective, I'm going to
9 show you Exhibit 90.
10 A Oh, okay.
11 Q Did that help when you can actually see it --
12 A Yeah, yes.
13 Q -- on the photograph?
14 All right. So where is Melissa located in that
15 particular photograph?
16 A She's laying down on her back on the bottom.
17 Q All right. And then Terrie's over top of her?
18 A Yes.
19 Q What does it appear that Terrie's doing in that
20 particular photograph?
21 A Kissing or sucking on her breasts.
22 Q Can you tell where this particular photograph was
23 taken?
24 A I cannot.
25 Q Can you determine any differences in Melissa's

1 appearance from this photograph to any of the priors?

2 A She looks and appears maybe a bit older, but I can't
3 -- it's hard to tell, to be honest with you.

4 Q Does Melissa have bangs in that photograph there?

5 A She does not.

6 Q In the prior photograph, does she have bangs?

7 A Yeah, she does.

8 Q All right. Showing you Exhibit 89, 88.

9 All right. And then showing you next Exhibit 91.
10 What are we looking at there in Exhibit 91?

11 A Appears to be Christopher Sena having sexual
12 intercourse with Melissa.

13 Q Okay. Do you recognize where this particular
14 photograph is taken?

15 A It appears to be the trailer.

16 Q All right. Specifically, where in the trailer?

17 A In the back you can kind of see where that office
18 area would be.

19 Q I'm showing you Exhibit 92. What are we look being
20 at there in Exhibit 92?

21 A Melissa performing oral sex.

22 Q In that particular photograph, fair to say you can't
23 see the individual she's performing oral sex upon?

24 A Yes.

25 Q And then showing you finally Exhibit 93. What are

1 we looking at there in Exhibit 93?

2 A Appears to be three persons in the picture.

3 Q Do you recognize any of the persons in that

4 particular photograph?

5 A Based on the hair, you can tell it's Terrie, that's

6 she's -- that is being kissed.

7 Q Okay. Can you tell who Terrie's kissing?

8 A A younger Christopher Sena.

9 Q And then can you tell who the third person in the

10 bottom of that photograph is?

11 A No.

12 Q Okay. All right. Did you also have occasion to

13 review a number of videos in this particular case?

14 A Yes.

15 Q Did you have occasion to view a video involving

16 Tamara Grisham?

17 A Yes.

18 Q Okay. Where was Tamara located during that

19 particular video?

20 A She was taking a shower.

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

22 THE COURT: Yes.

23 MS. SUDANO: Sorry.

24 BY MS. SUDANO:

25 Q All right. Detective, I'm showing you Exhibit 79.

1 Do you recognize that?

2 A Yes.

3 Q What is that?

4 A That's a still of Tamara in the shower.

5 Q A still from that video that you observed in this

6 particular case?

7 A Yes.

8 Q All right.

9 MS. SUDANO: Your Honor, may we publish Exhibit 80?

10 THE COURT: Yes.

11 (State's Exhibit 80, video, played)

12 BY MS. SUDANO:

13 Q All right. Detective, is that the video that you

14 had previously reviewed in involving Tamara in this case?

15 A Yes.

16 Q All right. Was there some sort of TV or radio that

17 was loud this that particular video?

18 A Yes.

19 Q At some point, though, can you hear any additional

20 individuals in that video?

21 A Yes, you can.

22 Q Who could you hear?

23 A You can hear Christopher Sena.

24 Q What could you hear Christopher Sena saying or

25 doing?

1 A You can hear him moaning, saying oh, yeah.

2 Q And then at some point during that video, does the
3 camera angle appear to pan down?

4 A Yes.

5 Q What does it pan down to?

6 A A female performing oral sex on him.

7 Q Now, the entirety of that video, does it appear to
8 be filmed through some -- does it appear that that person is
9 filming the shower itself?

10 A Yes.

11 Q Does it appear that the person filming is actually
12 inside the bathroom?

13 A No.

14 Q What does it appear that that video's being filmed
15 through?

16 A It appears as if it's being discretely filmed
17 through the doorjamb.

18 Q Did you also have occasion to watch other review a
19 video involving Erin Clark in this particular case?

20 A Yes.

21 Q Does that video involving Erin Clark involve -- or
22 share some similarities with the video that we just watched
23 of Tamara?

24 A Yes, it does.

25 Q Specifically, what similarities?

1 A Again, in the shower discretely being filmed through
2 what appears to be a doorjamb.

3 Q All right.

4 MS. SUDANO: And Your Honor, may I approach with --
5 oops, may I approach?

6 THE COURT: Yes.

7 BY MR. SWEETIN:

8 Q Approaching with Exhibit 81. What do you recognize
9 that to be?

10 A It's a screen shot from the video.

11 Q Which video?

12 A The one involving Erin.

13 MS. SUDANO: And at this time, we're going to
14 publish Exhibit 82, Your Honor.

15 THE COURT: Okay.

16 (State's Exhibit 82, video, played)

17 BY MS. SUDANO:

18 Q Detective, was that the video that you reviewed in
19 this case involving Erin?

20 A Yes.

21 Q So, sort of, the same question I asked before with
22 the video of Tamara. Was there some sort of radio or TV in
23 the background?

24 A Yes.

25 Q Could you hear anyone else in that particular video?

1 A You could, again, hear faint moaning and kind of
2 groaning coming from there.

3 Q Did you actually hear at the beginning someone say,
4 Terrie?

5 A Yes.

6 Q Do you hear an additional reference to Terrie again?

7 A Yes, when Erin calls for her.

8 Q Okay. When Erin calls for Aunt Terrie, do you
9 actually see Terrie Sena in that video at that point?

10 A Yes, you can see the back of her when she goes in.

11 Q And you can hear Terrie interacting with Erin, is
12 that fair?

13 A Yes.

14 Q Does the video cut off at that point or does it
15 continue recording once Terrie's in the bathroom?

16 A It continues recording when Terrie's in the
17 bathroom.

18 Q Okay. The person that you heard say, "Terrie", did
19 you recognize that voice?

20 A Yes.

21 Q Who did you recognize that to be?

22 A Christopher Sena.

23 Q Did you also have occasion in this case to view some
24 videos involving Terry Tails Sena?

25 A Yes.

1 Q How many videos did you view involving Terry Tails?
2 A One.
3 Q Where did that video take place?
4 A Inside of a bedroom.
5 Q Was there also a video that took place inside the
6 shower?
7 A Yes.
8 Q Okay.
9 A Sorry, two, then.
10 Q The video that took place in the shower, who was
11 present in that video, if you recall?
12 A It was Deborah and then Terry Tails and then
13 Christopher Sena.
14 Q What about who was present in the video in the
15 bedroom?
16 A It would have been Deborah, Christopher, and Terrie.
17 Q And when we're talking about Terry, meaning --
18 A Terry Tails.
19 Q -- Terry Tails?
20 A Yes, sorry.
21 MS. SUDANO: May I approach, Your Honor?
22 THE COURT: Yes.
23 BY MS. SUDANO:
24 Q Detective, I'm showing you 74-A; do you recognize
25 that?

1 A Yes.

2 Q What do you recognize that to be?

3 A It's a screen shot from the video in the shower.

4 Q With Tails and Deborah?

5 A Yes.

6 Q And then I'm showing you also Exhibit 74. What do
7 you recognize that to be?

8 A That's a screen shot of the video in the bedroom.

9 Q Between Tails and Deborah?

10 A Yes.

11 Q Can you actually see the outline of the defendant in
12 that video as well?

13 A Yes.

14 Q Outline's the wrong word, I guess; profile?

15 A Yes.

16 MS. SUDANO: Your Honor, at this time, we're going
17 to publish Exhibit 75.

18 THE COURT: Okay.

19 BY MR. SWEETIN:

20 Q Detective, you mentioned that there were two videos
21 that you saw involving Tails; is that correct?

22 A Yes.

23 Q So, Detective, I'm going to show you video three
24 from Exhibit 75.

25 (State's Exhibit 75, video 3, played)

1 BY MS. SUDANO:

2 Q All right. And then, Detective, now I'm going to
3 show you Exhibit -- I'm going to play you Video 2 in Exhibit
4 75 now.

5 (State's Exhibit 75, Video 2, played)

6 BY MS. SUDANO:

7 Q All right. Detective, were those the two videos
8 that you had previously viewed involving Tails in this case?

9 A Yes.

10 Q Now, I want to talk first about the video in the
11 shower. Did you recognize which shower that was?

12 A No. I don't recall.

13 Q All right. How did that particular video in the
14 shower start out?

15 A It starts out with the camera being set up while
16 people are already in the shower.

17 Q Can you see the defendant in that video?

18 A Yes.

19 Q Is the defendant fully clothed?

20 A He is.

21 Q Does it appear that that particular camera is set up
22 inside the bathroom or outside the bathroom?

23 A It appears to be outside the bathroom.

24 Q Once you see the defendant in the video, can you
25 hear him interacting with anybody else?

1 A Yes.

2 Q Who is he interacting with?

3 A Tails and Deborah.

4 Q What is the defendant saying to Tails and Deborah in
5 that particular video?

6 A He's basically ordering them -- instructing them how
7 to --

8 MS. RADOSTA: Objection, Your Honor. Same
9 objection as before.

10 MS. SUDANO: Can I --

11 BY MS. SUDANO:

12 Q Use just the words that you said.

13 THE COURT: Sustained. Just tell us what was said.

14 THE WITNESS: I apologize. He's telling them to
15 wash behind their ears and wash -- he's telling Tails to wash
16 Deborah's face.

17 BY MS. SUDANO:

18 Q Does the camera move towards the end of that
19 particular clip?

20 A Yes.

21 Q And then can you hear the defendant yell just clean?

22 A Yes.

23 Q All right. And then I want to talk about the second
24 clip that we watched, which was in the bedroom. Could you
25 tell which bedroom that was?

1 A The master bedroom.

2 Q How did that particular clip start?

3 A It starts with Christopher setting up the camera in

4 a position to record the bed.

5 Q Was he clothed or nude at that time?

6 A He was nude.

7 Q At some point, did the defendant say something to

8 Deborah and then she got up at the very beginning of that

9 video? Do you recall seeing the defendant readjust the

10 camera?

11 A Yes.

12 Q Okay. Was that after Deborah had gotten up?

13 A Yes.

14 Q Initially, that video's just between the defendant

15 and Deborah; is that correct?

16 A That's correct.

17 Q Eventually, somebody else comes in; is that right?

18 A Yes.

19 Q Who comes in?

20 A Terry Tails.

21 Q Who does it appear goes an gets Terry Tails?

22 A Christopher.

23 Q Can you hear the defendant saying anything once

24 Tails comes into the room?

25 A He -- he places them in a position or tells them to

1 get in a position on the bed. And then when the oral sex
2 begins, you can hear him say, just let mama do her thing.

3 Q Does he also at that point say, look at mom?

4 A Yes.

5 Q Can you see the defendant intermittently while that
6 act of oral sex is taking place?

7 A Yes.

8 Q What is the defendant doing?

9 A He's masturbating himself.

10 Q At some point does Deborah move from the position
11 that she's in?

12 A Yes, she does.

13 Q Can you hear anything being said before she moves?

14 A It's all at the -- it's all at the direction of
15 Christopher.

16 MS. RADOSTA: Objection, Your Honor.

17 THE COURT: Overruled.

18 BY MS. SUDANO:

19 Q After Deborah gets onto her back, what does Tails
20 do?

21 A Tails then positions himself in between her legs and
22 then beginning to have sexual intercourse with her.

23 Q Do you hear the defendant saying, give it to your
24 mom, Tails, around then?

25 A Yes.

1 Q And is defendant telling Deborah to lift her legs?
2 A Yes.
3 MS. RADOSTA: Objection, Your Honor. Leading.
4 THE COURT: Sustained.
5 BY MS. SUDANO:
6 Q Can you see Deborah move at all?
7 A Yes.
8 Q What does Deborah do?
9 A She lifts her legs to position herself easier for --
10 with Tails.
11 Q Had the defendant said anything to her before she
12 did that?
13 A He tells her to lift her legs.
14 Q Is the defendant saying anything else, that you
15 recall, while that's taking place?
16 A The exact words, I can't recall.
17 Q At some point do Tails and Deborah move positions
18 again?
19 A They do.
20 Q Is anything said before that happens?
21 A I'm sorry, I'm trying to figure out how to say it.
22 Christopher -- so I'm trying to find the right words to say
23 it.
24 MS. RADOSTA: Your Honor, could we approach?
25 THE COURT: Yes.

1 THE WITNESS: Well, how do you want me to say that?

2 (Off-record bench conference.)

3 BY MS. SUDANO:

4 Q So Detective, I just asked you if Deborah and Tails
5 switched positions again to Tails being on his back and
6 Deborah being somewhere else?

7 A Yes.

8 Q Where was Deborah?

9 A She was positioned between his legs performing oral
10 sex on him.

11 Q All right. Did the defendant say anything to
12 Deborah at that point?

13 A I can't recall the exact words he says.

14 Q At some point does the defendant say, sit on it,
15 mama?

16 A Yes.

17 MS. RADOSTA: Objection, Your Honor. Leading. He
18 just -- not to mention, asked and answered. He said he can't
19 recall.

20 THE COURT: I'll sustain the objection. I mean,
21 the video's pretty clear. The jury will have that.

22 MS. SUDANO: All right. All right.

23 BY MS. SUDANO:

24 Q Now, at some point, does the defendant stop
25 masturbating himself?

1 A He does.

2 Q What does the defendant do when he stops
3 masturbating himself?

4 A He then positions himself behind Deborah and has
5 sexual intercourse with Deborah.

6 Q Is Tails still in the room where that -- while
7 that's taking place?

8 A He is. Deborah is still performing oral sex on him.

9 Q Okay. Now, did you also have occasion to watch a
10 video involving Brandon in this particular case?

11 A Yes.

12 Q Where did that particular video take place?

13 A In the bedroom.

14 Q Which bedroom?

15 A The master bedroom.

16 Q Okay. And this is all at 6012 Yellowstone; is that
17 right?

18 A Yes.

19 Q All right.

20 MS. SUDANO: Your Honor, may I approach?

21 THE COURT: Yes.

22 BY MS. SUDANO:

23 Q All right. Detective, I'm showing you Exhibit 72.
24 Do you recognize that?

25 A It's a screen shot from the video of Brandon and

1 Deborah.

2 Q Okay. And, Detective, fair to say on this video is
3 the -- is this one as clear when you look at it as some of
4 the other ones? Is it a little bit darker, a little bit
5 harder to see?

6 A A little bit, but kind of similar.

7 Q Okay.

8 MS. SUDANO: Your Honor, at this time, we're going
9 to publish Exhibit 73.

10 THE COURT: Okay.

11 (State's Exhibit 73, Video, playing)

12 BY MS. SUDANO:

13 Q Detective, was that the video that you previously
14 reviewed involving Brandon in this case?

15 A Yes.

16 Q Fair to say the first couple of minutes of that
17 video were dark?

18 A Yes.

19 Q You can't exactly see what's happening?

20 A No.

21 Q What's the first thing that you can see when the
22 lights come back on, when the -- when the camera gets light?

23 A You see Brandon laying on his back.

24 Q What happens once Brandon's on his back?

25 A Deborah then performs oral sex on him.

1 Q Can you hear anyone else in the video while that's
2 taking place?

3 A It's difficult to hear, but you can hear another
4 person talking.

5 Q Male or female?

6 A Male.

7 Q Do you ever see the defendant in this particular
8 video?

9 A No.

10 Q Can you see parts of the defendant in that video?

11 A Yes.

12 Q What parts do you see?

13 A You can see his stomach area and penis.

14 Q When you see the defendant's penis, what is the
15 defendant doing with it?

16 A Two times walking back and forth --

17 Q Okay.

18 A -- in front of the camera.

19 Q Did it appear that he was touching his penis while
20 that was happening?

21 A Yes.

22 Q At some point, does Brandon disappear from the
23 camera angle?

24 A He does.

25 Q Do you hear anything when Brandon disappears out of

1 the camera angle?

2 A You can hear the voice I know to be Christopher
3 yelling, "Brandon" two times.

4 Q Okay. And then after the defendant yells, Brandon,
5 does Brandon come back into the camera angle?

6 A He does.

7 Q Finally, did you have occasion to review some videos
8 involving Ryan?

9 A Yes.

10 Q How many videos with Ryan?

11 A Videos, one.

12 Q Okay. Was there anything else with Ryan that you
13 reviewed?

14 A There was a video that was recovered that had --
15 during the course of being recovered, had to be pieced
16 together by still images.

17 Q So were you able to review that as an actual video?

18 A No.

19 Q When you reviewed it, was it actually something like
20 5,000 still photos frame by frame?

21 A Yes.

22 Q Did you previously review a collection of those
23 still photos frame by frame?

24 A Yes, I did.

25 Q And this's obviously, not all 5,000 of them, but

1 it's video -- or stills contained within there; is that
2 correct?

3 A Yes.

4 Q All right. Where was that particular footage from?

5 A It appears to be, I believe, the office area.

6 Q Who all was involved in that particular footage?

7 A It was Christopher Sena, Terrie Sena, and Ryan Sena.

8 Q All right. Showing you Exhibit 77. What are we
9 look being at there in 77?

10 A On the left-hand side is Terrie Sena and on the
11 right is Ryan.

12 Q Okay. Would it be fair to say they're both clothed,
13 excuse me, in that particular still?

14 A Yes.

15 Q All right. Showing you 77-A.

16 A Same image.

17 Q And then Exhibit 77-B?

18 A You can see the -- Ryan Sena, based off the same
19 clothing he's wearing, and then Christopher Sena.

20 Q All right. 77-C?

21 A Ryan Sena and Christopher Sena.

22 Q 77-D?

23 A Again, Terrie Sena and Ryan Sena.

24 Q 77-E?

25 A Ryan Sena.

1 Q Do you see a portion of anybody else in that one?
2 A Just a hand with a -- giving a thumbs up, appears to
3 be a male hand.
4 Q 77-F?
5 A Terrie Sena and Ryan Sena. She's rubbing his feet.
6 Q 77-G?
7 A Appears to be Terrie unbuckling Ryan's pants --
8 shorts.
9 Q 77-H?
10 A And now Ryan's shorts are pulled down in front of
11 Terrie.
12 Q 77-I?
13 A Terrie appearing to remove Ryan's shirt.
14 Q 77-J?
15 A Both Terrie and Ryan undressing.
16 Q 77-K?
17 A Still undressing, Terrie and Ryan.
18 Q 77-L?
19 A Terrie performing oral sex on Ryan.
20 Q 77-M?
21 A Christopher grabbing -- or sorry, holding on to
22 Ryan's hand while oral sex is being performed by Terrie.
23 Q 77-N?
24 A Chris moving his hand -- or moving Ryan's hand up.
25 Q 77-O?

1 A It appears Ryan has his hand on Terrie's head during
2 oral sex.

3 Q 77-P?

4 A Appears to be Chris in front of the camera.

5 Q That one's blurry?

6 A Blurry.

7 Q 77-Q?

8 A Terrie in between Ryan and Chris.

9 Q 77-R?

10 A And now Chris and Ryan both with their penis out in
11 front of Terrie.

12 Q 77-S?

13 A Terrie performing oral sex on Ryan.

14 Q 77-T?

15 A And now Terrie performing oral sex on Chris.

16 Q 77-U?

17 A Terrie performing oral sex on Chris while
18 masturbating Ryan.

19 Q 77-V?

20 A Terrie performing oral sex on Ryan while Christopher
21 is masturbating himself.

22 Q 77-W?

23 A The three of them still.

24 Q 77-X?

25 A Appears to be a still of three of them and Ryan --

1 Christopher's pants are a little bit more pulled up.

2 Q I'm sorry, they're a little bit --

3 A More pulled up some.

4 Q Okay. 77-Y?

5 A The beginning of them appearing to get dressed.

6 Q 77-Z?

7 A Ryan is now dressed and Christopher and Terrie.

8 Q 77-AA?

9 A Ryan's still dressed and Terrie appears to be

10 walking out.

11 Q All right. 77-BB?

12 A Just Ryan Sena putting his shorts back on.

13 Q Okay. And then you indicated that in addition to

14 those still photographs, you reviewed another video involving

15 Ryan; is that correct?

16 A I did.

17 Q Where did that video take place?

18 A Again, in the master bedroom.

19 Q Did you tell me already who all was in that video?

20 A It was Terrie Sena, Ryan Sena, and Christopher Sena.

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

22 THE COURT: Yes.

23 BY MS. SUDANO:

24 Q Detective, showing you Exhibit 76. Do you recognize

25 that?

1 A Yes, it's a screen shot from the video.

2 Q All right.

3 MS. SUDANO: All right. And at this time, Your

4 Honor, we're going to publish Exhibit 78.

5 THE COURT: Okay.

6 BY MS. SUDANO:

7 Q Detective, I've got Exhibit 78, the CD, up on the

8 screen. There's a folder with images; is that correct?

9 A Yes, there is.

10 Q All right. And that contains the 4,780 images that

11 we talked about previously?

12 A Yes.

13 Q And then I'm going to play now video six.

14 (State's Exhibit 78, Video 6, played)

15 BY MS. SUDANO:

16 Q All right. Detective, fair to say that there's a

17 fairly big blank spot in this particular video?

18 A There is.

19 Q All right. There were -- could you see anybody

20 initially in the video?

21 A Initially, it was Chris.

22 Q And could you hear that the defendant was saying at

23 that point?

24 A I can't remember the exact beginning of it, but then

25 it finishes off -- you hear him say, first, before I come in.

1 Q And at some point, the lights go out and everybody
2 leaves the room; is that correct?

3 A Yes.

4 Q Does the video continue for about ten minutes while
5 there's no one in the room?

6 A It does.

7 Q And the lights come back on, and we pick back up
8 with the action at about 10:30 into the video; is that
9 correct?

10 A Yes.

11 Q All right.

12 MS. SUDANO: And, Your Honor, I'm going to -- I
13 paused it at 1:39, and I'm going to skip to approximately,
14 10:30.

15 (State's Exhibit 78, Video 6, resumed playing)

16 MS. SUDANO: All right. I'm going to play it at
17 [inaudible].

18 (State's Exhibit 78, Video 6, resumed playing)

19 BY MS. SUDANO:

20 Q All right. Detective, was that the video that you
21 watched involving Ryan in this particular case?

22 A It was.

23 Q So we talked about the long, sort of, pause or break
24 in that video where nobody's in the room. When we picked
25 back up with it, and there were people in the room, who was

1 there initially?

2 A Ryan and Terrie.

3 Q Fair to say the defendant's not present in the

4 initial part of that video?

5 A Yes.

6 Q Did you observe Terrie and Ryan looking off of the

7 screen?

8 A Yes.

9 Q And at some point does the defendant come into the

10 video?

11 A He does.

12 Q Is he wearing any clothing when he comes into the

13 video?

14 A He's not.

15 Q Can you hear the defendant saying anything when he

16 comes back into the video?

17 A I can hear him saying -- I can't hear exactly what

18 he's saying.

19 Q At some point, does the defendant become involved in

20 the sex acts in the bedroom?

21 A He does.

22 Q Okay. Can you hear the defendant say anything at

23 that point?

24 A The first clear thing you can hear him say is put

25 your -- touch your chest to his breasts, and having Ryan lay

1 down on top of her.

2 Q What's the next clear thing that you hear?

3 A After he begins having sex with -- sexual
4 intercourse with Terrie, you can hear him repeatedly say,
5 look at your mama, don't mind me, look at your mama.

6 Q And those were comments that were directed at Ryan?

7 A Yes.

8 Q Okay.

9 MS. SUDANO: Thank you, Your Honor. Nothing
10 further.

11 THE COURT: All right. I think this would be a
12 good time to take our lunch break.

13 It's now 11:30. So a quarter to -- a quarter to
14 1:00. Would that be enough time? All right.

15 You're admonished not to converse among yourselves
16 or with anyone else on any subject connected with this trial,
17 read, watch, or listen to any report or commentary on the
18 trial by any person connected with this case, or by any
19 medium of information, including without limitation,
20 newspapers, television, Internet, or radio, or form --
21 further admonished not to form or express any opinion on any
22 subject connected with this case until the case is finally
23 submitted to you.

24 All right. We'll be at ease while the jury exits
25 the room. Be back by a quarter to 1:00. Okay?

1 (Outside the presence of the jury at 11:30 A.M.)

2 THE COURT: Okay. We're outside the presence of
3 the jury. Detective, be back by a quarter to 1:00. I'd ask
4 you not to discuss your testimony with anyone else. Okay?

5 THE WITNESS: No problem, Your Honor.

6 THE COURT: All right. Okay. Is there anything
7 that needs to be put on the record before we take our lunch?

8 MR. SWEETIN: Not from the State.

9 MS. RADOSTA: No, Your Honor.

10 THE COURT: Okay. All right. We'll be back at a
11 quarter to 1:00, then.

12 MS. SUDANO: Thank you, Your Honor.

13 (Court recessed at 11:31 a.m. until 12:48 p.m.)

14 (Outside the presence of the jury)

15 THE MARSHALL: All rise. Department 19 is now in
16 session. The Honorable Judge William Kephart, presiding.

17 THE COURT: Okay.

18 THE MARSHAL: Please be seated.

19 THE COURT: We're on, Christine?

20 THE COURT RECORDER: Yes, sir.

21 THE COURT: We're back on the record in the case of
22 State of Nevada versus Christopher Sena in C-311453. I'd
23 like the record to reflect the presence of the defendant, his
24 counsel, as well as the State and their counsel. We're
25 outside the presence of the jury.

1 Before we get the jury in, did you need to put
2 something on the record?

3 MS. RADOSTA: No, Judge.

4 MR. SWEETIN: No, Judge.

5 THE COURT: All right. Bring the jury back. And
6 bring the detective back. Okay? Have the detective come on
7 in.

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

10 (In the presence of the jury 12:50 P.M.)

11 THE COURT: Okay. Everybody go ahead and have a
12 seat.

13 This is the continuation of the jury trial in Case
14 No. C-311453, State of Nevada versus Christopher Sena. We're
15 in the presence of the jury.

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

18 MR. SWEETIN: Yes, Your Honor.

19 MS. RADOSTA: Yes, Your Honor.

20 THE COURT: All right. So before we took our
21 break, the State had just concluded direct examination of
22 Detective Samples.

23 Defense, do you have any cross?

24 MS. RADOSTA: Yes, Your Honor. Thank you.

25 THE COURT: All right.

1 CROSS-EXAMINATION

2 BY MS. RADOSTA:

3 Q Good afternoon, Detective Samples.

4 A Good afternoon.

5 Q How are you?

6 A Good. How are you?

7 Q Fine. Thank you for asking.

8 I'm going to be asking you, well, questions about all
9 parts of your investigation. So I'm going to be jumping
10 around a little bit.

11 A Okay.

12 Q If you don't understand or you're -- you know, think
13 I'm talking about something else, just let me know.

14 A Okay.

15 Q So one of the first things I just wanted to talk to
16 you about was the interview with my client that occurred at
17 his residence.

18 That was on September 17, 2014; is that right?

19 A 18th.

20 Q 18th. Because it was like in 2:00 a.m., 2:30 a.m.,
21 correct?

22 A Yes.

23 Q So you guys had arrived at the residence -- you
24 guys, excuse me -- Metro had arrived at the residence at
25 about what time that night?

1 A I can't tell you exactly what time.

2 Q Well, what time did you arrive, if you recall?

3 A I can't recall exact time.

4 Q Were you there when SWAT arrived and served the

5 warrant or did you arrive after the warrant was already being

6 executed?

7 A I was -- arrived with SWAT.

8 Q Okay. And so you and the other detectives from your

9 unit stayed outside while SWAT served the search warrant?

10 A Yes.

11 Q And that took approximately how long?

12 A I -- I can't give you an exact time frame on that.

13 Q Okay. More than an hour?

14 A No.

15 Q Okay. And was it pre-planned that you were going to

16 be the one to seek out my client for a potential interview?

17 A If he was located, then yes, we were going to do an

18 interview with him.

19 Q Okay. Was it decided ahead of time that you were

20 going to be the one to do the interview or was it whoever

21 came upon him was going to do the interview?

22 A No, it was going to be me.

23 Q Okay. Because you were, as I think we've

24 established, you were somewhat lead on this case?

25 A Yes.

1 Q Was it just randomly assigned to you?

2 A It was.

3 Q Just next up in order, so to speak?

4 A So to speak.

5 Q So did you actually locate Mr. Sena inside house or

6 was your attention drawn to the fact that somebody else had

7 located him?

8 A The SWAT team did all that.

9 Q Okay. And so somehow you come in contact with him,

10 and bring him to your patrol vehicle, correct?

11 A My unmarked car, yes.

12 Q Your -- sorry. Yes, your unmarked car.

13 Now, you have the option to do an interview right then

14 and there, as you did, correct?

15 A Yes.

16 Q You also have an option, if you want, to take into

17 another location and do the interview where it's video record

18 and audio recorded, correct?

19 A Yes.

20 Q And that's pretty much your preference, right?

21 A No, not necessarily my preference.

22 Q Okay. Sorry, let me rephrase that question.

23 It's your decision to whether to interview him in the

24 backseat of the car or to take him somewhere else to

25 interview him?

1 A He wasn't interviewed in the backseat of the car.
2 Q I thought it was in the backseat of your patrol --
3 your unmarked vehicle.
4 A No.
5 Q Where was the interview?
6 A He was seated in the front passenger seat.
7 Q Okay. Thank you. My apologies.
8 But in this particular scenario, you felt it was
9 better to do the interview on site, correct?
10 A The decision was made because we were low on the
11 resources. We only had a few detectives, so the decision was
12 made to do it in the vehicle.
13 Q Okay. And also, potentially, they were still
14 executing the search warrant at that point in time and
15 perhaps he could be helpful in giving you information right
16 then and there?
17 A Perhaps.
18 Q Okay. So the interview takes place, and it lasted
19 maybe 30 minutes -- no, 45 minutes?
20 A Approximately.
21 Q Okay, not counting the time when you had to turn the
22 recorder on and off for other duties that you had had to do?
23 A The -- they were no more than a minute each --
24 Q Oh --
25 A -- time.

1 Q -- okay. So the -- do you recall approximately how
2 many SWAT officers were on site?

3 A No.

4 Q Was it more than five?

5 A Yes.

6 Q More than ten?

7 A I don't know that one.

8 Q Okay. They actually, though, used one of the big
9 SWAT vehicles, kind of like an armored vehicle, correct?

10 A Correct.

11 Q Which is standard operating procedure, correct?

12 A That's their policy. I don't know anything about
13 their policy.

14 Q Okay. But it wasn't that this was being treated in
15 any way differently; it was SWAT's decision to bring that
16 particular vehicle?

17 A Yes.

18 Q And so was the house all lit up with lights from the
19 SWAT vehicles and things like that?

20 A At some point, potentially, but I wasn't that close.

21 Q Okay. In addition to my client, you also -- or his
22 son, Tails, was also located inside the residence, correct?

23 A Yes.

24 Q And to your knowledge, Tails was also put into some
25 type of restraints, either zip ties or actual handcuffs,

1 correct?

2 A Temporarily.

3 Q Temporarily. But my client commented on that, so he

4 was aware of the fact that his son was in handcuffs, correct?

5 A I don't remember him commenting on it.

6 Q Okay. He didn't tell you that Tails was like right

7 over there at one point in time. You had asked who else was

8 in the house, and he had indicated to you, Tails, he's right

9 over there on the street?

10 A Yes.

11 Q Okay. He commented he was on the street. I don't

12 remember him commenting about him being in placed in

13 handcuffs?

14 A Okay.

15 Q So it's about 2:30 in the morning when you start the

16 interview, correct?

17 A Approximately.

18 Q Okay. And do you have any knowledge of during the

19 interview there was a comment made by my client about

20 receiving a phone call at 2:00 a.m.; do you have any idea

21 what that was regarding?

22 A I don't.

23 Q That wouldn't have been SWAT, correct, calling

24 him --

25 A I don't know.

1 Q -- ahead of time? Okay. You don't know?

2 A I don't.

3 Q Okay. So SWAT arrives at his house, and within a

4 fairly short period of time he's sitting in the front seat of

5 your unmarked patrol vehicle -- unmarked vehicle having a

6 conversation with you --

7 A Yes.

8 Q -- correct? Okay.

9 Within that conversation, though, he did provide

10 information to you about the guns that were located in the

11 house, correct?

12 A Yes.

13 Q He was up-front with you that there were more guns

14 in the house than you were expecting to find, correct? Let

15 me rephrase that.

16 The information that you had prior to going in there

17 is that there were potentially guns in the house, correct?

18 A Yes.

19 Q Two or three, does that sound about right what you

20 -- what your impression was as to how many guns that were

21 going to be in the house?

22 A We were under the impression there was a couple.

23 Q Okay.

24 A Exact numbers --

25 Q Okay. And when you were speaking to Chris, he

1 actually said there were more than that in the house; he said
2 there were approximately six in the house, correct?

3 A Correct.

4 Q So he was forthcoming with you on this particular
5 information?

6 A Correct.

7 Q Which is important, obviously, for you you, as a
8 Metro officer, and all the other Metro officers. That's one
9 of the things you want to know. You want to locate any
10 potential weapons in the house for safety reasons, correct?

11 A Correct.

12 Q Okay. Additionally, he did tell you how to access
13 the safe in both the office and the other safe located in the
14 master bedroom, correct?

15 A Yes.

16 Q He gave the combinations more than once, correct?

17 A Yes.

18 Q When they were unable to access the safe the first
19 time, one of the detectives came back to you and asked for
20 the information again, and it was provided a second time?

21 A Correct.

22 Q And then he also told you exactly where the flash
23 drive would be located, correct?

24 A Correct.

25 Q And that it was -- the color of it, even? That it

1 was a red flash drive?

2 A Yes.

3 Q That he didn't make you search through all of the
4 flash drives; he directed you to one in particular?

5 A Yes.

6 Q Okay. So fair to say that he did provide some
7 helpful information to you during the course of his interview
8 with you?

9 A Some.

10 Q Okay. And at the end of his interview, you arrested
11 him, correct?

12 A Correct.

13 Q Was that your individual decision or did you have to
14 check with anybody else in order to make that decision to
15 arrest on site?

16 A There was a roundtable discussion about it, but
17 ultimately, it was my decision.

18 Q Okay. Because you, again, were lead detective?

19 A Yes.

20 Q Okay. I wanted to ask you about one of the reports
21 that you prepared in your investigation. I know -- I
22 apologize, I'm about to sneeze, so my apologies, I keep
23 rubbing my nose.

24 You actually had a chance to view all the videos
25 that were located on that red flash drive, correct?

1 A Yes.

2 Q And that was several months after the interview with
3 Mr. Sena, correct?

4 A I don't believe several months.

5 Q Okay. Let me ask you this. If I had a report
6 that's dated January 2015 regarding what you saw on the
7 videos, would you have written the report contemporaneously
8 with watching the videos?

9 A Over time.

10 Q Okay. So do you recall writing a report just about
11 the content of the videos --

12 A Yes.

13 Q -- in this particular case?
14 It's about four pages long?

15 A Yes.

16 Q Okay. Did you have a chance to review it before
17 coming to court today?

18 A I did.

19 Q Okay. So regarding some of the videos, the ones
20 involving the dog, Hammy, there were -- you indicated in your
21 report that you could hear Deborah's voice on the video
22 talking to the dog, correct?

23 A Correct.

24 Q Saying come on, Hammy, as she is attempting to have
25 sexual intercourse with the dog?

1 A I'd have to refer --
2 Q Okay.
3 A -- refresh back.
4 Q Would looking at your report --
5 A Yes --
6 Q -- refresh your recollection? Okay.
7 MS. RADOSTA: May I approach the witness?
8 THE COURT: Yes.
9 BY MS. RADOSTA:
10 Q I'll just leave this with you. [Inaudible]. First
11 page, just to verify a little bit.
12 A Um-h'm.
13 Q Detective, just let me know when you're done
14 reviewing that to yourself.
15 A Okay.
16 Q Does that refresh your recollection as to being able
17 to hear Deborah say, come on, Hammy --
18 A Yes.
19 Q -- while she's attempting to have sexual intercourse
20 with the dog?
21 A Yes.
22 Q And that there's also another sentence in here that
23 Deborah was seen manually masturbating the dog, Hammy,
24 correct?
25 A Yes.

1 Q And then there's also a indication in here that you
2 can see Deborah actually performing fellatio -- oh, I
3 apologize. Strike that.

4 Oh, yeah, sorry. That you actually do see Deborah
5 performing fellatio on the dog, Hammy?

6 A Yes.

7 Q Regarding the video with Brandon, where it is the
8 one that's a little bit closer -- it's a closer shot, you can
9 hear Deborah on that particular video. You can hear her
10 voice, correct?

11 A Yes.

12 Q Saying -- telling Brandon to stick your dick in me,
13 correct?

14 A Yes.

15 Q And you don't actually see Christopher in that
16 video, correct? You don't see his face in that video,
17 correct?

18 A In the video with Brandon?

19 Q The video with Brandon.

20 A Sorry, there's a few. I'm trying to remember.

21 Q Okay. And this is one that is, as I said, it's shot
22 like the frame is closer in than any of the others.

23 Fair to say you can see someone else moving around
24 the room --

25 A Yes.

1 Q -- at times? But you don't ever see the face of
2 that person?

3 A I'm trying to recall the end of the video.

4 Q And if you don't recall, Detective, that's fine.

5 A I don't recall. I'd probably have to watch it
6 again.

7 Q Okay. Regarding the -- you are able to see in that
8 video, though, that Deborah is having some -- apparently
9 having some type of intercourse with Brandon, correct?

10 A At some point, yes.

11 Q And that she is performing fellatio on him as well?

12 A Yes.

13 Q And that you can't -- to be fair, you can't
14 necessarily see penetration. It appears as though that's
15 happening, but you don't actually see the penis being
16 inserted into the vagina, correct?

17 A Potentially.

18 Q I mean, given the movements, it's implied, but you
19 don't actually see, as I said, the penis going into the
20 vagina; is that a fair statement?

21 A It could be fair.

22 Q And at one point in time you actually see Deborah
23 sitting on top of Brandon while he is on his back attempting
24 or actually having intercourse, correct?

25 A Yes.

1 Q Now, regarding the video in the shower with Tails,
2 all that is -- all that that video is just the two of them in
3 the shower. There's no sexual content beyond just the two of
4 them being naked, correct?

5 A In the portion that's on the video.

6 Q In the portion that's on the video, which is the
7 video, correct?

8 A Yes.

9 Q Then there is another video with Tails where you can
10 see that Deborah, once again, is performing fellatio on
11 Tails, correct?

12 A Correct.

13 Q And she stops at one point and begins again with
14 Tails. I think she steps away for a second and comes back
15 and resumes.

16 A Correct.

17 Q And at no point -- at that point in time, you don't
18 hear Christopher yelling and saying, get back over there or
19 anything of that nature, correct?

20 A No.

21 Q You, again, see Deborah get on the bed on her back
22 and Tails either attempting or actually having sexual
23 intercourse with her while she's on the bed, correct?

24 A Correct. I mean, you can see that they're having
25 intercourse.

1 Q It appears as though from the movements that that's
2 what's happening, but you don't actually see the penis go
3 into the vagina, correct?

4 A There's no camera facing her vagina, no.

5 Q Okay. But she puts herself on the bed on her back,
6 correct?

7 A She does.

8 Q Nobody grabs her by the arm and forces her onto the
9 bed, correct?

10 A No.

11 Q Nobody grabs Tails by the arm and forces him to go
12 in between her legs and put his penis in her vagina, correct?

13 A Not forces.

14 Q And then regarding the video with -- well, there
15 were all stills of the probable video of Ryan and Terrie and
16 Christopher, like the 4,800 stills.

17 On those, you can see Deborah -- I'm sorry, you can
18 see Terrie actually taking off her own shirt, correct?

19 A Correct.

20 Q And you can see Terrie taking off Brandon's shorts,
21 correct?

22 A Correct.

23 Q And then his underwear, correct?

24 A It's implied.

25 Q It's not Christopher taking off Brandon's underwear,

1 correct?

2 A Correct.

3 Q And then you do see Terrie apparently, placing her
4 mouth on Brandon's -- sorry, strike that.

5 You see Terrie placing her mouth on Ryan's penis,
6 correct?

7 A Correct.

8 Q And then eventually, you see Christopher in the
9 frame and Terrie places her mouth on Christopher's penis,
10 correct?

11 A Correct.

12 Q But you see her hand reaching back and touching
13 Ryan's penis at the same time, correct?

14 A Correct.

15 Q And in one of the frames you see that her other hand
16 is actually touching her own breasts, correct?

17 A At one freeze frame.

18 Q Yes. So she is touching herself while touching Ryan
19 at the same time?

20 A Correct.

21 Q And then regarding the actual video of Ryan and
22 Terrie and Christopher, in your report you indicated that
23 Terrie actually tells Ryan to take his clothes off and he
24 says no, correct?

25 A That's correct.

1 Q And she goes ahead and removes his clothes anyway,
2 correct?
3 A Yes.
4 Q And Christopher is not in the room when this is
5 occurring, correct?
6 MS. RADOSTA: Objection. Speculation.
7 THE COURT: Sustained.
8 BY MS. RADOSTA:
9 Q You don't see Christopher in the room in the frame
10 of the shot, correct?
11 A Correct.
12 Q And then you also see Terrie have Ryan lay on the
13 bed, correct --
14 A Correct.
15 Q -- on his back? And she begins to perform fellatio
16 on him, correct?
17 A Yet.
18 Q And that lasts for a minute or two, correct?
19 A Approximately.
20 Q And at some point in time, you see Terrie actually
21 grab Ryan's hand and place it on her breasts, correct?
22 A Correct.
23 Q And a few moments later she actually kind of
24 readjusts his hand, direct, replaces it on her breasts?
25 A Correct.

1 Q And then she grabs his other hand and places it on
2 her other breast, correct?

3 A Yes.

4 Q And she also kind of points to her own breast at one
5 point in time and indicates that she -- like, does it like a
6 kissing motion with her mouth; is that a fair assessment.

7 A That's fair.

8 Q And then Ryan comes in and just quickly kisses her
9 breasts?

10 A Yes.

11 Q And you can hear her say "again" after that, right?

12 A That I can't --

13 Q Okay. Did you hear some word at that point?

14 A A conversation, yeah.

15 Q Okay. And after whatever the word or words are
16 said, Ryan kisses her breasts a second time, correct?

17 A Yes.

18 Q And later on in the video, well, I believe, she goes
19 back to performing fellatio on him at that point, I believe.
20 But later on in the video she, again, wants him to kiss or --
21 well, kiss her breasts, correct?

22 MS. RADOSTA: I'm going to object as to wants, Your
23 Honor.

24 THE COURT: What's that?

25 MS. RADOSTA: I'm going to object as to "wants". I

1 think that's speculation.

2 THE COURT: Sustained.

3 BY MS. RADOSTA:

4 Q She looks at Ryan at some point in the video and
5 points to her own breasts, correct?

6 A Correct.

7 Q And does a motion with her mouth again, correct?

8 A I only remember the one time.

9 Q Okay. You don't remember her sticking her tongue
10 out and going in a licking motion at --

11 A That's --

12 Q -- Ryan?

13 A That's the one time -- that's the one time I
14 remember.

15 Q Okay. And so at that point in time, Ryan again
16 leans in and licks Terrie's breast, correct?

17 A Yes.

18 Q And when -- she is actually telling Ryan at some
19 point to turn around on the bed. She's actually using her
20 finger and going in a spinning motion when they're both
21 sitting on the bed, correct?

22 A Yes.

23 Q And then they begin to have intercourse, correct?

24 A Correct.

25 Q She is on her back, and he is on top much her?

1 A Presumed intercourse.

2 Q Presumed intercourse. And you can see Terrie's
3 hands are actually on Ryan's hips or at least her right hand
4 is on his left hip --

5 A Yes.

6 Q -- correct?

7 A Yes.

8 Q I had to do the same thing.

9 And so -- and she's moving her hand with his body
10 movement, correct?

11 A She is.

12 Q Okay. Then as it gets deeper into that, Ryan
13 eventually is laying flat on top of Terrie, correct?

14 A Um-h'm, yes.

15 Q And you can see her hands actually massaging his
16 butt cheeks, correct?

17 A That's correct.

18 Q And later on in the video you also see Christopher
19 come into the frame and begin to have presumably some type of
20 intercourse with Terrie, correct, when she's on her side?

21 A That's correct.

22 Q And you can see when that's happening she's also
23 performing fellatio on Ryan, correct?

24 A Yes.

25 Q And at some one point during the -- during that sex

1 act, Ryan's penis actually falls out of her mouth, correct?

2 A Yes.

3 Q And she takes her hand and puts his penis back in
4 her mouth, correct?

5 A Yes.

6 Q And you can also see at one point in time her left
7 hand reaching backwards towards Chris and putting it on
8 Chris's hip?

9 A Yes.

10 Q As Christopher is having presumed the sexual
11 intercourse with her?

12 A That's correct.

13 Q And at the end of it, you just hear Christopher ask
14 Ryan, how did that feel, correct?

15 A He does.

16 Q At no point on the video with either Ryan or Brandon
17 do you hear Christopher make any threats to them about not
18 telling or what would happen if they told, correct?

19 A That's correct.

20 Q You conducted some of the interviews in this case,
21 correct?

22 A I did.

23 Q Some of them were conducted by a forensic
24 interviewer because of the age of the people being
25 interviewed, correct?

1 A Yes.

2 Q So Brandon, Ryan, and I believe, Erin and maybe
3 Tamara were all done by the forensic interviewer from the
4 CAC, correct?

5 A Yes.

6 Q Do you remember her name?

7 A Kristina Bernat.

8 Q Okay. Anybody else, even if they were perceived to
9 be a victim of some type of abuse as a child, if they are an
10 adult, you went ahead and interviewed them, correct?

11 A Yes.

12 Q Are you a trained forensic interviewer as well?

13 A There is no actual certified training --

14 Q Okay.

15 A -- for forensic interviewing. It's protocol.

16 Q I'm sorry, what was the last --

17 A It's a protocol.

18 Q Okay. Have you --

19 A Yes, I have --

20 Q I'm sorry, I stepped on what you were saying.

21 A Yes, I have been through the protocol training.

22 Q Okay. So you know some of the techniques. So even
23 if you're not interviewing a child, you still know the
24 parameters, correct?

25 A The protocol.

1 Q Okay. Protocol.

2 So regarding Anita, when you started the interview

3 with her, were you aware that she was a potential victim

4 before you walked into the room?

5 A Yes.

6 Q And regardless of whether or not this is a potential

7 child victim or an adult victim, when you're interviewing an

8 alleged victim, you want to put them at ease, correct?

9 A Yes.

10 Q You want to make them feel comfortable, correct?

11 A Try and let them talk.

12 Q Right. So -- and being comfortable would most

13 likely, for most people, encourage conversation; is that a

14 fair statement?

15 A One small part of it.

16 Q Okay. What are some other parts to encourage

17 conversation or to encourage them to talk?

18 A An open dialogue.

19 Q I'm sorry?

20 A An open dialogue is a big one.

21 Q Okay. So just let them know that anything they say

22 in there is -- you've heard these things before, you've --

23 you are a detective in this area, and they can't really shock

24 you; is that something you might say?

25 A At times.

1 Q And that they are not going to get in trouble for
2 something that they tell you?

3 A At times. Depends.

4 Q Okay. In this particular situation with Anita, you
5 didn't anticipate anything she could tell you would get her
6 in trouble, correct?

7 A No.

8 Q Okay. You also want to make sure that they
9 understand the purpose of the interview? Is that a fair
10 statement.

11 A As in --

12 Q That you just want to know the truth. You just want
13 to know what happened?

14 A That's one way you could put it.

15 Q How would you put it?

16 A Generally, it's we -- I am a fact gatherer.

17 Q Okay.

18 A I just listen to what they have to tell me.

19 Q Okay.

20 A And continue the investigation.

21 Q Okay. So not necessarily the truth, but their
22 facts, the facts that they know?

23 A Yes.

24 Q Okay. You also don't want them to feel like you're
25 rushed at all in the interview, correct?

1 A Correct.

2 Q You want to let them know that they have as much
3 time -- you have as much time to talk to them as they need?

4 A That's correct.

5 Q Will you even let them know if they remember
6 something at a later date, they are free to contact you?

7 A Yes.

8 Q And in this particular situation with Anita, do you
9 remember even saying, you know, go ahead and call me Larry?

10 A Yes.

11 Q So -- which is another way to kind of put everybody
12 at ease, correct?

13 A Correct.

14 Q I'm not Detective, I'm just here to listen to you,
15 I'm Larry?

16 A Yes.

17 Q Okay. So one of the first things -- do you recall
18 one of the first things Anita saying to you is that she
19 volunteered to take a lie detector test?

20 MS. RADOSTA: Your Honor, I'm going to object as to
21 hearsay.

22 THE COURT: What Anita said?

23 MS. RADOSTA: Yeah.

24 MS. SUDANO: Yeah.

25 THE COURT: Overruled.

1 BY MS. RADOSTA:

2 Q Do you recall -- and if you --

3 A I don't recall that.

4 Q Okay. Would looking at her statement refresh your
5 recollection?

6 A Yes.

7 Q Detective, I am showing you what's been marked for
8 identification as Defense Proposed B.

9 A Okay.

10 Q I direct you to page 6.

11 A Okay.

12 Q And if you could just review that to yourself. Let
13 me know when you're done.

14 A Okay.

15 Q So does that refresh your recollection that she
16 volunteered to take a lie detector test?

17 A She did.

18 Q And you immediately said, you know, that -- I don't
19 think that's going to be necessary?

20 A I did.

21 Q Again, maybe trying to put her at ease that her word
22 is fine. You don't need anything beyond that?

23 A We tend not to put victims on a lie detector test.

24 Q And even beyond that, I mean, beyond the policy of
25 Metro of not wanting to do that, just to, once again, put her

1 at ease that her word is fine; is that a fair statement?
2 That she didn't need to prove herself to you?

3 A That's not a fair statement.

4 Q Okay. Well, why -- I mean, you didn't explain to
5 her the Metro policy there, correct?

6 A No.

7 Q You just said, not going to be necessary?

8 A Yes.

9 Q Was that an effort to put her at ease?

10 A It was an effort to continue the open end dialogue
11 with her, yes.

12 Q Okay. So she did talk to you about the first
13 alleged incident with her father, correct?

14 A She did.

15 Q And it's a fair statement that she was kind of
16 bouncing around to a lot of topics at the beginning of the
17 interview?

18 A Yes, she was.

19 Q And you were trying to just get her to focus a
20 little bit on one alleged incident at a time?

21 A Yes.

22 Q Do you recall that she told you the first alleged
23 incident happened in the living room?

24 A Yes.

25 Q Not in the master bedroom, correct?

1 A Yes.

2 Q Okay. And that she talked about that it happened
3 while she was lying down and that there was a pillow
4 underneath her?

5 A That was the first incident she described, yes.

6 Q Okay. Which -- it's the first incident she
7 described and she said she was fairly young when that one
8 happened, correct?

9 A Yes.

10 Q In your understanding of the course of things that
11 Anita told you, that's the first incident that she's spoken
12 of, correct?

13 A Yes, that was the first incident that we discussed
14 in the voluntary.

15 Q Okay. Not necessarily the first incident for Anita,
16 but that's the first incident she's spoken of, correct?

17 A To me, yes.

18 Q Okay. She did not say -- she did not tell you that
19 she was bent over on all fours for that particular incident,
20 correct?

21 A I would have to refresh on that one. It was quite a
22 bit with her.

23 Q I direct your attention to page 16. Actually, to be
24 fair, Detective, she kind of references the entirety of the
25 incident from 10 to 16, but -- so if you want to review all

1 of that, feel free.

2 A Okay.

3 Q There's nothing in her statement about being on all
4 fours for that first incident, correct?

5 A She doesn't specifically detail it.

6 Q She does say, though, that she was on her back -- he
7 would position me, he'd even grab a pillow from the couch and
8 put it under me so he would have better access?

9 A Yes.

10 Q Which implies that she was laying on her back,
11 although, she didn't actually say it, correct?

12 A Not necessarily.

13 Q Or laying on her front?

14 A "He put a pillow under me", yes.

15 Q Okay. She also recounted, though, that he was
16 facing her, correct, during this incident that she was
17 talking of, again, on page 16?

18 A Yes.

19 Q She didn't mention -- she didn't mention anything
20 about threats that he had Metro friends, correct? That he
21 had Metro friends that could -- that would believe him over
22 her?

23 A She mentioned that at some point during her --

24 Q But not specifically regarding the end of this first
25 incident, correct?

1 A During her interview she mentioned it, yes.

2 Q Right. But when we're speaking specifically at the
3 end of this first incident, she did not say, he then said, I
4 have Metro friends, you can't tell anybody because they'll
5 believe me over you?

6 A Correct, at that stage of the interview, correct.

7 Q Okay. And that she would be the one to go to jail.
8 She didn't mention anything about that in that first
9 incident?

10 A At that stage, no.

11 Q Okay. And that first time she indicated that it was
12 anal sex, correct?

13 A Correct.

14 Q And that there was to lubrication used, correct?

15 A Correct.

16 Q She did talk about other instances where there was
17 lubrication such as Vaseline or baby oil, but the first time
18 no lubrication?

19 A Correct.

20 Q I think she used the term, "it was bare".

21 A Yes.

22 Q And she also, though, told you that as she got
23 older, she was able to tell Christopher no, and the sex
24 became less frequent, correct?

25 A Correct.

1 Q And he accepted that?

2 A At times.

3 Q Do you recall her talking about the time when he, as

4 she phrased it, took her virginity?

5 A Vaguely.

6 Q Okay. I direct your attention to page 17.

7 A Okay.

8 Q And she had said in her statement that it happened

9 in the shower, and that he had said that because she was on

10 her period, that they were going to be able to have sex in

11 the shower.

12 A Correct.

13 Q And that would imply to you vaginal sex since she

14 was discussing her period, correct?

15 A Correct.

16 Q And then she does not say in that -- in her

17 description of that time in the shower that it was an

18 accident that he inserted his penis into her vagina instead

19 of her anus, correct?

20 A No, that -- no.

21 Q All right. Or that it was her fault that she did

22 not -- that she didn't hold her butt up high enough?

23 A That never came up, no.

24 Q Now, she also -- as I said earlier, she kind of

25 jumped around from topic to topic throughout the interview,

1 correct?

2 A She did.

3 Q She also talked to you about why she was still
4 living at the house at the age of 24, right?

5 A It came up, yes.

6 Q Okay. Do you recall her saying that she just simply
7 wasn't making enough money to be able to move out of the
8 house?

9 A I believe that was one of the reasons she gave.

10 Q That she had to pay rent to Christopher for -- to
11 live there, and so she just wasn't making enough to be able
12 to move?

13 A Yes.

14 Q But she also said that she didn't want to leave her
15 brothers, correct?

16 A That's correct.

17 Q She also indicated to you that she was having sex
18 with Chris voluntarily in an effort to stay in the house?

19 MS. RADOSTA: Objection, Your Honor. Misstates the
20 testimony.

21 BY MS. RADOSTA:

22 Q In her statement to you.

23 THE COURT: All right. She's talking about the --
24 this right here, the statement, so --

25 MS. RADOSTA: I think it misstates the statement,

1 too, though.

2 THE COURT: You think it misstates the statement?

3 MS. RADOSTA: Um-h'm.

4 THE COURT: Well, you'll have an opportunity to
5 redirect on that, so -- and clean that up.

6 Go ahead, Ms. Radosta.

7 MS. RADOSTA: Thank you.

8 BY MS. RADOSTA:

9 Q I'd direct your attention, Detective, to page 26 of
10 the statement. If you could review that to yourself.

11 A Okay.

12 Q Does that refresh your recollection that she did say
13 she would have sex with Chris just to be able to stay in the
14 house?

15 A To protect her brothers. To keep --

16 Q Yeah, in an effort to --

17 A -- an eye on her brothers.

18 Q -- keep an eye on her brothers?

19 A Yes.

20 Q But she went on to say that she hadn't had sex with
21 him for the last -- at all this year or last year, correct?

22 A At all this year, yes, or last year.

23 Q And so when you're speaking to her, it's September
24 of 2014, correct?

25 A Yes.

1 Q So this year would most likely mean 2014, correct?

2 A I mean, I can't --

3 Q You didn't --

4 A I can't assume what she was talking about.

5 Q You didn't clarify what she meant by this year or

6 last year, correct?

7 A Yes.

8 Q Okay. Now, she also discussed the threesome that

9 she had with her stepmother, correct?

10 A Correct.

11 Q With Deborah?

12 Do you recall talking to her about that?

13 A I do recall.

14 Q Okay. Do you recall the specific sexual acts that

15 she and Deborah participated in during that threesome?

16 A I believe there were a few.

17 Q Okay. She never told you anything about oral sex

18 between her and Deborah, correct?

19 A I would have to --

20 Q I'd direct your attention to page 75 of the

21 statement. And on to 76.

22 A Okay.

23 Q And my apologies, it does kind of go into 77 and

24 even into 78. She speaks of it for a little bit. So please

25 review it as far as you feel is necessary.

1 A Okay.

2 Q At in point does she say anything about oral sex
3 between her and Deborah, correct?

4 A Oral sex, no.

5 Q Okay. There was touching back and forth, touching
6 of the breasts, touching of the vaginas, but nothing about
7 oral sex, correct?

8 A Yes.

9 Q She also never said anything about them both
10 performing oral sex on Chris at the same time during that
11 threesome --

12 A No.

13 Q -- correct?

14 A Yes, that's correct.

15 Q And she was adamant with you that there was only one
16 time that she and Deborah and Christopher had a sexual
17 threesome, correct?

18 A Yes.

19 Q Okay. Regarding how Deborah got into the -- got
20 into the situation, fair to say that Anita just said Deborah
21 came into the room fully clothed?

22 A For this time?

23 Q For the threesome, yeah.

24 A I believe she starts talking about them being
25 together while watching an HBO video, and then the topic

1 comes up --

2 Q Okay.

3 A -- presented by the defendant, and then they started
4 having a threesome.

5 Q At no point does she say that Deborah was dragged
6 into the room by Christopher, correct?

7 A No.

8 Q There was some other information that Deborah -- or
9 I'm sorry, my apologies. That Anita provided to you about
10 friends that were around the house occasionally; do you
11 remember that?

12 A Yes.

13 Q And I think you talked about this a little bit on
14 direct, that she didn't really like to bring friends around
15 the house, correct?

16 A That's correct.

17 Q She didn't like bringing friends around her father,
18 correct?

19 A That's correct.

20 Q And she gave you several names of people that had
21 been to the house that she felt might be helpful for you to
22 know?

23 A She did.

24 Q The names -- and she even got on Facebook for you
25 and tried to locate some of these people on Facebook while

1 the interview was going on, correct?

2 A She attempted to, but didn't.

3 Q Okay. You don't recall her actually being able to
4 locate her friend, Jennifer, and get a last name off of
5 Facebook during the interview?

6 A She did, but then she said, I -- if I remember
7 correctly, she said she doesn't -- wasn't sure if that was
8 the right last name.

9 Q Okay. Do you recall her giving you the street name
10 that Jennifer lived on and physical directions as to how to
11 get there?

12 A Yes.

13 Q I believe you testified on direct that you made an
14 attempt to try to locate Jennifer.

15 A I did.

16 Q Did you take Anita with you in the car to say that
17 was Jennifer's house, that's where I went to go visit her or
18 anything like that?

19 A I did not.

20 Q Is it your understanding that Jennifer possibly
21 would have witnessed some of the behavior of Chris at the
22 house, correct? Could have been an independent eyewitness to
23 some of the behavior at the house.

24 A No, I don't remember her talking about that.

25 Q She did not say that Jennifer might have gone into

1 the back office with Christopher?

2 A Yeah, she said that.

3 Q Okay. Given what Anita was telling you about what
4 had happened to her allegedly in the back office --

5 A Um-h'm.

6 Q -- possible that Jennifer could have been another
7 victim?

8 A It's possible.

9 Q And there were other names as well, Desire
10 (phonetic), Desire Lemon (phonetic). Were you able to locate
11 her?

12 A I wasn't.

13 Q What efforts do you recall making trying to locate
14 Desire Lemon?

15 A We contacted school district, and they didn't have
16 any record of her at the time. The other difficult part was
17 they were now adults.

18 Q Um-h'm.

19 A So a lot of stuff is purged out.

20 Q Okay.

21 A So we were unable to find that.

22 Q Okay. And the same thing with Desire, there was --
23 or I believe there was two girls that had potentially watched
24 a pornographic video with Christopher.

25 A Yes.

1 Q With Anita as well, and Anita had said her -- her
2 age was about 14 or 15, correct?

3 A Yes.

4 Q So if Christopher was showing pornographic videos to
5 someone other than Anita, that would be another potential
6 crime, correct?

7 A Potential.

8 Q There was also one or two girls that Anita told you
9 about that she thought actually had had sex with her father,
10 correct?

11 A I'd have to refer. That sounds familiar, though.

12 MS. RADOSTA: Court's indulgence.

13 BY MS. RADOSTA:

14 Q Do you recall someone named Amanda, one of her
15 friends named Amanda? I direct --

16 A No.

17 Q -- your attention to page 12 and 13.

18 A Okay.

19 Q And that was just a situation where Anita was
20 recounting that Chris was expressing interest in her friend,
21 Amanda, correct?

22 A Yeah, said that he wanted to fuck her.

23 Q Yeah. That he was interested in having sex with
24 her, and the language that Anita used is that Christopher
25 wanted to fuck Amanda?

1 A Yes.

2 Q Did you make any attempt to locate Amanda?

3 A It was just the name of Amanda.

4 Q Okay.

5 A And again, she didn't give us anything further than
6 that.

7 Q And you didn't ask for a last name or a phone number
8 or anything of that nature?

9 A At that point, no.

10 Q Okay. And later on once reviewing the statement,
11 you didn't go back to Anita and ask her for that information
12 again?

13 A No.

14 Q Okay. She also -- do you recall her mentioning that
15 an ex-boyfriend had actually inquired had she -- had made
16 inquiry of her if she'd ever been raped?

17 A Yes.

18 Q Did you locate the ex-boyfriend?

19 A We weren't able to.

20 Q Okay. What efforts did you make to try to locate
21 the ex-boyfriend?

22 A Same issue we ran into. She had no updated contact
23 information for him.

24 Q Okay. Did you get a phone number from him --

25 A Yeah, I --

1 Q -- from her of him?

2 A It was brought up. She -- she talked about not
3 being in contact with him anymore.

4 Q Your recollection is that she did offer -- or that
5 she did offer you a phone number or that she said she wasn't
6 in contact with him anymore?

7 A That she just --

8 Q I'd direct your attention to page 34.

9 A We moved on to the next person.

10 Q Okay. So you didn't actually try to get a phone
11 number from her at that point --

12 A No.

13 Q -- regarding the ex-boyfriend, correct?

14 A I thought I -- I thought I did at some point, but I
15 guess not at that point.

16 Q And then to go back to something I was talking about
17 a moment ago with you, there was a friend where she -- Anita
18 actually suspected the friend had had sex with her father,
19 correct?

20 A She said she went in the back -- if it's the same
21 one I believe she's talking about, they went in the back
22 room.

23 Q Okay. And, I mean, the way she phrased it was, I
24 think, my friend Jennifer had sex with my father, correct?

25 A Correct.

1 Q She did not say, I think my father raped Jennifer,
2 correct?
3 A Correct.
4 Q But given what you were learning in this interview
5 with Anita, did you think it was possible what this friend
6 could have been another potential victim?
7 A It's possible.
8 Q Okay. And did you get -- you were unable to locate
9 this person, Jennifer, correct?
10 A Correct.
11 Q Anita also told you about physical abuse that she
12 says that she suffered at the hands of Mr. Sena, correct?
13 A Correct.
14 Q She told you about bumps on her head, correct?
15 A Correct.
16 Q Did she actually have you feel the bump on her head?
17 A She did.
18 Q Okay. And she told you about scars that she had on
19 her body, correct?
20 A That's correct.
21 Q And she told you about how he threw a rock at her at
22 one point in time and caused a gash?
23 A Yes.
24 Q Do you recall where the gash was?
25 A I don't.

1 Q Okay. Do you recall her pointing to an area of her
2 body while telling that story? Not a specific area, but an
3 area?
4 A I don't.
5 Q All right. You have the option as the lead
6 detective to ask for a medical exam to be done, correct?
7 A That's correct.
8 Q On any of the potential victims, correct?
9 A That's correct.
10 Q And you did not ask for a medical exam to be done on
11 Anita, correct?
12 A Anita was an adult at the time.
13 Q Okay.
14 A So I can't order one on her.
15 Q You cannot -- you cannot --
16 A I can ask, but I can't order one -- for us to do one
17 at the CAC, it's specifically for juveniles to do forensics
18 there.
19 Q Okay. Did you speak to -- in this statement, did
20 you speak to need feed about having a medical exam done?
21 A No.
22 Q What we call a SANE exam, a sex assault examination?
23 A I did not.
24 Q Okay. Had a medical exam been done on Anita,
25 photographs would have been taken, correct?

1 A It's part of the SANE exam --

2 Q Okay.

3 A -- however, SANE exam doesn't necessarily apply to

4 the situation given the timeframe in between the sexual abuse

5 that occurred.

6 Q Okay. But Anita had told you that some of the sex

7 you mean abuse had occurred as recently as a year or two

8 earlier, correct?

9 A That's correct.

10 Q And Brandon and Ryan also said that the alleged

11 sexually abuse with them had been within the last year or two

12 as well?

13 A That's correct.

14 Q There were medical exams done on -- attempted to be

15 done on Brandon and Ryan, correct?

16 A That's correct.

17 Q You also didn't order or make any requests of Terrie

18 to have a medical exam done, correct?

19 A That's correct.

20 Q Terrie Sena, the mother?

21 A Terrie. The mother?

22 Q The mother.

23 A No.

24 Q Okay. And you did not have a SANE exam done on

25 Deborah Sena --

1 A No.

2 Q -- either, correct?

3 A Again, a SANE exam wouldn't apply.

4 Q Okay. And a SANE exam wouldn't apply because they
5 were not --

6 A Far outside the five-day preferred statute of trying
7 to actually recover anything from a SANE exam.

8 Q But there are SANE exams done on cases long after
9 five days, correct?

10 A If there's a lot of particulars into it as to why we
11 would approve that --

12 Q Um-h'm.

13 A -- but in this situation, there's no obvious
14 physical signs of abuse that would lead to a SANE exam --

15 Q Okay.

16 A -- and no evidence would be recovered during a SANE
17 exam of a person's body over five days, and you can stretch
18 it if it's like a homeless person, for example --

19 Q Um-h'm.

20 A -- and they haven't showered. But in this case,
21 years later, it wouldn't be something we would order.

22 Q Now, regarding Terrie and Deborah, Terrie Sena, the
23 mother, and Deborah Sena, the mother, additionally, SANE
24 exams are usually only conducted on potential victims,
25 correct?

1 A Again, for the reasons I just explained.

2 Q Okay. I want to move on to another part of the
3 investigation.

4 You talked briefly on direct about the search
5 warrant being served at 6012 Yellowstone --

6 A Yes.

7 Q -- correct? And I believe you said at the end of it
8 all, you were the final person to list everything that was
9 located at the house and was impounded from the search
10 warrant, correct?

11 A I didn't list everything on the actual return of the
12 search warrant.

13 Q Uh-huh.

14 A I viewed everything that was listed and removed from
15 that house.

16 Q Okay. Did you -- you did fill out the return of the
17 search warrant, though, correct?

18 A I did not.

19 MS. RADOSTA: May I approach the witness?

20 THE COURT: Yes.

21 BY MS. RADOSTA:

22 Q Is that the return to the search warrant from the
23 house, Detective?

24 A It is.

25 Q Is that your signature at the bottom of it?

1 A That is the inventory of the people on the bottom.

2 Q I'm sorry?

3 A It's the people that were there for the inventory,
4 the final inventory, so Detective Santarosa and myself.

5 Q Okay. So -- but that does list approximately --
6 sorry, I don't have the document in front of me right now --
7 maybe 10 to 15 items on each of the two pages of things that
8 were inventoried and taken from the house?

9 A Approximately.

10 Q And there were various items such as hard drives and
11 diskettes and lots of computer equipment, correct?

12 A Yes.

13 Q And that was -- you said that was not -- or it
14 either -- my apologies. Let me try that whole sentence all
15 over again.

16 Is that a complete list of what was taken out of the
17 house?

18 A It's a complete summary list, yes.

19 Q Complete summary list.

20 A Yeah.

21 Q Does that mean that there just might be more detail
22 to some of the items?

23 A The property report is more detailed than --

24 Q Okay.

25 A -- the return.

1 Q And you did fill out the property report, correct?

2 A Yes.

3 Q And have you looked at that lately, Detective?

4 A Likely, a few months ago.

5 Q Okay. Do you recall there being more than one

6 package booked into evidence -- or booked into the property

7 in this particular case?

8 A Packages?

9 Q Yeah. How many packages do you recall?

10 A I'd have to look for sure. There was a lot.

11 MS. RADOSTA: May I approach the witness?

12 THE COURT: Yes.

13 BY MS. RADOSTA:

14 Q Actually, I'm sorry, to go back to the return for a

15 second.

16 A Um-h'm.

17 Q Is this -- you've indicated that your signature is

18 at the bottom of this as one of the two people that

19 inventoried everything.

20 A Yes.

21 Q So this is a fair and accurate representation of the

22 return to the search warrant that was left at the --

23 A Yes.

24 Q -- at the location?

25 I'm showing you -- does that appear to be the

1 property report in this particular case?

2 A It is.

3 Q And does it indicate to you that you're the one who

4 actually completed the property report, correct?

5 A Yes.

6 Q That's your name and P number, correct?

7 A Correct.

8 Q Even though your first initial --

9 A My initial --

10 Q -- is incorrect?

11 A Yeah, my initial's wrong, but, yeah.

12 Q Just go by Harry, you know, occasionally.

13 There are 13 different packages that were booked

14 into property, in this in this particular case, correct?

15 A Correct.

16 Q And then there are -- inside each package could be

17 more than one piece of evidence, correct?

18 A Yes.

19 Q So there's not any set number, it's just what you

20 were able to fit into that particular package; is that a fair

21 assessment?

22 A Yeah, we package certain things based off of what

23 type of device they were, type of item they were, but, yes.

24 Q Okay. I'll come back to that in a second because

25 that's my only copy, and I want to be able to --

1 A Okay.

2 Q -- speak to you about it.

3 You actually also completed a arrest report in this

4 particular case, correct?

5 A I did.

6 Q As the lead detective, that is -- kind of falls to

7 you to when everything is said and done do the final report,

8 summarizing the investigation, correct?

9 A Correct.

10 Q And in it you list all of the other officers and

11 detectives that were involved in the investigation, correct?

12 A Yes.

13 Q You also list the potential victims, correct?

14 A Correct.

15 Q So in this case, you listed Brandon Sena, Anita

16 Sena, Ryan Sena, Melissa Clark, Erin Clark, Tamara Grisham,

17 correct?

18 A Correct.

19 Q And in this particular case, you also listed

20 potential co-defendants as Deborah Sena and Terrie Sena,

21 correct?

22 A That's correct.

23 Q And then if there was any property impounded you

24 referenced that there was a property, which is sitting in

25 front of you right now?

1 A That's correct.

2 Q And you -- part of the -- part of the purpose of the
3 arrest report is to summarize the investigation?

4 A Yes.

5 Q Correct?

6 A That's correct.

7 Q You'll often say, when regarding a -- or I'm sorry,
8 an interview of somebody, this was transcribed, please refer
9 to the transcript for the complete details of that particular
10 conversation, correct?

11 A Correct.

12 Q But here is a summary of what occurred.
13 So you did a summary of Brandon's interview,
14 correct?

15 A That's correct.

16 Q Anita's interview?

17 A Correct.

18 Q Deborah's interview?

19 A Yes.

20 Q Even though you, yourself, did not conduct Deborah's
21 interview?

22 A Yes.

23 Q Because you spoke to Detective Kurau?

24 A Kurau.

25 Q Kurau.

1 A Yes.

2 Q And then you also summarized Mr. Sena's interview,
3 correct?

4 A That's correct.

5 Q As well as Melissa's, Erin's, and Tamara's?

6 A Yes.

7 Q You were able to include in here Ryan's interview as
8 well as Terrie Sena, the mother's interview as well?

9 A Yes.

10 Q Because this is the -- at the end --

11 A Yeah, there --

12 Q -- when everything's said and done?

13 A There was a number.

14 Q Okay. And --

15 MS. RADOSTA: Court's indulgence.

16 BY MS. RADOSTA:

17 Q You also did put some summaries in here about the
18 videos as well?

19 A Depending upon which copy you're looking at, yes.

20 Q Okay. Okay. And do you recall that in your arrest
21 report that you did indicate, based upon the facts,
22 circumstances, and evidence located, it was determined that
23 Christopher, Terrie, and Deborah were all willing
24 participants in the sexual acts that occurred?

25 A That's correct.

1 Q And that when viewing the videos, there is -- when
2 viewing the videos there, it is apparent that no person is
3 forced or coerced in any way?

4 A In viewing the videos, yes.

5 Q Okay. And that was in your official arrest report,
6 correct?

7 A That's correct.

8 Q Okay. To go back to the property report, now that I
9 have a copy in front of me, there -- package number one just
10 had the diskettes and the miscellaneous photos in it --

11 A Yes.

12 Q -- correct?

13 A That's correct.

14 Q Okay. But then package two was a number of
15 different sexual, I guess, toys, for lack of a better word;
16 there were some dildos, correct?

17 A Among other things.

18 Q And a wind up vagina toy --

19 A Yes.

20 Q -- correct?

21 A That's correct.

22 Q A pink magic bullet, is that a type of vibrator?

23 A It is.

24 Q And then some anal rings?

25 A Correct.

1 Q I'm sorry, anal beads. My --
2 A Large anal balls.
3 Q Yes. And then a purple cock ring?
4 A Yes.
5 Q And that was all contained in package number two.
6 There were actually eight dildos, correct?
7 A Yes.
8 Q It doesn't indicate on here where specifically the
9 dildos were located in the house, correct?
10 A No.
11 Q Just that they were locate somewhere within the
12 house?
13 A Yes.
14 Q As well as the wind up vagina toy or the pink magic
15 bullet, correct?
16 A Yes. They were all locate throughout the house.
17 Q Just somewhere inside the house.
18 There were also on -- in the subsequent packages
19 hard drives, I believe there were one, two, three, four hard
20 drives taken from the house in package number three.
21 A Yes.
22 Q Three or four cell phones, maybe more than that,
23 five. Is that a fair assessment?
24 A There was a number of phones, I believe.
25 Q Okay. And then memory cards and thumb drives,

1 correct?

2 A Yes.

3 Q Even some Nintendo and Sony games, like a Wii, and a
4 PlayStation?

5 A Correct.

6 Q Then some laptop computers, and like three or four
7 laptop computers, correct?

8 A That's correct.

9 Q And then an actual -- it seems like, then, there's
10 just "computer" listed. So would that probably be like a
11 standalone or a --

12 A It would be the --

13 Q -- a desktop, I mean?

14 A The tower.

15 Q Okay. So there were, I think, if you add everything
16 up on here 36 different things taken from the house, correct?

17 A Correct.

18 Q And as you've testified already that anything that
19 was computer based, Detective Ramirez would have been the one
20 to examine those, correct?

21 A Correct.

22 Q And you made that question of him?

23 A I did.

24 Q You also served a search warrant on Deborah Sena's
25 workplace, correct?

1 A That's correct.

2 Q Based on the investigation that she was -- had been
3 working at Cox Communications for 16 years, correct?

4 A That and the e-mails that were received.

5 Q Okay. You also, though, you took her entire
6 computer from the workplace, correct?

7 A Yes.

8 Q Okay. And that was also searched by Detective
9 Ramirez --

10 A That's correct.

11 Q -- I mean, analyzed?

12 A I believe so.

13 Q At some point in time, you said that you -- well,
14 maybe fairly -- fairly early on, you decided that you needed
15 to talk to Terrie Sena, correct?

16 A That's correct.

17 Q Being the mother.

18 Just for clarification purposes, I would refer to Tails
19 as Tails and Terrie as Terrie Sena, the mother.

20 It took you a little while to get Terrie into your
21 office for an interview, correct?

22 A It did.

23 Q She even told you at one point in time that she was
24 out of state or traveling out of state?

25 A She did.

1 Q Did that give you any concern that maybe she was not
2 going to be able to be located at a later date?

3 A It was something I had in the back of my head, but
4 as a possibility it might occur.

5 Q Because you were trying to locate -- or trying to
6 get Terrie in for an interview after Christopher had already
7 been arrested, correct?

8 A That's correct.

9 Q And before you interviewed Terrie, had you had an
10 opportunity to watch the videos?

11 A I did.

12 Q So you would assume that Terrie -- well, strike
13 that.

14 It wasn't for about three months before you were
15 able to interview Terrie, correct?

16 A Yep.

17 Q You said that she actually had at least one other
18 interview set up and had backed out?

19 A Oh, I spoke with her over the, we scheduled
20 interview for November.

21 Q Um-h'm.

22 A The interview didn't happen. More of the, she's a
23 truck driver, I'm getting trained, and then we rescheduled
24 it.

25 Q Okay. Was your understanding that Ryan was not

1 residing with her, correct?

2 A That's correct.

3 Q So at the same time were you trying to get Ryan in
4 for an interview?

5 A I was.

6 Q And so it wasn't Terrie that was preventing an
7 interview with Ryan, correct?

8 A No.

9 Q Because she didn't have any control over Ryan?

10 A Correct.

11 Q He was living with his biological dad at that point?

12 A He was.

13 Q But it was your understanding that during the same
14 period of time, the same three months, Deborah was still
15 residing with Brandon Sena, correct?

16 A They were.

17 Q And she -- Deborah was also residing with Anita
18 Sena, direct?

19 A They were.

20 Q That was not your decision to allow them to continue
21 to live together, correct?

22 A That was not.

23 Q That was Child Protective Services, I believe?

24 A That's correct.

25 Q And for whatever reason Child Protective Services

1 decided that Ryan should not remain with Terrie, to the best
2 of your knowledge?

3 A I don't know. I can't testify anything about CPS's
4 prior stuff.

5 Q Okay. Well, Deborah, Anita, and Brandon were still
6 living together, correct?

7 A Correct.

8 Q Wouldn't necessarily have been -- is it fair to say
9 that wouldn't necessarily have been your preference to allow
10 them to continue to live together?

11 A It doesn't -- matter, per se.

12 Q Okay.

13 A It's the CPS's call, not mine, so --

14 Q Okay. But at this point in time, Deborah is -- has
15 been interviewed, correct?

16 A That's correct.

17 Q She was not in the opinion of Detective Kurau
18 completely forthcoming in her interview, correct?

19 A That's correct.

20 Q And then she was allowed to go home with the
21 potential -- two of the potential victims in the case,
22 correct?

23 A That's what CPS allowed based off of Brandon and
24 Anita's interview.

25 Q Okay. And there was no one else in the home with

1 them, correct?

2 A They had a CPS caseworker assigned to them.

3 Q That would check this with them periodically?

4 A Yes.

5 Q Okay. But for whatever reason, Terrie was not

6 living with Ryan?

7 A Correct.

8 Q And you don't necessarily know the circumstances

9 surrounding that?

10 A I don't.

11 Q Okay. So you finally are able to get Terrie in for

12 an interview, correct?

13 A That's correct.

14 Q And you read her her Miranda rights, correct?

15 A I did.

16 Q Right off the bat?

17 A I did.

18 Q And you read your Miranda rights to somebody who's a

19 suspect, correct?

20 A One reason --

21 Q Potential suspect.

22 A -- why.

23 Q I'm sorry?

24 A That's one reason why.

25 Q Okay. At the beginning of this, you've reviewed

1 Deborah's interview, correct?

2 A I did.

3 Q With Detective Kurau? Is that a yes?

4 A That's correct.

5 Q He did not read Deborah her Miranda rights, correct?

6 A He did not.

7 Q At the beginning of the investigation?

8 A That's correct.

9 Q But now we're three months into it, you've seen

10 videos, so you think maybe it's probably better to read

11 Miranda rights to Terrie Sena?

12 A Different circumstances.

13 Q Okay. You just know more of what's going on in the

14 case at that point in time --

15 A That's correct.

16 Q -- is that a fair statement?

17 A I intended on asking Terrie potential questions, so

18 I did.

19 Q Okay. So do you recall that first interview with

20 Terrie Sena?

21 A I do.

22 Q Okay. Do you recall that she told you that she

23 didn't ever see any physical abuse of Anita?

24 A The physical side of it --

25 Q I'm sorry?

1 A -- I don't -- I don't know exactly what she said
2 about that.

3 Q Okay. Would reviewing your Terrie's interview,
4 would that help you? Would that refresh your recollection --

5 A Refresh it, yes.

6 Q -- Detective?

7 MS. RADOSTA: May I approach the witness, Your
8 Honor?

9 THE COURT: You may.

10 BY MS. RADOSTA:

11 Q Detective, I'm showing you what's been marked for
12 identification as Defense Proposed G. Just a couple of quick
13 questions about it.

14 Your recollection is this interview actually took
15 place in December, correct?

16 A Correct.

17 Q But the date on particular document says September
18 9th, correct?

19 A That's -- that's incorrect.

20 Q Okay. That's just a typographical error?

21 A That's --

22 Q Okay. So --

23 MS. RADOSTA: Court's indulgence.

24 BY MS. RADOSTA:

25 Q Let me come back to that question that I just asked

1 you about the physical abuse of Anita. Do you remember -- do
2 you recall her admitting to fantasizing about Ryan and
3 Brandon?

4 A Yes.

5 Q And that she also spoke to you specifically about
6 Ryan, her biological son, correct?

7 A Correct.

8 Q And the only thing that she told you, Ryan had told
9 her happened to him in the house was this conversation
10 between him and Chris, that there was sex happening in the
11 other room, and I'm going to leave the door open for you if
12 you want to come in and watch; something to that effect?

13 A I'd have to refresh on that one because I believe
14 there may have been more.

15 Q Pages 19 through 20.

16 A Okay.

17 Q Does that refresh your recollection --

18 A It does.

19 Q -- about her talking about fantasizing about Ryan
20 and Brandon?

21 A Yes.

22 Q To be fair, she actually says that he would tell me
23 to fantasize about the boys, correct?

24 A That's correct, he does.

25 Q And she -- that she would do that. She would say

1 those things to Christopher, correct?

2 A Correct.

3 Q Regarding her talking about physical abuse of Anita,
4 I direct your attention to page 12.

5 A Okay.

6 Q Does that refresh your recollection that she said
7 she never saw anything physical -- any physical abuse of
8 Anita, correct?

9 A That's correct. She said it was mental.

10 Q It was mental abuse. That's what she saw with
11 Anita.

12 And regarding the conversation with -- with Ryan,
13 what Ryan told her he had experienced in the house, I direct
14 your attention, again, to page 19. Did you read that when
15 you --

16 A I did.

17 Q That he said the own thing was this random
18 conversation about Chris was having sex in the bedroom and
19 was going to leave the door open, correct?

20 A That's correct.

21 Q Terrie never shared with you any conversation that
22 she had with Ryan about sexual abuse by Christopher on Ryan
23 alone, correct?

24 A That's correct.

25 Q She was very firm with you in the beginning of her

1 interview that there was nothing more than fantasy happening
2 or fantasizing happening with her, correct?

3 A In the beginning.

4 Q In the beginning.

5 And you let her talk for a few -- for a little
6 while, correct?

7 A A while, correct.

8 Q And then you explained to her that you'd been
9 investigating the case for a while, correct?

10 A That's correct.

11 Q That you'd talked to a lot of people in the case?

12 A That's correct.

13 Q Interviewed people. I don't recall, did you
14 actually tell her you watched the videos?

15 A I don't remember if I told her about the videos or
16 not.

17 Q But you were just kind of making sure she knew you
18 knew about the case?

19 A Yes.

20 Q And then at that point, she insisted, again, that it
21 was just physical abuse in the home, correct?

22 A Correct.

23 Q No sexual abuse at that point in time?

24 A At that point.

25 Q And fair to say that Terrie was minimizing in the

1 beginning of this interview?

2 A In the beginning.

3 Q In the beginning?

4 That she was, as she said about the fantasizing, he told
5 me to do it, so I did it, correct?

6 A Correct.

7 Q Not taking responsibility for her own actions at
8 that particular -- regarding that particular --

9 A In the beginning.

10 Q Okay. And then she eventually admitted to some
11 sexual contact with Brandon, correct?

12 A Yes.

13 Q But she then explained to you about the incident
14 with Brandon, and then insisted that was the only time
15 anything sexual happened, correct?

16 A I believe so.

17 Q I'd direct your attention to page -- sorry, I
18 thought I had it written down. Page 30 -- page 29 to 30.

19 A Okay.

20 Q And she told you at that point, and this is on page
21 30 of a 83-page transcript, that that's the only time she did
22 anything with Brandon, correct?

23 A Yes.

24 Q And then she also said -- you asked her, has this
25 occurred with any other children, and she emphatically said

1 no?

2 A That's correct.

3 Q So at that point, you've watched the videos at this
4 point; is she minimizing her involvement?

5 A She is.

6 Q She also -- regarding the incident with Brandon
7 specifically, fair to say she was minimizing her own
8 involvement in that as well?

9 A Potentially.

10 Q Did she indicate that Brandon wanted to touch her
11 breasts?

12 A She makes a statement about -- if you don't mind I
13 go back because (indecipherable) about it.

14 Q Page 28.

15 A No, he -- the way I understand it --

16 Q Um-h'm.

17 A -- and when I read it, it was Chris was asking her
18 if she want -- asking Brandon to touch -- if you want to
19 touch her breasts.

20 Q And --

21 A And then Brandon --

22 Q And Brandon said, yes.

23 A Correct.

24 Q Brandon answered yes.

25 So she's recounting this incident to you and telling

1 you details that Brandon agreed to touch her breasts? That's
2 her version, correct?

3 A After being asked, yes.

4 Q Okay. Well -- okay. Not that Brandon was being
5 forced to do it by Christopher, correct?

6 A No.

7 Q And did -- she also indicated that Brandon's penis
8 only went halfway in her because she pulled back?

9 A Correct.

10 Q Once again, minimizing her own involvement, correct?

11 A I wasn't there.

12 Q Okay. The -- she also -- after asserting to you
13 that there were no other incidents with no other kids, she
14 then admitted to being present when Anita was having some
15 type of sexual contact with Christopher, correct?

16 A She did.

17 Q And that it had actually happened twice, when Anita
18 was 17 and 19, correct?

19 A That's correct.

20 Q But that she herself, Terrie, did not participate in
21 those incidents?

22 A That's correct.

23 Q Then after, once again, saying no other incidents
24 with Brandon, no other incidents with the kids, with any
25 other kids, then she does eventually admit to you, well,

1 there was this incident with the both the boys were five
2 years old, correct?

3 A That's correct.

4 Q And that Deborah was present as well?

5 A Yes.

6 Q And that there were -- that she gave a blowjob to --
7 she, being Terrie, gave a blowjob to Brandon and Deborah gave
8 a blowjob to Ryan?

9 A I -- yes, I believe that's how it worked. I'd have
10 to double check if that's exactly how it worked, but did --

11 Q Something along those lines where both boys were in
12 the room and both moms were in the room?

13 A Yes.

14 Q And after that -- after she told you that, she then,
15 once again, changed her story about Ryan and said, well,
16 there was a time with Ryan, but it was only oral sex; do you
17 recall that?

18 A I do.

19 Q Once again, no -- I did not have intercourse with
20 Ryan, correct?

21 A That's correct.

22 Q And you've at this point, watched the video,
23 correct?

24 A Yes.

25 Q So you know that that is not correct?

1 A That's correct.

2 Q You let her step away from the incident with Ryan
3 for a second and go back to Anita, correct?

4 A Yes, I did.

5 Q And now she has remembered that there were multiple
6 times with Anita, correct?

7 A Yep.

8 Q Two times where she participated and two times where
9 she just watched?

10 A That's correct.

11 Q Do you recall when she was talking about the
12 threesome with Anita that -- whether or not there was a
13 mention at all of Terrie herself pulling back from the sexual
14 contact initiated by Anita?

15 A Not the exact words like you're saying.

16 Q I'd direct your attention to pages 45 and 46.

17 A I don't see anything that talks about her pulling
18 away.

19 Q Her pulling away and then being threatened by Chris
20 that she would -- she better participate or he would hurt
21 Anita, correct?

22 A I don't see that in here.

23 Q Eventually, through your interviewing techniques,
24 you were able to get her to admit to intercourse with Ryan,
25 correct?

1 A Correct.

2 Q Because you knew that had happened?

3 A Yes.

4 Q And when she was discussing that she, once again,
5 minimized her own involvement --

6 A Yes.

7 Q -- by saying Ryan got soft and so nothing really
8 even happened?

9 A That's correct.

10 Q She did, though, admit to you that she was attracted
11 to both boys, correct?

12 A She said over time she did become attracted to them.

13 Q As they grew older and as they began to develop
14 more, correct?

15 A That's correct.

16 Q And that even Brandon began to remind her of a
17 younger Chris?

18 A Yes.

19 Q Do you recall that she also stated she enjoyed it
20 during the blowjobs between Ryan and Chris?

21 A Yes.

22 Q And that she even enjoyed the sexual acts with her
23 sister Melissa while they were occurring?

24 A Yes.

25 Q And that she even enjoyed it with Anita, the sexual

1 acts can Anita at first?

2 A Yes.

3 Q But then as it progressed, she did not enjoy it as
4 much --

5 A That's correct.

6 Q -- with Anita?

7 Throughout the interview with Terrie, she used a lot
8 of language such as he forced me or he made me or things of
9 that nature, correct?

10 A That's correct.

11 Q Minimizing her own involvement?

12 A I mean, it's her feeling on it. I don't know if --

13 Q Okay.

14 A -- she minimized.

15 Q She also said at some point she started to,
16 quote/unquote, turn to the bottle, correct?

17 A She did say that, yes.

18 Q She didn't -- regarding the incident that she told
19 you about with Brandon, just her and Brandon, she never
20 talked about witnessing or hearing any threats by Christopher
21 towards Brandon about telling or not telling, correct? And I
22 can direct you to the page, if you want.

23 A Are you talking about what you asked earlier, about
24 the --

25 Q Did -- do you recall Terrie telling you that she

1 witnessed threats to Brandon if he told about the incident
2 between them?

3 A I don't -- I don't believe so.

4 Q Okay. You also -- did you actually interview Tails?

5 A Attempted to.

6 Q Attempt to.

7 He was -- he was an adult when you interviewed him,
8 correct?

9 A He was.

10 Q I think he was 20 years old?

11 A 19 or 20.

12 Q Okay. When you interviewed Tails, had you watched
13 the videos at that point?

14 A No, I believe Tails' interview, I have to check, but
15 I'm pretty sure it was right after.

16 Q Okay.

17 A A couple days after, so --

18 Q Right after --

19 A -- I hadn't gotten to him yet.

20 Q -- Deborah, Brandon --

21 A Yes.

22 Q -- and Anita's?

23 A I had gotten to him yet.

24 Q Okay. So -- but he did -- while -- or I'm sorry,
25 while Tails did not acknowledge there was any sexual abuse

1 going on inside the home, he did share with you some
2 information about home life, correct?

3 A Some.

4 Q Some. He said that in his opinion, his mom did not
5 like his stepmom, correct?

6 A That's correct.

7 Q And that he actually thought that it's possible that
8 Terrie might be out for revenge?

9 A I don't know if he used the exact word revenge,
10 but --

11 Q Okay.

12 MS. RADOSTA: May I approach the --

13 BY MS. RADOSTA:

14 Q Well, would looking at Tails' statement refresh your
15 memory?

16 A Yes.

17 MS. RADOSTA: Approach the witness, Judge?

18 THE COURT: Yes.

19 MS. RADOSTA: Thanks.

20 BY MS. RADOSTA:

21 Q I'm showing you what's been marked for
22 identification as J, which appears to be Tails' -- is that
23 Tails'?

24 A I don't know.

25 Q Terrie.

1 A 94, yes.

2 Q Yeah. That appears to be Terry Tails Sena's
3 interview in September of 2014, correct?

4 A Yes.

5 Q I direct your attention to page 21.

6 A Okay.

7 Q Does that refresh your recollection that he said he
8 thought -- he thought his mom might be out to get revenge?

9 A He puts in the context that it's an easy way for
10 women to get revenge.

11 Q And he does -- he said that he heard in the past
12 with his mom that when she was younger to get pissed off to
13 get revenge on other people.

14 A Yes.

15 Q He specifically referred to his mom in that context
16 as well?

17 A Yes.

18 Q He didn't believe that the things that were being
19 alleged had actually happened in the home, correct?

20 A I don't know if he believed it or not, but what he
21 told me was he didn't --

22 Q He told you he didn't believe it?

23 One of the reasons he said he didn't believe it, though,
24 is because there were always lots of people around the house,
25 correct?

1 A Yes.

2 Q Non-family members, correct?

3 A That's correct.

4 Q Lots of friends of the kids, lots of friends of the
5 adults in the home?

6 A That's correct.

7 Q He told you that of all of the kids, the child that
8 was the closest in affection, I guess, is -- was Anita. Let
9 me rephrase that question.

10 The child that was -- had the closest relationship
11 to Christopher was Anita, correct?

12 A In his opinion.

13 Q In his -- in Tails' opinion. And Tails is Anita's
14 brother, correct?

15 A Correct.

16 Q And for the information that you had, Tails had been
17 living at that residence for his adult -- or for his entire
18 life --

19 A That's correct.

20 Q -- correct? He indicated that Anita supported Chris
21 on everything, correct?

22 A Yes, she -- yes, he did.

23 Q He also talked about his other brothers, his other
24 siblings, Brandon and Ryan, correct?

25 A Yes.

1 Q He described the relationship with them, it's like a
2 typical sibling relationship, sometimes we get along and
3 sometimes we don't, correct?

4 A I --

5 Q Sorry. He described the relationships with his
6 younger brothers as typical, sometimes we get along and
7 sometimes we don't?

8 A Yes.

9 Q Do you recall him --

10 THE COURT: Could you approach?

11 MS. SUDANO: Yeah.

12 (Off-record bench conference.)

13 THE COURT: All right.

14 BY MS. RADOSTA:

15 Q Do you recall, Detective, getting any information
16 about any of the children being manipulative?

17 MS. SUDANO: Your Honor, I'm going to object as to
18 hearsay and relevance.

19 MS. RADOSTA: Effect on the hearer, Judge.

20 THE COURT: No. No, I -- I'm going to allow that.
21 I am. That's the crutch of the case here, so --

22 THE WITNESS: I'm sorry, say that again.

23 BY MS. RADOSTA:

24 Q Okay. Do you recall getting information from Tails
25 that one of his brothers --

1 THE COURT: Now, you said --
2 BY MS. RADOSTA:
3 Q -- in his opinion --
4 THE COURT: You said from any of the children.
5 MS. RADOSTA: From any of the children, I
6 apologize, Judge.
7 THE COURT: All right.
8 BY MS. RADOSTA:
9 Q Do you recall getting information that any of the
10 children were manipulative, from Tails?
11 A You mean as did Tails tell me about any of the
12 children being manipulative? I don't understand what you're
13 asking, I'm sorry.
14 Q Do you recall -- okay. We'll just back up for just
15 a quick second.
16 Obviously, we're talking about the interview can
17 Tails.
18 A Yes.
19 Q And he was talking about the family relationships
20 and things like that.
21 A Yes.
22 Q And he was discussing his siblings, correct?
23 A At some point we were, yes.
24 Q And at some point in time, do you recall him
25 describing one of his siblings as manipulative?

1 MS. SUDANO: And Your Honor, again, I'm going to
2 object as to relevance, foundation, to hearsay.

3 THE COURT: I'm going to sustain it.

4 MS. RADOSTA: It's effect on the hearer, Judge.

5 THE COURT: I'm going to sustain the objection.

6 MS. RADOSTA: Okay.

7 BY MS. RADOSTA:

8 Q Had you received information --

9 THE COURT: Let me -- Detective, you heard the
10 question that was asked?

11 THE WITNESS: Yeah.

12 THE COURT: Without telling us what anyone was --
13 what was said, did you do anything with regards to that? Do
14 you understand?

15 THE WITNESS: They had all already been
16 interviewed.

17 THE COURT: What's that?

18 THE WITNESS: I'm not -- the interviews were
19 already done.

20 THE COURT: Okay.

21 BY MS. RADOSTA:

22 Q You have the option to go back and re-interview
23 people, if you want, correct?

24 A I would generally try not to in regards to victim
25 interviews.

1 Q I understand that, but if you get information that
2 you think is important that you need to go back and re-
3 interview somebody, you have that option, correct?

4 A It's an option.

5 Q Regarding the interview with Terrie Sena --

6 A Okay.

7 Q -- not Tails, but Terrie Sena.

8 A Okay.

9 Q At the close of that interview, you did not arrest
10 her, correct?

11 A Not that day, no.

12 Q Not that day. You instead allowed her to leave the
13 -- did you interview her at the CAC?

14 A I did.

15 Q You allowed her to leave the CAC, correct?

16 A Correct.

17 Q After she had admitted to certain potential crimes,
18 correct?

19 A That's correct.

20 Q And then you wrote up your -- I think you said you
21 wrote up your report or you wrote up the affidavit for
22 arrest?

23 A Yes, I did.

24 Q And --

25 A An affidavit.

1 Q -- hand delivered it to the District Attorney's
2 Office?

3 A The screening District Attorney, yes.

4 Q To the screening district attorney, which for
5 clarification, the screening district attorney is the person
6 that first looks at a case at the District Attorney's Office,
7 correct?

8 A That's correct.

9 Q Makes the decision whether or not they could
10 potentially file charges?

11 A That's correct.

12 Q And that is not how you handled the interview with
13 Christopher Sena, correct?

14 A That's correct.

15 Q You arrested him on site?

16 A That's correct.

17 MS. RADOSTA: Court's indulgence. Nothing further,
18 Your Honor.

19 THE COURT: Do you want a break? All right.

20 UNIDENTIFIED JUROR: Yes.

21 A 15-minute break. You're admonished not to
22 converse amongst yourself or with anyone else on any subject
23 connected with this trial, read, watch, or listen to any
24 report or commentary on the trial by any person connected
25 with this case, or by any medium of information, including

1 without limitation, newspapers, television, Internet, or
2 radio.

3 You're further admonished not to form or express
4 any opinion on any subject connected with this trial until
5 it's finally submitted to you.

6 It's now 25 after. Be ready to get started by 20
7 until. Okay? We'll be at ease while the jury exits the
8 courtroom.

9 (Outside the presence of the jury at 2:24 P.M.)

10 THE COURT: Okay. Once again, we're outside the
11 presence of the jury.

12 Detective, I admonish, once again, not to discuss
13 your testimony.

14 THE WITNESS: No problem.

15 THE COURT: All right? Okay. So 15 minutes. All
16 right. We're off.

17 (Court recessed at 2:24 p.m. until 2:38 p.m.)

18 (Outside the presence of the jury.)

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

21 Is everyone ready?

22 MS. RADOSTA: Yes, Your Honor. If I -- before
23 officially passing the witness, I just had one more question
24 for him before --

25 THE COURT: Okay. All right. Let me get the jury

1 in, then.

2 MS. RADOSTA: Thank you.

3 THE COURT: All right.

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

6 (In the presence of the jury at 2:39 P.M.)

7 THE COURT: All right. Everybody go ahead and have
8 a seat.

9 We're back on record in the case of State of Nevada
10 versus Christopher Sena in C-311453.

11 I'd like the record to reflect the presence of the
12 defendant and his counsel as well as the State and their
13 counsel, all members of the jury.

14 Will the parties stipulate to the presence of the
15 jury?

16 MR. SWEETIN: Yes, Your Honor.

17 MS. RADOSTA: Yes, Your Honor.

18 THE COURT: All right. So Detective Samples is
19 still on the stand. Ms. Radosta, you indicated you had
20 another question.

21 MS. RADOSTA: Just one or two, Judge.

22 THE COURT: Okay.

23 BY MS. RADOSTA:

24 Q Detective Samples, we discussed the property report
25 that you prepared in this case, correct?

1 A Yes.

2 Q Is that a fair and accurate representation of the
3 property report?

4 A Yes.

5 MS. RADOSTA: Judge, at this point in time, we'd
6 move for the admission of the property report and the return
7 to the search warrant.

8 THE COURT: Any objection?

9 MS. SUDANO: Can we approach?

10 THE COURT: Yeah.

11 (Off-record bench conference.)

12 THE COURT: Okay. So the defense has moved to
13 admit Exhibit L. State, did you want me to admit -- I mean,
14 are you objecting to it or based on the discussion we had
15 here, are you withdrawing the objection?

16 MS. SUDANO: We'll submit it, Your Honor.

17 THE COURT: Okay. It will be admitted, and Exhibit
18 K will not be admitted. Okay?

19 MS. RADOSTA: But K will be marked for
20 identification.

21 THE COURT: It's marked. It's already marked,
22 yeah.

23 MS. RADOSTA: Thank you, Your Honor.

24 THE COURT: All right.

25 (Defense Exhibit L is admitted)

1 THE COURT: Okay. All right. Does that conclude
2 your --
3 MS. RADOSTA: Yes, Your Honor.
4 THE COURT: -- cross?
5 MS. RADOSTA: Pass the witness.
6 THE COURT: Okay. Ms. Sudano.
7 MS. SUDANO: Thank you, Your Honor.
8 REDIRECT EXAMINATION
9 BY MS. SUDANO:
10 Q So Detective, we just ended talking about your
11 interview with Tails; is that correct?
12 A Yes.
13 Q So fair to say that Tails said a number of things in
14 that interview that you now know were incorrect; is that
15 correct?
16 A That's correct.
17 Q So he had said, for instance, that there was -- he
18 was not a victim of any abuse?
19 A That's correct.
20 Q And you had photographic -- or video documentation;
21 that that's inaccurate?
22 A Yes.
23 Q He also indicated that had there been any abuse
24 involving him, he would have left?
25 A Yes.

1 Q But when you served that search warrant, Tails was
2 still living at the residence with the defendant; is that
3 correct?

4 A Yes, he was.

5 Q Is it your only -- your understanding that Tails was
6 the only child that was still there?

7 A Yes.

8 Q Is it also your understanding that Tails continued
9 to remain in contact with the defendant after the defendant's
10 arrest?

11 A Yes.

12 Q So you were asked a question about Terrie's
13 interview with the police in December of 2014, and you were
14 asked whether or not Brandon agreed to or wanted to touch
15 Terrie's breasts; do you recall at that question?

16 A I do.

17 Q What was Terrie's actual response to that question,
18 if you recall?

19 A The word-for-word response, I'd have to refresh --

20 Q Would looking at the statement --

21 A Yes.

22 Q -- refresh your recollection?

23 MS. SUDANO: All right. May I approach, Your
24 Honor?

25 THE COURT: Yes.

1 MS. SUDANO: Page 28.

2 BY MS. SUDANO:

3 Q I think it actually starts back on page 27 and it
4 goes on.

5 A Okay.

6 Q Okay. Did that refresh your recollection?

7 A Yes.

8 Q What did Terrie actually say about that?

9 A So Brandon put his hand on her top, and that was
10 after asked by defendant, do you want to touch her breasts.

11 Q So that was just Brandon responding to the defendant
12 asking him or telling him to do that?

13 A Yes.

14 Q Now, Detective, you were asked some questions about
15 Anita offering to take a lie detector --

16 A Yet.

17 Q -- test; is that correct?

18 A I was.

19 Q And are you also aware that there's also a statute
20 that prevents victims from having polygraph exams done?

21 A I don't know the exact statute, but we also have a
22 policy against it.

23 Q So both the statute and your policy against it?

24 A Yes.

25 Q Okay. You were also asked some questions about

1 whether or not Anita had told you that she voluntary was
2 having sex with the defendant in order to stay in the house;
3 is that correct?

4 A Yes.

5 Q Okay. Do you recall what Anita actually had said
6 about that?

7 A She said she stayed in the house to over -- to view
8 her -- to protect her brothers.

9 Q Did she describe herself as forcing herself to go to
10 the defendant?

11 A Yes.

12 Q Now, Detective, you were asked about the kind of
13 follow up that you did with the friends that Anita had talked
14 to about in her statement; do you recall that?

15 A Yes.

16 Q Is it your understanding that those were all
17 incidents that had taken place in middle school or in high
18 school?

19 A Yes, they were.

20 Q And at the time of the interview, Anita was 24?

21 A Yes, she was.

22 Q So that was stuff that had taken place minimum six
23 years prior?

24 A Yes.

25 Q And she indicated that those weren't people that she

1 had kept in contact with; is that correct?

2 A That's correct.

3 Q You also indicated, I believe, that you put out a
4 media release in the hopes that those people, those friends
5 would come forward; is that correct?

6 A We did.

7 Q All right. So you talked about the fact that you
8 didn't request a medical examination be done for Anita; is
9 that correct?

10 A That's correct.

11 Q And you indicated that Anita was over the age of 18
12 at that time, so she couldn't be examined at the CAC; is that
13 correct?

14 A That's correct.

15 Q You also indicated that based on the timing of the
16 abuse involving Anita, you did not request any sort of
17 follow-up; is that correct?

18 A That's correct.

19 Q Okay. Is it protocol, though, to order an
20 examination for minor victims even when the abuse is in the
21 same timeframe?

22 A Yes.

23 Q And you did that in this particular case?

24 A I did, attempted to.

25 Q All right. Now, Detective, when you interviewed the

1 defendant in this case, did you know about all of the victims
2 and all of the video at the time that you interviewed the
3 defendant?

4 A I didn't.

5 Q Okay. You were asked some questions about Terrie
6 and whether or not Terrie was, quote, "minimizing her
7 involvement"; do you recall that?

8 A I was.

9 Q Do you recall when you first started interviewing
10 the defendant, he told you that he'd only had sex with
11 Deborah; is that correct?

12 A That's correct.

13 Q And then he provided a little bit more information
14 later and said oh, maybe Terrie --

15 A Yes.

16 Q -- is that correct?

17 And then he said, oh, maybe my ex-girlfriend?

18 A Yes.

19 Q And then he provided a little bit more information
20 and said he had sex one time with Anita when she was drunk
21 when Anita was 22?

22 A That's correct.

23 Q And then said, oh, and there was a time with Deborah
24 and Anita, and that actually happened first?

25 A Yes.

1 Q And then it was maybe three, possibly four times
2 with Anita?

3 A Yes.

4 Q And then it was maybe with Anita and Terrie?

5 A Yes.

6 Q And he was quick to tell you that that all happened
7 once Anita was well over the age of 18; is that right?

8 A That's correct.

9 Q And the defendant was adamant that he did not have
10 sex with his son, Brandon; is that right?

11 A Yes, he was.

12 Q Okay. At that time, you didn't know to ask about
13 his son, Ryan?

14 A No, I didn't.

15 Q Or his son, Terry?

16 A No, I didn't.

17 Q Or Erin?

18 A No.

19 Q Or Melissa?

20 A No.

21 Q Or Tamara?

22 A No.

23 Q And the defendant didn't volunteer any of that
24 information during the interview?

25 A He did not.

1 Q Okay. You were asked a question about your police
2 report.

3 MS. SUDANO: Court's indulgence.

4 BY MS. SUDANO:

5 Q Your arrest report, I apologize, where you had
6 indicated that based upon the above facts, circumstances, and
7 evidence located, it was determined that Christopher, Terrie,
8 and Deborah all were willing participants in the sexual acts
9 that occurred.

10 Do you recall writing that?

11 A I do.

12 Q And you were questioned about that --

13 A I was.

14 Q -- here in court.

15 And then you went on to say when viewing the videos,
16 it's -- when viewing the videos, there it is apparent that no
17 person is forced or coerced in any way?

18 A Yes, I wrote that.

19 Q When you said, no person, who did you mean?

20 A I meant Christopher, Deborah, and Terrie.

21 Q Okay. You were in no way commenting on the
22 situation of the children in the videos; is that correct?

23 A Absolutely not.

24 Q Okay. And you weren't there for anything that
25 happened outside the videos in this case; is that correct?

1 A No.

2 Q So you don't know what happened immediately before
3 the videos or immediately after the videos; is that correct?

4 A Yes, correct.

5 Q Okay. So all you can testify to about force or
6 coercion is what's physically on those videos; is that
7 correct?

8 A Correct.

9 MS. SUDANO: Court's indulgence.

10 Thank you, Your Honor. Nothing further.

11 THE COURT: Any recross?

12 MS. RADOSTA: Court's indulgence.

13 THE COURT: Sure.

14 MS. RADOSTA: No questions, Your Honor.

15 THE COURT: All right. Are we done with Detective
16 Samples?

17 MS. RADOSTA: Yes.

18 MS. SUDANO: Yes, Your Honor.

19 THE COURT: Detective, thank you so much for your
20 testimony. You can step down. You're excused.

21 THE WITNESS: Thank you.

22 THE COURT: Okay. State?

23 MR. SWEETIN: Your Honor, I've inquired of the
24 Court Clerk and of -- I've heard that all of our exhibits
25 have been admitted at this point.

1 With that, State would rest.

2 THE COURT: Okay. Ladies and gentlemen, the State
3 have rested at this time.

4 We did take a break. Ms. Radosta, do you need a
5 break before we get started with the defense?

6 MS. RADOSTA: If I can just double check to see if
7 our witness is outside, Judge.

8 THE COURT: Okay.

9 MS. RADOSTA: He was --

10 THE COURT: That's fine.

11 MS. RADOSTA: -- a moment ago.

12 THE COURT: Sure.

13 MS. RADOSTA: Thank you.

14 THE COURT: Go ahead.

15 MS. RADOSTA: Thank you, Your Honor. The defense
16 calls Officer Michael Brinkley.

17 THE COURT: Okay.

18 OFFICER MICHAEL BRINKLEY, DEFENDANT'S WITNESS, SWORN

19 THE CLERK: Thank you. Please be seated.

20 Please state your full name, spelling your first
21 and last name for the record.

22 THE WITNESS: Michael Brinkley, M-i-c-h-a-e-l.
23 Brinkley, B-r-i-n-k-l-e-y.

24 THE COURT: Your witness, Ms. Radosta.

25 MS. RADOSTA: Thank you, Your Honor.

1 DIRECT EXAMINATION

2 BY MS. RADOSTA:

3 Q Good afternoon, Officer Brinkley. How are you

4 today?

5 A Wonderful, ma'am.

6 Q Officer Brinkley, where are you currently employed?

7 A Las Vegas Metropolitan Police Department at

8 northeast area command.

9 Q And how long have you been employed as a Metro

10 officer?

11 A About 12 years.

12 Q Do you know someone named Christopher Sena?

13 A Yes, ma'am.

14 Q Do you know him through work or through social?

15 A Both, ma'am.

16 Q I'm sorry?

17 A Both, ma'am.

18 Q Okay. Do you recognize Mr. Sena in the courtroom?

19 A Yes, ma'am.

20 Q Could you identify a piece of clothing that he's

21 wearing?

22 A A white shirt.

23 MS. RADOSTA: Your Honor, could we have the record

24 reflect identification of Mr. Sena?

25 THE COURT: It shall.

1 MS. RADOSTA: Thank you.

2 BY MS. RADOSTA:

3 Q Did you meet Detective -- I'm sorry, detective. Did
4 you meet Mr. Sena first through work?

5 A Through work, yes, ma'am.

6 Q Through work with the coalition?

7 A Yes, ma'am.

8 Q And can you explain just briefly what the coalition
9 is?

10 A The coalition, we try to make a bond with the
11 community through outreach, community clean-ups and community
12 events.

13 Q And by we, do you mean Metro?

14 A Metro and the communities, we have a coalition of
15 community partners, just civilians that want to help out.

16 Q Okay. And you met Mr. Sena through the coalition
17 events?

18 A Yes, ma'am.

19 Q So he was helping out with those events?

20 A Yes, ma'am.

21 Q Was he helping out just as a member of the community
22 or did he use his business in order to help out?

23 A No, he didn't use his -- like, we didn't pay him or
24 anything. He --

25 Q No, no, no. I mean, did he use his business to help

1 with the events or anything like that?

2 A His equipment and stuff, yes, ma'am.

3 Q Okay. But that was all volunteer basis on his part?

4 A Yes, ma'am.

5 Q As is anybody who would work with the coalition, I

6 assume?

7 A Yes, ma'am.

8 Q As you worked with him in the coalition, did you get

9 to know him on a social basis?

10 A Yes, ma'am.

11 Q Did you ever discover that you had common interests?

12 A Yes, ma'am.

13 Q And what were the common interests?

14 A I had a motorcycle, he had a motorcycle, so --

15 Q Did you ever go out on rides together?

16 A One time, yes, ma'am.

17 Q About -- do you recall approximately when you met

18 Mr. Sena?

19 A I don't know how long ago. I can't recall that.

20 Q Okay. But prior to the time that he was arrested?

21 A Yes.

22 Q And do you recall that he was arrested in 2014,

23 correct?

24 A Yes, ma'am.

25 Q Okay. After you began to know him more on a social

1 basis, did you begin to socialize outside of coalition
2 events?

3 A Yes, ma'am.

4 Q Did you ever go over to his house on a social --

5 A Yes, ma'am.

6 Q -- event?

7 Did you ever go over for like family night?

8 A Yes, ma'am.

9 Q So you brought your family over to his house?

10 A Yes, ma'am. My --

11 Q And is that -- who is in your family?

12 A My wife, and I have three kids.

13 Q Okay. And so they all came over to Mr. Sena's
14 house?

15 A Yes, ma'am.

16 Q And so did your children interact with his children?

17 A Yeah.

18 Q Like playing video games and things of that nature?

19 A Yes, ma'am.

20 Q Were there ever any barbecues?

21 A Yes, ma'am.

22 Q Do you remember how many?

23 A I know my family went over to his house twice.

24 Q Okay. Did his family ever come over to your house?

25 A No, ma'am.

1 Q When you would go over to his house, did you ever go
2 over as you were dressed right now?

3 A No, ma'am.

4 Q So --

5 A Unless if we were planning for an event or something
6 like that. Like, we'd stop by during the day --

7 Q Okay.

8 A -- to talk to him to see what equipment we'd need
9 and stuff. We'd either be in this or 511 pants with like a
10 black Polo with our logo on it.

11 Q And when you're saying, we would stop over, who are
12 you --

13 A Other -- myself and other officers when we were
14 planning for events.

15 Q Okay. Someone else from the coalition team; is that
16 a fair way to say it?

17 A Yes, from my squad, yeah.

18 Q Okay. So there were occasions, a few, that would go
19 over when you were in your uniform, correct?

20 A Um-hum.

21 Q Is that a yes?

22 A Yeah. Yeah, I don't know if I went over to his
23 house in this uniform, maybe, possibly, but usually we wear
24 our Polo shirts, so --

25 Q And then sometimes you would go over socially just

1 dressed not in your uniform?

2 A Yes, ma'am.

3 Q Okay. Over time did you get to know his children?

4 A I mean, yeah, I knew them.

5 Q Do you know their names?

6 A I know ones is Tails, and one is named Brandon, and

7 I can't remember what -- I know he had a daughter, and I

8 think one more maybe.

9 Q Okay.

10 A I can't --

11 Q You weren't particularly close with his daughter,

12 fair to say?

13 A I've -- no, I didn't really see her much, no.

14 Q Okay. And then the other child, does Ryan sound

15 like the correct name?

16 A It sounds familiar, ma'am.

17 Q Okay. You never were asked to use your position as

18 a police officer --

19 MS. SUDANO: Your Honor, I'm going to object as to

20 leading.

21 THE COURT: Excuse me? I didn't hear.

22 MS. SUDANO: Leading.

23 THE COURT: Sustained.

24 BY MS. RADOSTA:

25 Q When you would go over to his house, did you

1 interact with Brandon or Tails or Ryan?

2 A Yeah, we spoke and talked, yes, ma'am.

3 Q Okay. Did you ever feel the need to step in to --

4 what's the word I'm looking for -- to step into an argument

5 between Christopher and any of his children?

6 A No, ma'am.

7 MS. SUDANO: Object as to foundation.

8 THE COURT: Sustained.

9 BY MS. RADOSTA:

10 Q When you were over at the house, you don't recall

11 when you met him, correct?

12 A I mean, it was 2013, maybe, '12, '13, somewhere in

13 there --

14 Q Okay.

15 A -- I guess.

16 Q And during -- okay. And during those two -- year

17 and a half to two years before he was arrested, you were over

18 at his house socially maybe five or six times?

19 A No.

20 Q Does that sound about right?

21 A No.

22 Q Not even?

23 A No. I -- I went motorcycle riding with him once,

24 and --

25 Q Um-h'm.

1 A -- and I went over his house twice with my family.

2 Q My apologies.

3 You don't recall that there were four barbecues that you

4 went to with him?

5 A No, ma'am.

6 Q Okay. The -- do you recall ever having private

7 conversations with any of the children?

8 A No, ma'am.

9 Q You don't recall sitting with Brandon and learning

10 guitar or teaching --

11 A Well, that's not a --

12 Q -- guitar?

13 A -- conversation. He tried to teach me guitar, yes.

14 Q Okay. And then that -- during that interaction,

15 were you and Brandon alone?

16 A Well, we were inside the little back house, but the

17 door was open. We were right inside of it, sitting down, and

18 he was teaching me how to play.

19 Q But you had some amount of privacy?

20 A A little bit, yes.

21 Q Do you recall how long -- was there more than guitar

22 lesson?

23 A No, I think it was just that -- one of the days that

24 we went over there.

25 Q Okay. And do you recall how long the guitar lesson

1 lasted?

2 A I don't really know. We just sat in there. He was
3 just teaching me, ma'am.

4 Q Okay. During that interaction, Brandon never said
5 anything to you about any abuse in the home, correct?

6 A No, ma'am.

7 Q Had you seen evidence of any abuse in the home
8 regarding Brandon, would you have stepped in?

9 A If I would have saw abuse, definitely so, ma'am.

10 Q Right. If you had seen abuse regarding Tails, would
11 you have stepped in?

12 A Yes, ma'am.

13 Q And if you had seen abuse regarding Ryan, would you
14 have stepped in?

15 A Yes, ma'am.

16 Q And regarding Anita, the daughter?

17 A Yes, ma'am.

18 Q What if you had seen abuse with either of the adult
19 women that were in the house?

20 A Yes, ma'am.

21 Q Would you have stepped in at that point?

22 A Yes, ma'am.

23 Q Because although, he is your friend, you're still a
24 police officer, correct?

25 A Yes, ma'am.

1 Q There was nothing that caused you concern regarding
2 the family when you first met, correct?

3 A No, ma'am.

4 Q And you even -- did you even share your personal
5 cell phone number with the family?

6 A With Chris, yes.

7 Q With Chris.

8 Did anybody other than Chris ever call you on the
9 personal cell phone?

10 A I know Tails called me, yes.

11 Q Was that after the search warrant was served?

12 A Yes, ma'am.

13 Q He had -- he just had some questions about what was
14 going on?

15 A I think -- yeah, I think we had an event planned or
16 something that they were supposed to bring equipment to, and
17 he called me to let me know what had happened.

18 Q Okay. And he wasn't asking for any special favors
19 or anything, he was just giving you information?

20 A Yes, ma'am.

21 Q Okay. Did you -- you became aware that Deborah had
22 left at some point?

23 A Yes, ma'am.

24 Q Did you have any interaction can Chris after Deborah
25 left?

1 A He had called me a few times, yes, ma'am.

2 Q Did you have any -- did you ever take him out or

3 anything like that?

4 A Yes. My wife, her cousin came down from Louisiana,

5 and we knew what was going on, that she had left, and so my

6 wife said that I should ask him to go out with us.

7 Q And did you?

8 A Yes, ma'am.

9 Q And so that was sometime during the summer of 2014?

10 A I would assume so, yes.

11 Q All right.

12 MS. RADOSTA: Court's indulgence.

13 BY MS. RADOSTA:

14 Q Just a couple more questions, Officer.

15 When you did interact with Chris, after Deborah had

16 left --

17 A Yes, ma'am.

18 Q -- how would you describe his demeanor?

19 A A little depressed.

20 Q Not angry?

21 A I don't know so much anger, it was more depressed.

22 Q And you never felt the need -- or let me rephrase

23 that.

24 Did you ever feel the need to assert your authority

25 as a police officer for anything you saw in the home?

1 A No, ma'am.

2 Q You were never asked to do that by Christopher, were
3 you?

4 A No, ma'am.

5 Q You were never used as an example of, you know, he's
6 my friend or something along those -- those -- that nature?

7 A No, ma'am.

8 MS. RADOSTA: Nothing further, Your Honor. Pass
9 the witness.

10 THE COURT: Any cross?

11 MS. SUDANO: Yes, thank you, Your Honor.

12 THE COURT: Ms. Sudano?

13 MS. SUDANO: Yes. May I approach the clerk, Your
14 Honor?

15 THE COURT: Yes.

16 CROSS-EXAMINATION

17 BY MS. SUDANO:

18 Q All right. Good afternoon, Officer.

19 A How are you doing, ma'am?

20 Q So I know you said you work in the Northeast Area
21 Command, which is just a geographical portion of the valley;
22 is that correct?

23 A Yes, ma'am.

24 Q All right. And you said you went over to the
25 defendant's house, which is 6012 Yellowstone; does that sound

1 correct?

2 A I think so. Yeah, I know it's on Yellowstone,
3 ma'am.

4 Q All right. And that residence is located within the
5 Northeast Area Command, correct?

6 A Yes, ma'am.

7 Q All right. Fair to say you're currently doing
8 graffiti abatement?

9 A Right now, I do graffiti, yes, ma'am.

10 Q Prior to that, you were -- is it a community
11 oriented policing officer?

12 A Yes, ma'am.

13 Q Fair to say you've never worked as a detective?

14 A No, ma'am.

15 Q Okay. You indicated that you had gone over to the
16 defendant's house a couple of times socially and then
17 approximately how many times when you were planning events?

18 A Quite a few. I don't exactly know how many, but
19 quite a few.

20 Q All right. Where would you typically go when you
21 were over there planning those events?

22 A Usually to the back little house behind his trailer.

23 Q All right. Showing you Exhibit 1. Do you see that
24 back little house area?

25 A Yes, ma'am.

1 Q All right. Is it this up in the top left?

2 A Yes, ma'am.

3 Q All right. Did you ever actually go into the main
4 residence?

5 A I think like one time to use the bathroom.

6 Q Okay. Can you tell us who sleeps in which bedroom
7 in the residence?

8 A No, ma'am.

9 Q Can you tell us where the surveillance cameras are
10 located at in that residence?

11 A I didn't -- no, ma'am.

12 Q Okay. Can you tell us anything about the
13 disciplinary structure that the defendant employed within
14 that residence?

15 A No, ma'am.

16 Q So you said you would spend most of your time back
17 in the office; is that correct --

18 A Yes, ma'am.

19 Q -- or in that back area?

20 How long would you spend back there with the defendant?

21 A It just all depends. Sometimes 10, 15 minutes.
22 Times an hour, maybe, or 45 -- you know, it just all depends
23 on what we were going over.

24 Q Fair to say there's a computer back in that back
25 office --

1 A Yes, ma'am.

2 Q -- that is correct?

3 And was it your understanding that that was the

4 defendant's computer?

5 A Yes, ma'am.

6 Q Did you ever see any videos or anything on the

7 defendant's computer?

8 A I don't think so. Not -- unless if -- I mean, he

9 might -- he showed like a video of some lady that he worked

10 for that's a singer or something like that, I think something

11 like that one time, but that's about it.

12 Q All right. Did you notice anything unusual in that

13 back office area by the computer?

14 A Not that I -- not anything really -- no, not

15 unusual.

16 Q Okay. Now, you're no longer a patrol officer, but

17 did you start off as a patrol officer?

18 A Yes, ma'am.

19 Q Interacting with members of the public?

20 A Yes, ma'am.

21 Q All right. And you're trained to be thorough in

22 your interactions with the public; is that correct?

23 A Yes, ma'am.

24 Q And you're trained to be thorough when you write

25 reports?

1 A Yes, ma'am.

2 Q And you're trained to be more observant than the
3 typical layperson; is that correct?

4 A Yes, ma'am.

5 Q All right. You never saw anything in the office
6 that made you uncomfortable?

7 A Not -- not really, ma'am, no.

8 Q Okay. Now, you indicated that you had gone over to
9 the residence a couple of times, and that you had interacted
10 with the defendant at some of the coalition events; is that
11 correct?

12 A That I interacted him at the coalition events?

13 Q Yes.

14 A Yeah, he always came and set up his stuff, yes,
15 ma'am.

16 Q All right. Did the defendant of bring his kids to
17 those coalition events?

18 A I think so a few times.

19 Q Did you see the defendant interacting with his
20 children at those coalition events?

21 A I don't know about the coalition events, but I know
22 like -- because we were always busy, but like loading up
23 stuff and stuff -- because they loaded up his trailers and
24 stuff like that, so --

25 Q So maybe not --

1 A And unloaded at the event.

2 Q Maybe not during the events, but before or after?

3 A Yes, ma'am.

4 Q Is that correct? All right.

5 Fair to say you saw the defendant lose his temper

6 with the kids at one of those events?

7 A I would say he was very assertive during -- if, you

8 know, everything went like the way he wanted it to go, he was

9 very assertive with his kids.

10 Q You actually saw the defendant yelling at the

11 children while they were loading the trailer?

12 A I wouldn't say yelling, but he definitely raised his

13 voice when they didn't want he wanted them to do.

14 Q Okay. When he raised his in response to the kids

15 not doing what he was -- or he was asking, the kids didn't

16 back talk at all, right?

17 A No, ma'am.

18 Q The kids just submitted?

19 A Yes, ma'am.

20 Q And you --

21 A They --

22 Q -- saw the kids do exactly what it was?

23 A Well, they did what he wanted them -- yes, ma'am.

24 Q Would you describe it as the kids knowing who was in

25 charge or who the boss was?

1 A I -- I -- yes, ma'am.

2 Q All right. You indicated you brought your family
3 over to the defendant's house on a couple of different
4 occasions; is that correct?

5 A Yes, ma'am.

6 Q You said you've got three kids; is that right?

7 A Yes, ma'am.

8 Q All right. At the time they would have been ten,
9 six and four; is that correct?

10 A Somewhere around there, yes, ma'am.

11 Q Okay. And the older two, are those boys or girls?

12 A Girls, ma'am.

13 Q All right. So at the time you were going over to
14 the defendant's house, your daughters would have been ten and
15 seven?

16 A Yes, ma'am.

17 Q And then your son would have been --

18 A Five, four, five.

19 Q -- four, five?

20 A Five-ish, yeah.

21 Q One of the events that you went over there for was a
22 pool party; is that correct?

23 A Yes, they went swimming over there, yes, ma'am.

24 Q Okay. So your kids were swimming with the
25 defendant's kids?

1 A Yeah, I think -- yeah, I think all of them were. I
2 know some of them were.

3 Q You indicated that you had an interaction in the
4 back office with Brandon during one of those events; do you
5 recall that?

6 A Yes, ma'am.

7 Q All right. You indicated that he was teaching you
8 how to play the guitar?

9 A Yes, ma'am.

10 Q Okay. You indicated that the door to the office was
11 open; is that correct?

12 A Yes, ma'am.

13 Q And the entire rest of the family would have been
14 right outside the door; is that correct?

15 A Yeah, right in the area outside, yes, ma'am.

16 Q Okay. And that would include the defendant?

17 A Yes, ma'am.

18 Q Other than that, you never had any actual alone time
19 private conversations with Brandon; is that correct?

20 A No, ma'am.

21 Q All right. Did you ever have any private
22 conversations with any of the other children?

23 A No, just outside in the backyard they have like a
24 gazebo thing. I remember, like, me and my wife was talking
25 to his son Tails and his girlfriend one time just sitting out

1 there talking.

2 Q All right. But would that have been the same
3 situation where everybody else was around?

4 A Yeah, they were around the area, yes, ma'am.

5 Q Okay. And that would include the defendant?

6 A Yes, ma'am.

7 Q All right. Now, I asked you earlier, Officer,
8 you've never been a detective; is that correct?

9 A No, ma'am.

10 Q And during your time in patrol, would it be fair to
11 say that you never even actually responded to or investigated
12 any sort of sex assault or sex abuse allegations?

13 A No, ma'am, no.

14 Q Do you recall a time where the defendant was making
15 sexual comments to you?

16 A I know we were in the back one time, and we were
17 talking about why -- I was asking or just talking about why
18 his ex-wife was staying with him, and he said that his wife
19 wanted to help her out.

20 And then I don't know exactly the -- the words he
21 said. Like, it was like the best of both worlds or something
22 like that. I don't really recall, but to me, it -- it
23 definitely seemed like he was involved with both of them
24 still.

25 Q Okay. He was implying that he was have a sexual

1 relationship with both of them?

2 A Yes, ma'am.

3 Q All right. Did he make a further comment to you
4 about the fact that he was going to do something with his
5 ex-wife?

6 A He -- yeah -- I can't remember what he said, but I
7 know he was saying some stuff. I just --

8 Q All right. So other than the two times that you
9 were over there with your family and then the number of times
10 that you went over for work --

11 A Yes, ma'am.

12 Q -- did you ever go over to the residence other than
13 that?

14 A Not that I can recall, ma'am.

15 Q Okay. And you were never even actually in the main
16 residence other than the one time to use the restroom, right?

17 A Yes, ma'am.

18 Q So fair to say you have no idea what was happening
19 in that residence when you weren't there?

20 A No, ma'am.

21 Q Even the times that you were there and you're out in
22 the office, you have no idea what's happening in the main
23 residence; is that right?

24 A No, ma'am.

25 Q All right. You have no idea whether or not the

1 defendant behaved the same when you were not around as he did
2 when you were around; is that correct?

3 A Yes, ma'am.

4 Q All right. You have no idea how the defendant
5 treated the children or his wives when you weren't around; is
6 that correct?

7 A Yes, ma'am.

8 MS. SUDANO: Court's indulgence. Thank you, Your
9 Honor. Nothing further.

10 THE COURT: Any redirect?

11 MS. RADOSTA: Yes, just a few questions.

12 REDIRECT EXAMINATION

13 BY MS. RADOSTA:

14 Q Officer Brinkley, you've been a Metro officer for 12
15 years, correct?

16 A Yes, ma'am.

17 Q And you went through POST training before you became
18 an officer --

19 A Yes, ma'am.

20 Q -- correct? And while you have been working, have
21 you received any additional training?

22 A Yeah, I received additional training, yeah.

23 Q So despite the fact that you're not a detective,
24 you're still somebody who is -- has been working for Metro
25 and part of your job is patrolling neighborhoods, correct?

1 A Yes, ma'am.

2 Q Making observations, correct?

3 A Yes, ma'am.

4 Q Paying attention to situations around you?

5 A Yes, ma'am.

6 Q And when you see something suspicious, you are

7 taught that you should look into it further, correct?

8 A Yes, ma'am.

9 Q So you don't need to be a detective in order to ask

10 additional questions or investigate things, correct?

11 A Yes, ma'am.

12 Q If you see something that makes you suspicious, you

13 can also contact someone else, correct?

14 A Yes, ma'am.

15 Q Had you seen something suspicious at this residence,

16 would you have felt comfortable investigating it yourself?

17 A No, ma'am.

18 Q Would you have referred it to someone else?

19 A Yes, ma'am.

20 Q Because of your connection to the family, correct?

21 A Because of --

22 Q I mean, just that you knew the family?

23 A Well, yes, I knew the family, and yes.

24 Q And after Mr. Sena was arrested, you were actually

25 interviewed in connection to his case, correct?

1 A Yes, ma'am.

2 Q A little surprising to be called in to be
3 interviewed by Metro?

4 A No. I mean, I was over at his house so I figured
5 they would talk to me.

6 Q Okay. And they did ask you some questions about
7 whether or not you had ever had any alone time with any of
8 the kids, correct?

9 A Yes, ma'am.

10 Q And you did talk to them about the guitar lessons
11 with Brandon?

12 A Yes, ma'am.

13 Q And do you recall telling the -- and I think it was
14 Detective Samples that, in your opinion, Brandon had every
15 chance in the world to tell you?

16 MS. SUDANO: Your Honor, I'm going to object as to
17 hearsay.

18 THE COURT: What's the objection?

19 MS. SUDANO: Hearsay.

20 THE COURT: I'm sorry, I didn't -- could you ask
21 the question again?

22 MS. RADOSTA: No problem.

23 BY MS. RADOSTA:

24 Q Do you recall that you expressed to Detective
25 Samples that, in your opinion, Brandon had every chance in

1 the world to discuss with you if there was something going on
2 at the house?

3 THE COURT: That's your objection is the hearsay of
4 Brandon's statement to this officer?

5 MS. SUDANO: Yes.

6 MS. RADOSTA: It's not Brandon's statement, so --

7 THE COURT: Didn't you just say that? That he
8 expressed that Brandon had expressed to him?

9 MS. RADOSTA: No.

10 THE COURT: No?

11 MS. RADOSTA: If I could -- I'll try to --

12 THE COURT: Say it again. Maybe I didn't hear it
13 right.

14 MS. RADOSTA: No problem.

15 THE COURT: Okay.

16 BY MS. RADOSTA:

17 Q When you were being interviewed by Detective
18 Samples, was it your opinion that Brandon had every chance in
19 the world to discuss problems in the home with you?

20 MS. SUDANO: And then I'm going to object as to
21 relevance, if that's the question.

22 THE COURT: Relevance? Overruled. Go ahead.

23 BY MS. RADOSTA:

24 Q Do you recall --

25 A Yeah, I --

1 Q -- having that thought?

2 A I -- yeah, I had had that thought because, I mean, I

3 was, you know, distraught about everything that happened, you

4 know.

5 Q Absolutely.

6 A So --

7 Q Because you -- you were in the home occasionally?

8 A I wasn't in the home. I was in the back.

9 Q In the back.

10 A In the back house.

11 Q You were at the residence. You were at the

12 residence?

13 A Yes, ma'am.

14 Q And once you heard about the arrest, you felt guilty

15 that you were there and didn't see anything?

16 A That I wish I would have been able to see something.

17 Q And would have been able potentially to help the

18 children if they were in that much distress?

19 A Yes, ma'am.

20 Q Okay.

21 MS. RADOSTA: Nothing further, Your Honor. Thank

22 you.

23 THE COURT: Any recross?

24 MS. SUDANO: Yes, thank you, Your Honor.

25 //

RECROSS-EXAMINATION

BY MS. SUDANO:

Q So Officer Brinkley, you got interviewed by the detectives in this case?

A Yes, ma'am.

Q You also got called in to talk to your captain; is that correct?

A I can't recall. Possibly. I just can't recall that.

Q Okay. You were expressing at the time of this interview your feeling that you wished you had known or you wished you could do something; is that correct?

A Yes, ma'am.

Q All right. And part of the reason that you were doing that was you say that this case and your relationship with the defendant damaged your reputation as an officer?

A I was --

MS. RADOSTA: Object, Your Honor. Objection, Your Honor, relevance.

THE COURT: Overruled.

BY MS. SUDANO:

Q Would it be fair to say --

A Can you repeat that?

Q -- that there were officers in your area command
that were blaming you for bringing the defendant to those

1 events?

2 A No, I just didn't want people to think that I was
3 the reason, you know, that I was bringing -- that I was
4 bringing him to event. I didn't want -- you know, I don't
5 know how to explain it.

6 Q Okay. So you expressed your remorse or your guilt,
7 I guess, if you will, that you didn't see anything after the
8 defendant was arrested?

9 A Yes, ma'am.

10 Q Okay. Now, you indicated you've never investigated
11 any sexual abuse case; is that correct?

12 A No, ma'am.

13 Q And you've never even responded to any in your
14 capacity as a patrol officer?

15 A I don't recall -- if I did, I don't recall them.

16 Q Can you understand reasons why a victim might not
17 want to tell a patrol officer something along those lines?

18 A Possibly being afraid.

19 Q Okay. And can you understand reasons why
20 particularly a male victim might be more hesitant to tell a
21 patrol officer what was going on?

22 A Yes, ma'am.

23 Q What would those reasons be?

24 A I would think embarrassed, maybe, scared,
25 embarrassed, that's -- you know, I would be embarrassed if it

1 was happening to me.

2 Q Okay.

3 MS. SUDANO: Thank you, Your Honor. Court's
4 indulgence.

5 THE COURT: Any redirect?

6 MS. RADOSTA: Just a couple questions, Your Honor.

7 REDIRECT EXAMINATION

8 BY MS. RADOSTA:

9 Q Officer Brinkley, have you in your capacity at Metro
10 for the last 12 years, have you been called to any domestic
11 violence situations?

12 A Yes, ma'am.

13 MS. RADOSTA: Objection as to relevance.

14 THE COURT: Overruled.

15 BY MS. RADOSTA:

16 Q Have -- is it something that happens with regularity
17 in your job as a patrolman?

18 A Yes, ma'am.

19 Q And so you do have some experience in investigating
20 domestic violence situations in people's homes?

21 A Domestic battery, yes.

22 Q Domestic battery. Which would involve family
23 members, correct?

24 A Yes, ma'am.

25 Q Sometimes husbands and wives, correct?

1 A Yes, ma'am.

2 Q Sometimes parents and children?

3 A Yes, ma'am.

4 MS. RADOSTA: Nothing further.

5 THE COURT: Anything?

6 MS. SUDANO: Thank you, Your Honor.

7 THE COURT: Okay. Are we done? Are you done with

8 him?

9 MS. RADOSTA: Yes, Judge. Thank you.

10 THE COURT: Officer, thank you so much for your

11 testimony.

12 THE WITNESS: Thank you, sir.

13 THE COURT: You can step down.

14 THE WITNESS: Yes, sir.

15 THE COURT: You're excused. Okay.

16 Ms. Radosta, call your next witness.

17 MS. RADOSTA: Court's indulgence. Can we approach,

18 Your Honor?

19 THE COURT: Sure.

20 (Off-record bench conference.)

21 THE COURT: Ladies and gentlemen, I need to give

22 you another quick break. Okay?

23 You're admonished not to converse amongst yourself

24 or with anyone else on any subject connected with this trial,

25 read, watch, or listen to any report or commentary on the

1 trial, or by any person connected with this case, or by any
2 medium of information, including without limitation,
3 newspapers, television, the Internet, or radio.

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

7 Fifteen minutes again. Be ready to come back in.
8 The defense needs to do something, and then we'll know where
9 we're at for the afternoon. Okay? All right. So be ready
10 to get started about 25 until -- or I'm sorry, 20 until.
11 Yeah. All right. Okay.

12 (Outside the presence of the jury at 3:25 P.M.)

13 THE COURT: Okay. We're outside the presence of
14 the jury.

15 Ms. Radosta, did you want us to go off the record
16 and you have a minute to talk to --

17 MS. RADOSTA: Yes, could --

18 THE COURT: Okay.

19 MS. RADOSTA: Yeah, could we go off the record and
20 could we have the courtroom to discuss it?

21 THE COURT: Sure. We'll go off the record and --

22 MS. RADOSTA: Thank you.

23 THE COURT: -- we'll be back in 20 until. Okay?
24 All right.

25 (Court recessed at 3:26 p.m. until 3:45 p.m.)

1 (Outside the presence of the jury.)

2 THE COURT: Okay. We're back on the record in case
3 State of Nevada versus Christopher Sena in Case No. C-311453.

4 I'd like the record to reflect the presence of the
5 defendant, his counsel, as well as the State and their
6 counsel.

7 We're outside the presence of the jury. I had
8 indicated to the parties my inclination about tomorrow, and
9 at this point in time, we still have some time left. I was
10 going to ask Ms. Radosta and Mr. Negrete, have you --

11 MS. RADOSTA: We've discussed the possibility of
12 testifying with our client, Judge. At this point in time, he
13 is telling us he does not wish to testify.

14 THE COURT: Is that correct, Mr. Sena?

15 THE DEFENDANT: That is correct, Your Honor.

16 THE COURT: Okay. So Mr. Sena, what I'm going to
17 do is I'm going to bring the jury back, and I'm going to ask
18 your counsel if you have any further witnesses. I would
19 anticipate that she'll say no, if she doesn't, and then rest
20 her case.

21 Based on that, what I'm going to do is -- that will
22 give me the time frame of when we're going to start tomorrow.
23 Do you understand?

24 MS. RADOSTA: Court's indulgence for just a second.

25 THE COURT: Okay.

1 THE DEFENDANT: Yeah, I'm good with that.

2 MS. RADOSTA: That was just a little bit different

3 than what we had told him, Judge, but we're -- so we were

4 just making sure.

5 THE COURT: Okay. Well, I didn't want to be in a

6 situation that we bring them in, and then that doesn't

7 happen --

8 MS. RADOSTA: Fair enough.

9 THE COURT: -- so -- because my inclination is to

10 -- purposes of settling jury instructions tomorrow and then

11 bringing them in, so --

12 MS. RADOSTA: Okay.

13 THE COURT: Okay. So go ahead and get the jury

14 back.

15 THE MARSHAL: All rise for the presence of the

16 jury.

17 (In the presence of the jury at 3:47 P.M.)

18 THE COURT: All right. Everybody go ahead and have

19 a seat.

20 We're back on the record in the presence of the

21 jury in C-311453, State of Nevada versus Christopher Sena.

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

23 MR. SWEETIN: Yes, Your Honor.

24 MS. RADOSTA: Yes, Your Honor.

25 THE COURT: All right. Ladies and gentlemen,

1 before we took our break, the defense was in their case.

2 Ms. Radosta, call your next witness.

3 MS. RADOSTA: At this point in time, Your Honor,
4 the defense rest.

5 THE COURT: Okay. Did you make sure all the
6 exhibits that you wish to be -- we have the one that you
7 moved in?

8 MS. RADOSTA: Yes.

9 THE COURT: Okay. All right. At this time, the
10 defense has rested. Does the State anticipate any rebuttal?

11 MR. SWEETIN: No, Your Honor.

12 THE COURT: All right. Ladies and gentlemen, what
13 I'm going to do here, then, is I'm going to give you your
14 overnight admonishment.

15 We won't be starting until 11:00 tomorrow. The
16 reason why, so you understand, we will be working we
17 anticipate from 9:00 to 11:00 we'll be settling instructions.

18 And then at 11:00 I'm going to charge you, meaning,
19 I'm going to read you the instructions. And then I'm going
20 to give you the weekend because the defense and the State
21 want to present their case, their closing arguments on
22 Tuesday.

23 So Tuesday you should be getting the case, and then
24 Tuesday afternoon you'll be deliberating, and then you have
25 until you need to deliberate. Okay?

1 All right. So once again, you're admonished not to
2 converse amongst yourself or with anyone else on any subject
3 connected with this trial, or read, watch, or listen to any
4 report or commentary on the trial by any person connected
5 with this case, or by any medium of information, including
6 without limitation, newspapers, television, Internet, or
7 radio.

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

11 Eleven o'clock tomorrow. Okay? All right. Have a
12 good night, everyone. Okay.

13 (Outside the presence of the jury at 3:49 P.M.)

14 THE COURT: Okay. Officers, we won't need the
15 defendant back -- do you want him back? I'm going to get
16 started by 9:00. I don't think we need him probably until
17 about sometime after that.

18 MS. RADOSTA: Well, Judge, what -- anything that's
19 happening in the courtroom, we need him here for --

20 THE COURT: Well --

21 MS. RADOSTA: -- so --

22 THE COURT: -- I'll meet with ya'll in chambers
23 probably for about an hour to go through those, and then I
24 anticipate by 10:00 o'clock we should have them at least
25 settled or come in and we can put everything on the record,

1 any objections and that, and he'll be here. Okay?

2 MS. RADOSTA: Yeah, then we just -- yeah.

3 THE COURT: I have a calendar at 8:30 tomorrow --

4 MS. RADOSTA: Okay.

5 THE COURT: -- but it's a quick one. So if you

6 guys can start maybe filtering in my office by 9:00, we

7 can --

8 MS. RADOSTA: All right.

9 THE COURT: -- get started on that and spend some

10 time on it.

11 I've had an opportunity to read through them.

12 Actually, you'll be surprised, I read all those cases, too,

13 Crawley (phonetic), Townsend (phonetic), Randolph (phonetic)

14 again, Honeycutt (phonetic).

15 MS. RADOSTA: And you -- just so that the Court's

16 aware, we might be asking for advisory verdicts on some of

17 the counts.

18 THE COURT: Okay.

19 MS. RADOSTA: We'll --

20 THE COURT: The Tavares instruction, they did do

21 the Tavares instruction. Are you talking about that with

22 regards to the bad acts?

23 MS. RADOSTA: No.

24 MR. LOPEZ-NEGRETTE: There's a couple issues. Some

25 regarding the counts with Anita --

1 THE COURT: Okay.

2 MR. LOPEZ-NEGRETTE: -- where her testimony is about
3 having sex in order to avoid certain things.

4 THE COURT: Uh-huh.

5 MR. LOPEZ-NEGRETTE: We were planning on asking for
6 advisory verdicts on those.

7 THE COURT: Okay.

8 MR. LOPEZ-NEGRETTE: Which we can argue.

9 THE COURT: Okay.

10 MR. LOPEZ-NEGRETTE: And then also regarding the
11 child pornography charges.

12 THE COURT: Okay.

13 MR. LOPEZ-NEGRETTE: We were going to ask for some
14 advisory verdicts on that, or to challenge the
15 constitutionality of a couple of those statutes.

16 THE COURT: Okay.

17 MR. LOPEZ-NEGRETTE: We just want to let the Court
18 know and State, if we need to submit a bench memo or anything
19 like that on that issue.

20 THE COURT: Well, if you're going to challenge the
21 constitutionality of them, I would.

22 MR. LOPEZ-NEGRETTE: Okay.

23 THE COURT: I think I understand your arguments
24 with regards to the other. It's just based on the --

25 MR. LOPEZ-NEGRETTE: Sure.

1 THE COURT: -- sufficiency of the evidence here.
2 MR. LOPEZ-NEGRETTE: Right.
3 MS. RADOSTA: Right.
4 THE COURT: I understand. So -- okay. So yeah, if
5 you're going to -- or bring with you whatever --
6 MR. LOPEZ-NEGRETTE: Okay.
7 THE COURT: -- you have tomorrow, and we can
8 address it. Okay?
9 MR. LOPEZ-NEGRETTE: Sounds good.
10 MS. RADOSTA: Thank you.
11 THE COURT: Yeah. Bring it in -- if you're going
12 to prepare one, file it tomorrow.
13 MR. LOPEZ-NEGRETTE: Sounds good.
14 MS. SUDANO: Can we get an actual answer on that so
15 I know --
16 THE COURT: Sure.
17 MS. SUDANO: -- if I'm preparing one, too.
18 MR. LOPEZ-NEGRETTE: I'll submit one.
19 THE COURT: Okay.
20 MS. SUDANO: Okay. Thank you.
21 THE COURT: Thanks, guys. All right.
22 MS. SUDANO: Thank you.
23 MS. RADOSTA: Just one other quick question, Judge.
24 THE COURT: Okay.
25 THE CLERK: I have -- yeah, I have it set for 10:00

1 o'clock --

2 THE COURT: 10:00.

3 THE CLERK: -- so that he'll be transported at --

4 THE COURT: Yeah, 10:00 o'clock. Okay.

5 MS. RADOSTA: Regarding the reading of the now

6 Fourth Amended Information --

7 THE COURT: Uh-huh.

8 MS. RADOSTA: -- which is technically a jury

9 instruction, are we -- is that going to be read to the jury?

10 THE COURT: Yeah, it's part of the --

11 MS. RADOSTA: It is technically a jury instruction.

12 THE COURT: -- well, it's part of -- it's like

13 instruction number 2 or 3.

14 MS. RADOSTA: Okay.

15 THE COURT: So --

16 MS. RADOSTA: I was just clarifying, so --

17 THE COURT: -- I -- I will.

18 MS. RADOSTA: Tia, though, is very happy it's not

19 her.

20 THE COURT: I will. I'll read it.

21 MS. RADOSTA: Okay. Thanks, Judge.

22 THE COURT: I always do. It's part of the

23 instruction and --

24 THE COURT RECORDER: Going off, Judge.

25 THE COURT: -- it's what -- it's what they get,

1 Violet, and so with that being said, that's what we were
2 talking about earlier --

3 MS. RADOSTA: Um-h'm.

4 THE COURT: -- that that's the actual -- the actual
5 finished instruction, so.

6 MS. RADOSTA: Right.

7 THE COURT: All right.

8 MS. RADOSTA: That was my opinion, but I was just
9 -- so I was making sure.

10 THE COURT: Okay. All right. Have a good night,
11 everybody.

12 MS. RADOSTA: Thanks, Judge.

13 THE COURT: And happy Valentine's Day. Okay?

14 MS. SUDANO: Happy Valentine's Day.

15 (Court recessed at 3:53 P.M., until Friday,
16 February 15, 2019, at 12:00 P.M.)

17 * * * * *

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WITNESSES

<u>NAME</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RE CROSS</u>
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STATE'S WITNESS:

DET. LARRY SAMPLES	5	64	148	--
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DEFENDANT'S WITNESS:

OFF. MICHAEL BRINKLEY	158	169	179/186	184/--
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EXHIBITS

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

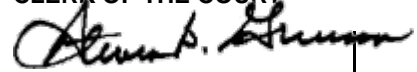
Exhibit L.	147
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ATTEST: I hereby certify that I have truly and correctly
transcribed the audio/visual proceedings in the above-
entitled case to the best of my ability

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

FRIDAY, FEBRUARY 15, 2019

**RECORDER'S TRANSCRIPT OF HEARING
JURY TRIAL - DAY 14**

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, FRIDAY, FEBRUARY 15, 2019

2 (Case called at 12:01 P.M.)

3 (Outside the presence of the jury)

4 THE MARSHAL: All rise.

5 THE COURT: We're okay. We're okay. Hold on.

6 THE MARSHAL: Thank you, sir.

7 THE COURT: He's still making copies of the jury
8 instructions. Okay? So just relax. We're not ready. I
9 thought he was done with them, but we're not.

10 THE COURT RECORDER: Do you want me to go off?

11 THE COURT: Yeah, yeah.

12 (Off the record at 12:01 P.M., until 12:10 P.M.)

13 (Outside the presence of the jury.)

14 THE COURT: All right. We're on the record in the
15 case of State of Nevada versus Christopher Sena in C-311453.

16 I'd like the record to reflect the presence of the
17 defendant, his counsel, as well as the State, and their
18 counsel, and we're outside the presence of the jury.

19 Before we settle jury instructions, I want to
20 address some other issues that were raised by the defense.

21 I have received a copy of Defendant's Bench
22 Memorandum regarding the child pornography charges, and I
23 received the State's Memorandum in regards to that.

24 Was there something else that you needed to file,
25 Mr. Negrete or anything -- maybe they're here together.

1 MR. LOPEZ-NEGRETE: It was going to be -- no, we
2 don't have any other filing. We were going to make an oral
3 motion, pursuant to NRS 173.381 for some advisory verdicts.

4 THE COURT: Okay.

5 MR. LOPEZ-NEGRETE: And that pertains to, I believe
6 it would be starting on count 21 to count 53 of the latest
7 Information.

8 THE COURT: All right. Let me see.

9 MR. LOPEZ-NEGRETE: Basically, it's Anita
10 describing the sexual abuse that she endured at the hands of
11 our client, but there was testimony that she said that she
12 would do it in a way that was -- basically that she would
13 reach out to him and/or engage in the sexual activity in
14 order to protect her brothers.

15 There was also some testimony about pretending, I
16 guess, to have orgasms and that kind of thing. So I think
17 that that raises the issue of whether it was consensual
18 encounter or not. And so we're asking for advisory verdicts
19 on those.

20 THE COURT: Okay. State, do you want to address
21 that at all?

22 MR. SWEETIN: I can, Judge. I thought that defense
23 counsel was going to put it in writing as well. So I made a
24 draft, actually, put together an opposition.

25 THE COURT: Okay.

1 MR. SWEETIN: I've got some law, and I'd like to
2 file it.

3 THE COURT: Sure. Is it entitled State's
4 Opposition to Defendant's Motion for Directed Verdict?

5 MR. SWEETIN: Yes.

6 THE COURT: Okay. I -- he gave me a courtesy copy,
7 so --

8 MR. SWEETIN: Okay.

9 THE COURT: Okay. I just want to make sure it's
10 the same one.

11 MR. LOPEZ-NEGRETTE: And Judge, I misspoke. It's up
12 until Count 52, I believe.

13 THE COURT: Okay. All right.

14 MR. SWEETIN: Yeah, and Judge, first of all, I
15 think that the testimony in the case kind of lays out very
16 specifically that Anita endured sexual abuse over an extended
17 period of time. She laid out specific acts that were
18 committed, intervals, at the very least that those acts were
19 committed.

20 She also did testify that there was instances where
21 she would have -- I believe, she indicated at the very end
22 where she would essentially give herself to him or submit
23 herself to him, and the reason for that was that he was
24 violent in the household and that made him not as violent
25 towards her and the other children in the household.

1 I would note that the law here in the State of
2 Nevada in regards to the sexual assault lays out,
3 essentially, a person who subjects another person to sexual
4 penetration against the victim's will, or under circumstances
5 in which the perpetrator knows or should know that the victim
6 is mentally or physically incapable of resisting or
7 understanding the nature of his or her conduct is guilty of
8 sexual assault.

9 In this case, what defense counsel is making
10 reference to is that our victim in this case submitted
11 herself to sexual conduct in certain circumstances.

12 The law is equally clear that submission doesn't
13 equate to consent. There's a couple cases on point on this
14 that I've cited in my Brief, and the Court's probably aware
15 of, and that's McNair (phonetic) and the Shannon decision.

16 Both of those cases dealt with similar issues in
17 which in the McNair case it was an issue in which the
18 patients went into a doctor's office, and while they were at
19 the doctor's office, they allowed the doctor to sexual
20 penetrate them. They didn't say anything about it.
21 Subsequently, they left the doctor's office.

22 And so there was an issue in regards to whether or
23 not they submitted themselves to that.

24 Similarly, in the Shannon case, it was a
25 circumstance where the defendant went on camping trips with

1 youth, and one of those youths was among many victims that he
2 had.

3 And in that particular case, that child feigned
4 sleep as that defendant performed a sexual act on him.

5 So the issue was did each those victims submit
6 themselves to the sexual conduct and does that equate with
7 consent?

8 The bottom line was in both those cases, that the
9 Supreme Court said that this is a clear fact issue for the
10 jury to make a determination on. It's not something that the
11 Court makes a determination on.

12 And the State would submit that that's clearly the
13 case here. That this is something that is not appropriate
14 for directed verdict. The Court, you know, essentially the
15 law is clear, does not take that province ever away from the
16 jury, certainly, in a situation where there's a factual
17 issue.

18 So the State would submit that the defendant's
19 motion should be denied, and we'd submit it on that.

20 THE COURT: Okay. Anything further, Mr. Negrete?

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

22 THE COURT: All right. So with respect to your
23 request here, your oral motion, I am going to deny it. Okay?

24 MR. LOPEZ-NEGRETE: And, Your Honor --

25 THE COURT: Anything else?

1 MR. LOPEZ-NEGRETTE: -- before we get to
2 constitutionality --

3 THE COURT: Okay.

4 MR. LOPEZ-NEGRETTE: -- the final counts in the
5 Information, I guess, starting on count 115 --

6 THE COURT: Okay.

7 MR. LOPEZ-NEGRETTE: -- which involves Erin, and
8 then goes on to Tamara, which starts on count 118, and then
9 120 regarding Melissa, and then I'd also include count 59,
10 which is Tails showering with Deborah.

11 The State has alleged two theories of liability,
12 whether it's sexual conduct or sexual portrayal.

13 So the sexual portrayal is the part of the statute
14 that our brief deals with, and whether it's unconstitutional,
15 our argument saying that the Shue decision was decided
16 wrongly.

17 THE COURT: Okay.

18 MR. LOPEZ-NEGRETTE: The issue with the sexual
19 conduct, some of the jury instructions that we submitted kind
20 of bear on this, but we were going to ask for advisory
21 verdicts on these as well saying that these do not meet on
22 their face basically lewd exhibition of genitals, if it's
23 just Tails and Deborah showering without any actual sexual
24 activity going on in the video itself. I believe that was
25 Exhibit 74-A and 74 or -- no, 74-A and 75, Video Number 3.

1 That's what I wrote down.

2 And then when we're getting to the pictures of
3 Erin, it would be Exhibit 82, and that's a video, and then
4 Exhibit 81, which is a picture of her in the shower. And
5 then when we get to Tamara, it will be Exhibit 80. That's
6 the video of her in the shower. And then Exhibit 80, I think
7 is also relating to that.

8 And then for Melissa, which is count 120, it would
9 be Exhibits 87, 88, and 89, where there are some pictures of
10 her where the dildo is behind her. We're asking the Court to
11 just -- for advisory verdicts on those as well.

12 THE COURT: All right. Thank you. Ms. Sudano?

13 MS. SUDANO: Yes, Your Honor.

14 THE COURT: Okay.

15 MS. SUDANO: So I think it's the same issue where
16 that's going to be a factual determination for the jury.
17 There are instructions included in the packet about what
18 constitutes a lewd exhibition of the genitals, it looks at a
19 number of factors, including the intent of the person that is
20 filming the video. We've had a lot of testimony about what
21 the defendant was doing while those videos were being created
22 for the ones of the two girls in the shower, he was having
23 Terrie perform fellatio, so I think that that would be one
24 factor.

25 And then there's also whether or not the genitals

1 are the focal point of the video at any point. And, you
2 know, you can see the camera angle changing, and whenever the
3 camera angle is zooming in, it's either towards the breasts
4 or vaginal area of Erin or Tamara, or towards the genital
5 area of Tails.

6 So there is sufficient evidence on that particular
7 ground for to that be a factual determination that's made by
8 our jury.

9 THE COURT: Anything further?

10 MR. LOPEZ-NEGRETE: No, Your Honor.

11 THE COURT: All right. It will be denied.
12 Anything else?

13 MR. LOPEZ-NEGRETE: No, Your Honor.

14 THE COURT: You want to turn to the other? Okay.

15 MR. LOPEZ-NEGRETE: Yeah.

16 THE COURT: The defense has also filed a Bench
17 Memorandum regarding the child pornography charges. State
18 has filed a Trial Memorandum also on that. I've receive both
19 of those.

20 Do you want to address that any further,
21 Mr. Negrete?

22 MR. LOPEZ-NEGRETE: No, Your Honor. The argument's
23 pretty simple. Just that the statute --

24 THE COURT: Okay.

25 MR. LOPEZ-NEGRETE: -- that says defining sexual

1 portrayal, I believe, it just doesn't have enough standards
2 in it to meet constitutional muster.

3 THE COURT: Okay. The challenge is of NRS 200.704.
4 It's challenged on multiple bases, first amendment violation,
5 vagueness, as well as overbroad.

6 Now, the State has responded to those as well, but
7 the State has also addressed the untimeliness of this motion.

8 MR. LOPEZ-NEGRETE: Sure.

9 THE COURT: I think that for purposes of the
10 hearing today, notwithstanding the decision by our Supreme
11 Court in Shue. Let me cite specifically to that so I can --
12 here, it's Joshua Caleb Shue, S-h-u-e, versus State of
13 Nevada. It's in 407 P.3d 332. It's a 2017 case, which
14 rehearing was denied in 2018.

15 In that particular case, the -- our Supreme Court
16 had found that the statute NRS 200.704 was constitutional and
17 met constitutional muster under the same -- in opposition to
18 the same arguments that the defense has made.

19 Furthermore, I am finding that your motion is
20 untimely, and unless you want to make a record as to why --

21 MR. LOPEZ-NEGRETE: Yeah.

22 THE COURT: -- you filed it now. Okay.

23 MR. LOPEZ-NEGRETE: I believe that constitutional
24 issues can be raised at any moment. I know that the Phipps
25 case stands for that proposition, that's P-h-i-p-p-s. I can

1 give you a cite. That's 111 Nevada 1276.

2 THE COURT: Okay.

3 MR. LOPEZ-NEGRETTE: And so since we're challenging
4 the constitutionality of it, I think it's something that we
5 can raise at any moment.

6 THE COURT: All right. The Memorandums will be
7 filed as well, and I'm denying your motion. Okay?

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

9 MS. SUDANO: Thank you, Your Honor.

10 THE COURT: All right. So now let's turn to the
11 jury instructions.

12 I've provided the parties with jury instructions
13 labeled 1 through 54. Has the State received copies of
14 those?

15 MR. SWEETIN: Yes, Your Honor.

16 THE COURT: Do you object to the giving of any of
17 these instructions?

18 MR. SWEETIN: No, Your Honor.

19 THE COURT: Okay. And do you have any additional
20 instructions you propose?

21 MR. SWEETIN: No, Your Honor.

22 THE COURT: And are you familiar with the jury
23 verdicts?

24 MR. SWEETIN: Yes.

25 THE COURT: Do you object to the giving of the jury

1 verdicts as they stand?

2 MR. SWEETIN: No.

3 THE COURT: Okay. And defendant, you've received a
4 copy -- Mr. Negrete, are you handling these?

5 MR. LOPEZ-NEGRETE: Yes.

6 THE COURT: Okay. You've received a copy labeled 1
7 through 54?

8 MR. LOPEZ-NEGRETE: Yes.

9 THE COURT: And have you had an opportunity to
10 review those?

11 MR. LOPEZ-NEGRETE: Yes, I'm going through them
12 now, um-h'm.

13 THE COURT: Okay. Do you have any objections to
14 them?

15 MR. LOPEZ-NEGRETE: I think we did cover some
16 objections in chambers --

17 THE COURT: Okay.

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

19 THE COURT: What I'm going to do, for the record,
20 did you provide a stack of proposed jury instructions?

21 MR. LOPEZ-NEGRETE: Right.

22 THE COURT: I want to make sure that you understand
23 those will all be submitted and filed with the court.

24 MR. LOPEZ-NEGRETE: All right.

25 THE COURT: A number of them we addressed in -- all

1 of them we addressed in chambers, and what I'm going to do is
2 I'm going to go through each one of them now. Okay?

3 MR. LOPEZ-NEGRETE: Okay.

4 THE COURT: So --

5 MR. LOPEZ-NEGRETE: Your Honor, before we get in
6 too deep, I know --

7 THE COURT: Okay.

8 MR. LOPEZ-NEGRETE: -- that it's something that we
9 didn't discuss in chambers. Ms. Radosta and I were talking
10 about the verdict form, and because it does involve
11 conspiracy or aiding and abetting language, we were going to
12 request a special verdict form asking the jury to find under
13 which theory of liability they would find Mr. Sena guilty.
14 And I think we would make the similar request for the
15 pornography charges where it's either sexual conduct or
16 sexual portrayal.

17 THE COURT: Okay. Do you want to address those at
18 all?

19 MR. SWEETIN: Well, just in regards to the special
20 instruction, the State would submit that we have an
21 instruction that details the jury doesn't even agree on the
22 theory in regards to aiding and abetting, conspiracy, or
23 actually committing the act.

24 So it would be veritabily impossible for them to,
25 under that instruction, to square that with having a specific

1 line item that they would all agree.

2 THE COURT: Okay. Inasmuch as your request is to
3 address the verdict form in regards to theories, I'm going to
4 deny your request; okay?

5 MR. LOPEZ-NEGRETTE: Okay.

6 THE COURT: So now let's turn to the jury
7 instructions themselves.

8 With regards to the -- you had proposed what you've
9 entitled, "reasonable interpretations". I believe that the
10 instruction that deals with the evidence in which you are to
11 consider in this case consists of testimony of witnesses and
12 exhibits and facts admitted or agreed by counsel, I believe
13 that the instruction that you're asking the Court to add is
14 the reasonable interpretations. I believe that your request
15 is -- of the instruction is confusing and misleading, and so
16 I've indicated previously I'm not going to give that
17 instruction. Okay?

18 You also had asked for an instruction with regards
19 to credibility or believability of the witnesses. There's an
20 instruction that is offered by the State entitled,
21 Credibility or believability of a witness should be
22 determined by his manner upon the stand.

23 You have proposed an instruction as well that I
24 believe is confusing. It's too -- if there's such thing as
25 too specific, that's what I think it is.

1 MR. LOPEZ-NEGRETE: Okay.

2 THE COURT: I think the instruction that's proposed
3 by the State sufficiently covers the topic and is sufficient.
4 So I'm not giving the instruction that you're proposing.

5 Mr. Negrete, if you want to chime in at any time --

6 MR. LOPEZ-NEGRETE: Sure.

7 THE COURT: -- while I'm going through this, just
8 let me know. Okay?

9 MR. LOPEZ-NEGRETE: No problem.

10 THE COURT: All right. Then the next instruction
11 -- not in order, but the next instruction of concern was the
12 Carter instruction with regards to your client's
13 constitutional right not to be compelled to testify.

14 Are you asking the Court to give that instruction?

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

16 THE COURT: Okay. The next instruction of concern
17 was the reasonable doubt instruction. The instruction reads,
18 "The defendant is presumed innocent until the contrary is
19 proved." It starts with that.

20 There was an instruction offered by the defense
21 that the reasonable doubt standard requires the jury to reach
22 a subjective state of near servitude on the fact and issue.

23 That comes from the Randolph case, which
24 specifically indicates that the instruction offered by the
25 State is the appropriate instruction.

1 The information about the separate line that you're
2 asking for, requiring the jury to reach a subjective state of
3 near servitude, that fact and issue is covered specifically
4 -- not specifically, but sufficiently in the instruction. So
5 I'm not giving that instruction.

6 Next instruction of concern was with regards to
7 knowledge and consent of your client.

8 MR. LOPEZ-NEGRETE: Right.

9 THE COURT: And there's a number of instructions
10 that's given by the State. Matter of fact, I had changed the
11 instruction that was offered by the State. Now it reads, "It
12 is a defense to any charge of sexual assault that the
13 defendant entertained a reasonable and good faith."

14 And so I think that instruction coupled with the
15 submission instruction on consent covers the instruction, and
16 it satisfies the concerns of -- regarding this defense.

17 The next instruction is requirement -- there's no
18 requirement that testimony of a victim of sexual assault or
19 lewdness with a child be corroborated. And the defense had
20 offered, "It is not essential to a conviction in this case
21 that the testimony of an alleged victim be corroborated by
22 other evidence. It is sufficient if from all the evidence
23 you believe beyond a reasonable doubt that the crime of
24 sexual assault was committed by the defendant as alleged."

25 The instruction that's being offered by State as

1 there's no requirement of the testimony of a victim of sexual
2 or lewdness -- sexual assault or lewdness with a child be
3 corroborated, and his or her testimony standing alone if
4 believed beyond a reasonable doubt is sufficient to sustain a
5 verdict of guilty, I think is clearer. And it states the law
6 correctly, than the one that is offered by the defense. I'm
7 not giving that instruction. Okay?

8 The next instruction is on the opening and gross
9 lewdness. The instruction that is being offered by the
10 defense indicates in their actual instruction that, it is
11 suggesting that it's a specific intent crime. Open and gross
12 lewdness is not a specific intent crime, so I will not be
13 giving that instruction. Okay.

14 Next instruction is with regards to the
15 particularities and specificity. The State had offered,
16 "Where a child has been the victim of a sexual act and does
17 not remember the exact date of the act, the State is not
18 required to prove that specific date but may prove timeframe
19 in which it took place."

20 The defense had offered, "Where multiple counts are
21 charged, the alleged victim must testify with some
22 particularity regarding each incident in order to uphold each
23 charge, there must be some reliable indicia that the number
24 of acts charged actually occurred."

25 I'm giving that instruction. The other

1 instructions that were offered by the defense, I think are
2 covered by these two instructions, and for that reason I'm
3 not giving the other -- the other two.

4 Then there was the instruction we had a
5 considerable amount of discussion on with regards to when
6 multiple sexual acts occur as part of a single criminal
7 encounter, defendant may be found guilty for each separate or
8 different sexual act.

9 And then there was one offered by the defense where
10 a single act of sexual conduct is interrupted briefly for
11 some reason and then resumed, a separate charge for the
12 continued sexual conduct will not lie for activity after a
13 brief interruption.

14 There was some confusing with regards to what needs
15 to be defined as the interruption or what's brief. The
16 parties did get together and had submitted to the Court the
17 language where -- that reads, "Where multiple sexual acts
18 occur as part of a single criminal encounter, a defendant may
19 be found guilty for each separate or different sexual act.
20 Where a defendant commits a specific type of act, he or she
21 may be found guilty of more than one count of that specific
22 type of sexual act if, one, there is an interruption between
23 the act which are of the same" -- "which are of the same
24 specific type when such interruption constitutes movement or
25 conduct distinct from the specific and individual act

1 itself."

2 Well, that added, I believe -- took care of any
3 concern with regards to those instructions. So it's given in
4 that manner.

5 MR. LOPEZ-NEGRETE: Okay.

6 THE COURT: The next instruction of concern by the
7 defense was that they proposed a definition of sexual
8 conduct. The State offered a instruction that had the
9 definition of a sexual conduct in it, but not in its
10 entirety, per NRS 200.703. So I added -- I took out the
11 paragraph that the State had as defined as sexual conduct,
12 and I added the defense' paragraph of sexual conduct. Okay?

13 Defense had also asked for a definite -- a
14 instruction involving lewd exhibition of genitals. I agreed
15 to give the instruction, removing the last paragraph that
16 they proposed and injecting the paragraph that came -- comes
17 directly from the United States Court involving Wiegen.

18 And it reads -- it's where this came from
19 originally that the last paragraph will read, "Of course, a
20 visual depiction need not involve all of these factors to be
21 a lewd exhibition of the genitals or pubic area, the
22 determination will have to be made based on the overall
23 content of the visual depiction, taking into account the age
24 of the minor."

25 MR. LOPEZ-NEGRETE: And Your Honor, I'm sorry, I

1 don't know if I remember -- maybe I misheard -- the language
2 saying, of course. I'm not sure if that was part of the --
3 THE COURT: Yeah, that's part of -- that's right
4 out of the -- I haven't -- is it -- did you put it in, of
5 course?
6 MS. SUDANO: I put in "Of course".
7 THE COURT: Okay.
8 MS. SUDANO: The language from the case had that
9 reference to the pubic area.
10 THE COURT: Um-h'm.
11 MS. SUDANO: I took that out because we hadn't
12 talked about pubic areas.
13 THE COURT: So you just say, lewd exhibition of the
14 genitals?
15 MS. SUDANO: Correct.
16 THE COURT: Okay. All right. Okay.
17 Then the next --
18 MS. RADOSTA: I'm sorry, Your Honor, does the
19 language, "Of course," come -- comes straight out of the
20 case?
21 THE COURT: Yeah.
22 MS. RADOSTA: That just seems odd.
23 THE COURT: It is. Do you want to see it?
24 MS. RADOSTA: If I --
25 THE COURT: It goes down through those -- those six

1 areas of topic that you provide, and it's highlighted. And
2 then --

3 MS. RADOSTA: Right. And just for the sake of
4 argument, Your Honor, I do appreciate that the language, "Of
5 course," is in the holding of the case, but it seems to be
6 odd to put that in a jury instruction, even though it's
7 lifted straight from the case.

8 THE COURT: Yeah.

9 MS. RADOSTA: I think to just say, a visual
10 depiction need not involve all of those factors to be lewd
11 exhibition of genitals, would be sufficient.

12 THE COURT: Okay.

13 MS. RADOSTA: It's just -- I don't know why, it
14 reads very oddly to me as though --

15 MR. LOPEZ-NEGRETTE: It's undue emphasis

16 MS. RADOSTA: Yeah, undue emphasis, and as well as
17 if somebody wasn't thinking that, it's like, well, of course,
18 it is. I don't know, it seems to be --

19 THE COURT: Okay. I understand.

20 MS. RADOSTA: -- first and foremost, just
21 emphasize it.

22 THE COURT: Let me have that back, please.

23 MS. RADOSTA: Sorry. It's not my copy, I forgot.

24 THE COURT: Okay. All right.

1 State, do you have a position with that? Just, a
2 visual depiction need not involve all of these factors to be
3 lewd exhibition of genitals, the determination will have to
4 be made based on the overall content of visual -- just what's
5 your position?

6 MR. SWEETIN: You know, I'll submit it to the
7 Court.

8 THE COURT: Okay.

9 MR. SWEETIN: However, you know, I mean, if we're
10 taking words directly from the case, I mean, the distinctions
11 that are made, I think, would probably most closely --

12 THE COURT: It's at No. 35.

13 MR. SWEETIN: -- address what the law is.

14 THE COURT: Okay. It's No. 35, and I am going to
15 remove the words, "Of course" and just start with, "A visual
16 depiction need not involve all of those factors to be lewd
17 exhibition of genitals, determination will have to be made."
18 Okay?

19 THE COURT: Do you want a copy of it? All right.

20 THE CLERK: Yeah. [Inaudible].

21 THE COURT: Here.

22 THE CLERK: Thank you.

23 THE COURT: All right. So we'll just change that.
24 Okay?

25 MR. LOPEZ-NEGRETTE: Thank you.

1 MS. RADOSTA: Thank you.

2 THE COURT: And then the next one is, you had asked
3 for -- I mean, there was a definition that was offered by
4 defense with regards to prurient interest, and it's defined,
5 a prurient interest in sex is a shameful or morbid interest
6 in nudity, sex, or excretion.

7 And in the Shue case that I had cited earlier,
8 based on that, we added, or involving sexual responses over
9 and beyond those that would be characterized as normal.

10 MR. LOPEZ-NEGRETTE: I -- I would object to that
11 last part because I think that that gets very subjective, and
12 it kind of doesn't give very much guidance to the jury.

13 THE COURT: Okay.

14 MR. LOPEZ-NEGRETTE: I think if it just stops at
15 "excretion", I think that's the definition that we proposed.

16 THE COURT: I gotcha. I'm going to give the
17 instruction as they indicated with the Shue statement.

18 MR. LOPEZ-NEGRETTE: Okay.

19 THE COURT: Then you asked for a instruction on
20 nudity.

21 MR. LOPEZ-NEGRETTE: Right.

22 THE COURT: And your instruction read,
23 "Photographic depiction of nudity alone is not pornography."

24 MR. LOPEZ-NEGRETTE: Right.

25 THE COURT: And we had a lot of discussion about

1 that. And the position of the Court is that this is too
2 broad. So --

3 MR. LOPEZ-NEGRETTE: Right. And our position was
4 that this was necessary to have some limits or to give some
5 guidance to the jury, but that it obviously would work
6 together with the definition of lewd exhibition of genitals,
7 Instruction No. 35.

8 THE COURT: Okay. Then you offered some additional
9 instructions, pretend to agree, conspiracy, agreement, mere
10 presence. I believe that the instructions, there's a number
11 of them, with regards to conspiracy offered by the State,
12 that the instructions as a whole encompass the information
13 that's provided and requested by the defense in those two
14 instructions. So, I'm not giving those two.

15 Then there's a instruction the defense had asked
16 for accomplice distrust.

17 MR. LOPEZ-NEGRETTE: Right.

18 THE COURT: I am going to give a version of that,
19 but it's going to read, "When viewing the testimony of an
20 accomplice, you may not arbitrarily disregard such testimony,
21 but you should give it the weight to which you find it to be
22 entitled after examining it and care and caution in light of
23 all the evidence in this case." Okay?

24 MR. LOPEZ-NEGRETTE: On that one, obviously, our
25 main concern was the word "distrust".

1 THE COURT: Right.

2 MR. LOPEZ-NEGRETE: Obviously, the Court overruled
3 us on that.

4 THE COURT: Okay. And then you've also asked for
5 an instruction on benefits for testimony. I'm giving that
6 instruction in its entirety.

7 MR. LOPEZ-NEGRETE: Thank you.

8 THE COURT: Okay. Then there was one instruction
9 that read, this is basically the Tavares instruction.

10 MR. LOPEZ-NEGRETE: Right.

11 THE COURT: Involving how -- telling the jury how
12 to use the bad acts, and you were concerned with Number 3 on
13 that, and it's the -- the instruction starts, for the record,
14 "Evidence that the defendant committed offenses other than
15 that which was on trial if believed was received by you in
16 the course of this trial."

17 And then there is five specific categories. Number
18 three read originally, "Evidence that the defendant committed
19 sexual acts and took sexually oriented photographs of M.C.
20 beginning when she was approximately 11 years of age."

21 Your objection was, is that that had asked for the
22 Court to draw a legal conclusion that they had -- that your
23 client had committed these acts.

24 So what I'm going to do is, I agreed with the
25 defense, and so now it reads, "Evidence that defendant

1 committed sexual acts and took photos of M.C. beginning when
2 she was approximately 11 years of age" -- I'm sorry. It --
3 let me see how it reads. "Evidence that defendant committed
4 sexual acts and took photos of M.C., in a pose and what
5 appears to be with a sexual object beginning when she was
6 approximately 11 years of age." Okay?

7 And then that was the extent of them. You had also
8 asked the Court to give an instruction on child discipline.

9 MR. LOPEZ-NEGRETTE: Right.

10 THE COURT: Your instruction reads, "A parent who
11 disciplines a child in a physical manner does so lawfully if
12 he intended to correct or alter the child's behavior."

13 Inasmuch as that is not incorrect, for purpose of
14 -- in the manner in which it's written, I believe it is too
15 vague. And so I said I wouldn't give it. Did you come up
16 with an alternate term?

17 MR. LOPEZ-NEGRETTE: Yeah, it's not -- it's not
18 significantly different. We showed it to the State. I can
19 approach the Court --

20 THE COURT: Okay.

21 MR. LOPEZ-NEGRETTE: -- if the Court would like to
22 take a look at it.

23 Basically, it just says a parent may discipline a
24 child in a physical manner if he lawfully intends to correct
25 or alter the child's behavior.

1 MR. SWEETIN: Yeah, and the State made reference to
2 the fact that we don't think that that addresses the Court's
3 concerns at all, and we would still oppose it.

4 THE COURT: For the record, my concern was, is that
5 it -- it doesn't necessarily talk about what behavior we're
6 talking about. And my -- you know, somebody could read this
7 to believe that it's lawfully [sic] to discipline a child in
8 order to alter that child's behavior sexually.

9 MR. LOPEZ-NEGRETTE: I understand the Court's
10 concern.

11 THE COURT: And under the circumstances of this
12 case, I felt that this was -- it's too vague to --

13 MR. LOPEZ-NEGRETTE: From our perspective, I think
14 when we're talking about discipline, obviously, that means
15 not abuse, right?

16 And so we just want the jury to understand that in
17 Nevada, obviously, physical or corporal punishment is still
18 legal. Obviously, there's a limit which the parent can
19 cross. And so that's why we wanted to propose that
20 instruction.

21 And by saying that if he lawfully is correcting the
22 child's behavior, we believe that that addresses the concern
23 that that the child isn't being abused because then the
24 parent isn't breaking any laws.

25 THE COURT: Okay. So what you're saying is that,

1 is that the way we can move this is that if he lawfully
2 intends, and then it would be a question for the jury to
3 determine what he's doing, whether or not it was lawful?

4 MR. LOPEZ-NEGRETE: Right. Because I don't think
5 anyone's going to argue that, you know.

6 THE COURT: I don't know.

7 MR. SWEETIN: Well, we don't -- we don't --

8 THE COURT: I don't know. I -- Mr. Negrete, I
9 appreciate your optimism about that --

10 MR. LOPEZ-NEGRETE: Sure.

11 THE COURT: -- but I -- I can't see how the jury
12 when they read this may make the determination -- if we were
13 talking solely about physical abuse --

14 MR. LOPEZ-NEGRETE: Right.

15 THE COURT: -- that may not -- this may not be too
16 tough to give. But we're not talking about that. And in the
17 context of this case, abuse is alleged to be used in order to
18 -- and arguably, it did alter, arguably, Anita's behavior in
19 the sense where she became submissive to him.

20 MR. LOPEZ-NEGRETE: That's an argument.

21 THE COURT: I mean, that's -- so that's what's --
22 the concern I have, and then that could be --

23 MR. LOPEZ-NEGRETE: Right.

24 THE COURT: -- under this -- the way this is read,
25 it could be interpreted that that was legal.

1 MR. LOPEZ-NEGRETTE: Right. I understand that.

2 THE COURT: Okay.

3 MR. LOPEZ-NEGRETTE: I think one of the things that
4 we're thinking about is you have testimony, for instance,
5 from Officer Brinkley yesterday seeing Mr. Sena as an
6 assertive parent, maybe someone who could be described as a
7 drill sergeant, and that's lawful. And that's kind of the
8 thing that we wanted to -- to bring up.

9 THE COURT: Okay. All right. So do you have any
10 other instructions you propose, Mr. Negrete?

11 MR. LOPEZ-NEGRETTE: Court's indulgence. I think
12 that's it. Thank you, Your Honor.

13 THE COURT: Okay. All right. So 35, I've changed.
14 Okay? That's --

15 MR. LOPEZ-NEGRETTE: Right.

16 THE COURT: -- the one that is the -- it said, "Of
17 course."

18 MR. LOPEZ-NEGRETTE: Yeah.

19 THE COURT: So, I've changed that. All right. So
20 -- all right. So at this point in time, other than the
21 objection that you just raised with regards to the verdict
22 form, do you have any objection it be given in the manner
23 it's given?

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

25 THE COURT: Okay. All right. So with that being

1 -- are we ready to go, then?

2 (Court/Clerk conferring)

3 THE COURT: All right. Anything else? Anything
4 else we need to make a record of? Okay. All right. So just
5 we're waiting for the -- to get all these together, and so we
6 can give them out to the jury. Okay?

7 All right. So let's just go off the record. We'll
8 take a break. Okay.

9 (Court recessed at 12:44 p.m., until 12:53 p.m.)

10 (Outside the presence of the jury)

11 THE MARSHAL: All rise. You ready, Your Honor?

12 THE COURT: Yeah, go ahead and get the jury in.

13 THE MARSHAL: All rise for the presence of the
14 jury.

15 (In the presence of the jury at 12:55 P.M.)

16 THE COURT: All right. Everybody go ahead and have
17 a seat.

18 We're back on the record in the case of State of
19 Nevada versus Christopher Sena in C-311453. I'd like the
20 record to reflect the presence of the defendant and his
21 counsel, as well as the State and their counsel.

22 (JURY ROLL CALLED BY THE COURT)

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

25 MR. SWEETIN: Yes, Your Honor.

1 MS. RADOSTA: Yes, Your Honor.

2 THE COURT: Ladies and gentlemen, good afternoon.
3 I apologize for the wait. You have now in front of you a
4 copy of the jury instructions, what we've been dealing with.
5 That's why we've taken so long.

6 I'm going to read them to you, for the record. You
7 can follow along, if you'd like. You will have a copy of
8 those to be -- to take back with you in the jury deliberation
9 room, so you can look at them and use them when you're
10 deliberating. All right?

11 (COURT READS JURY INSTRUCTIONS TO THE JURY)

12 THE COURT: Ladies and gentlemen, as I indicated, I
13 wanted to charge you and get that done. And the parties --
14 we're not here Monday. We have a holiday.

15 So we're going to get started by -- I think we can
16 get started probably by 10:00 -- 10:00 o'clock on Tuesday.
17 The parties will then do their closing arguments and then it
18 will be submitted to you.

19 All right. Do you have any questions at this time?

20 All right. Ladies and gentlemen, I'm going to send
21 you home for the weekend. I hope you have a good weekend.

22 Once again, I'm instructed -- you're instruct not
23 to converse amongst yourselves or with anyone else on any
24 subject connected with this trial, or read, watch, or listen
25 to any report or commentary on the trial by any person

1 connected with this case by any medium of information,
2 including without limitation, newspapers, television, the
3 Internet, and radio.

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

7 You have to leave this here. Okay? You can't take
8 it with you. I know many of you probably want to study it,
9 but you can't. You can study it in the room back there.
10 Okay? All right.

11 Okay. Ten o'clock on Tuesday. Ya'll have a good
12 weekend. Okay?

13 THE MARSHAL: All rise for the departure of the
14 jury.

15 (Outside the presence of the jury at 2:46 P.M.)

16 THE COURT: Okay. We're outside the presence of
17 the jury. Is there anything that needs to be brought to the
18 Court's attention before we take our weekend?

19 All right. Okay. So officers, can you -- are we
20 done?

21 MS. SUDANO: Yes.

22 MR. SWEETIN: We are done, Judge.

23 THE COURT: Okay.

24 MR. SWEETIN: There was just one word missing out

1 of count 47, but I don't think it alters the substance of the
2 count. So, I think we're all right.

3 THE COURT: Are you sure it's missing or I just
4 didn't read it?

5 MS. SUDANO: No, it's missing.

6 THE COURT: Okay. All right. Well -- all right.
7 Think about it and then before we get started, I'll talk to
8 you on Monday on it. Okay?

9 MR. SWEETIN: Thank you, Judge.

10 THE COURT: All right. Guys, everybody have a good
11 weekend. Officers, can you have him here by 10:00?

12 THE CORRECTIONS OFFICER: Yes, sir.

13 THE COURT: All right. Thanks, guys.

14 MS. RADOSTA: Thank you.

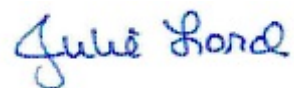
15 MS. SUDANO: Thank you.

16 THE COURT: All right. We're off the record.

17 (Court recessed at 2:47 P.M., until Tuesday,
18 February 19, 2019, at 11:04 A.M.)

* * * * *

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



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CHRISTOPHER SENA,) No. 79036
)
 Appellant,)
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 v.)
)
 THE STATE OF NEVADA,)
)
 Respondent.)
)

DARIN IMLAY Clark County Public Defender 309 South Third Street Las Vegas, Nevada 89155-2610 Attorney for Appellant	STEVE WOLFSON Clark County District Attorney 200 Lewis Avenue, 3 rd Floor Las Vegas, Nevada 89155 AARON FORD Attorney General 100 North Carson Street Carson City, Nevada 89701-4717 (702) 687-3538 Counsel for Respondent
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I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 20 day of May, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON FORD
ALEXANDER CHEN

WILLIAM M. WATERS
HOWARD S. BROOKS

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

CHRISTOPHER SENA, #1217884
HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NV 89070

BY /s/ Carrie Connolly
Employee, Clark County Public Defender's Office