

No. 79554

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**IN THE SUPREME COURT OF THE STATE OF NEVADA**

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**CHRISTIAN STEPHON MILES,**

*Appellant,*

**vs.**

**THE STATE OF NEVADA,**

*Respondent.*

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Appeal

From the Eighth Judicial District Court, Clark County  
The Honorable Mary Kay Holthus, District Court Judge

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**APPELLANT'S APPENDIX**  
**(Volume 5)**

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Las Vegas, Nevada, Thursday, April 4, 2019

[Case called at 11:35 a.m.]

[Outside the presence of the jury]

THE COURT: Hello. We're here outside the presence of the jury, are we on the record?

THE COURT RECORDER: We are, Judge.

THE COURT: What are we doing, folks?

MS. BECKETT: I was hoping, Your Honor, that I know that you wanted to give the Defendant an opportunity to listen to the redacted audio --

THE COURT: Okay.

MS. BECKETT: -- so I have copies of that, I have transcripts to go along with it. So I was hoping we could use this time to --

THE COURT: Okay.

MS. BECKETT: -- do that. Additionally -- we're on the record, yes?

THE CLERK: Uh-huh.

MS. BECKETT: Additionally, regarding the transcripts from the three hearings that Gabrielle King previously testified to, the State did review those. We redacted for any kind of Court commentary or any objections that were sustained, and we attached the front page, so we know the date of the hearing, and it is the complete -- the completeness of Gabrielle King's testimony for each of those three hearings.

So we are going to ask that those be marked --

1 MR. MILES: We're going to move to admit them as State's  
2 exhibits. And the Defense is going to have to live with the content that is  
3 in those transcripts. Because if he wants those hearings in then the  
4 content comes in. Because his impeachment -- part of his impeachment  
5 of Gabrielle King was her responses -- were bringing up things that  
6 normally aren't -- we don't share with the jury.

7 But her explanations when he was impeaching her have to  
8 do with him and his other girls that he had working for them. So if he's  
9 going to impeach the same way that he did in the evidentiary hearing or  
10 anything similar, then I'm entitled to ask questions as to how she  
11 explained her answers when she was being impeached.

12 THE COURT: Okay. Do you have copies of those for him and  
13 for me?

14 MR. MARTINEZ: Yes.

15 MS. BECKETT: Yes.

16 THE COURT: Okay. Do you understand what he's saying,  
17 Mr. Miles?

18 MR. MILES: I'm understanding what's he saying. I just want  
19 to review the transcripts first. Because actually --

20 MR. MARTINEZ: And this actually his job to do, since he's  
21 representing himself he should have done this already.

22 MR. MILES: I did --

23 MR. MARTINEZ: Since he was planning on admitting one  
24 page of a 73-page transcript, he should have gone through and done  
25 this. But it's the State's position that the whole thing is coming in, if he

1 wants to use a partial transcript.

2 THE COURT: Okay.

3 MR. MILES: And, Your Honor, I didn't know that I could  
4 actually redact the records and admit it into evidence if it's redacted. I  
5 thought we would have to --

6 MR. MARTINEZ: Well, you're representing yourself.

7 MR. MILES: -- all discuss that. Yeah. I thought we had to  
8 discuss that.

9 THE COURT: That's why I told you before you should have  
10 had a lawyer, but -- okay. So you take a look -- read those over and see if  
11 you're going to change your position on that. You guys are going to do  
12 the -- play -- I don't need to be here for that, do I?

13 MS. BECKETT: No.

14 THE COURT: Okay. All right. Then you guys take care of --  
15 check the --

16 MR. MILES: Do we have some headphones, Your Honor?

17 THE COURT: Pardon?

18 MR. MILES: Do we have some headphones or something,  
19 or --

20 MR. MARTINEZ: No. We're going to play it out loud --

21 THE COURT: They'll play it out loud.

22 MR. MARTINEZ: -- on the speaker phone.

23 THE COURT: Did you find that playback from yesterday?

24 THE CLERK: Yes.

25 MR. MILES: But --

1 THE COURT: Hang on --

2 MR. MILES: All right.

3 THE COURT: -- she's going to play you back where the  
4 witness acknowledged that she, at least on one occasion said, "I didn't  
5 have a gun -- a gun, a phone." I've been doing guns all morning.

6 MR. MILES: Can I get a -- can I get a pen, please.

7 [Pause]

8 MR. MILES: And the only reason why you're -- are we  
9 playing it to make a record of it, is -- I thought we made the record --

10 MS. BECKETT: We're going to follow long with the transcript  
11 to make sure it's consistent with what Judge Holthus ruled on.

12 MR. MILES: Okay. The reason why I didn't want to play it  
13 out loud, if we could just look at the transcripts, because I don't know  
14 who else is listening around right here, and you know all those --

15 THE COURT: There's nobody here. There's just the COs --

16 MR. MILES: None of the jury members or --

17 MR. MARTINEZ: No. They're not --

18 THE COURT: No, no, no.

19 MR. MARTINEZ: -- coming until 1:00.

20 MR. MILES: There might be some earlier jurors.

21 THE COURT: They aren't allowed in.

22 MR. MILES: I just think you'll probably be --

23 THE MARSHAL: I'm sure the door -- the door's locked.

24 MR. MILES: Oh, the door is locked.

25 THE MARSHAL: Yeah.

1 MR. MILES: You can't hear the audio outside the --

2 THE MARSHAL: No, you can't hear nothing. Even outside  
3 the door you can't hear anything.

4 MR. MILES: Okay.

5 THE COURT: This is just -- you can double -- normally, this  
6 would go to the attorney, and they would go back to their office and they  
7 would listen to it and say, yes, it comports, or no, it doesn't. But because  
8 you're representing yourself, we've had to make accommodations so --

9 MR. MILES: I would just -- I would just, if the State's willing  
10 to stipulate that, you know, admit this as an exhibit and say it's as is, as  
11 it's going to be presented to the jury, and --

12 THE COURT: What is?

13 MR. MILES: The statement.

14 THE COURT: Your statement?

15 MR. MILES: Because I want to take some of this time -- yeah.  
16 I really want to take some of this to prepare. So if they're willing to  
17 stipulate like, hey, we could admit this as is.

18 THE COURT: Here's the problem. What if there's a screw up  
19 in the tape, what if something wasn't redacted properly? It really needs  
20 to be --

21 MR. MILES: Well, I mean, they said they did the redactions,  
22 and it's as Your Honor --

23 THE COURT: You do the best you can, but there certainly  
24 have been times where mistakes, that they had probably had people  
25 technically that do it, and whatnot, so --

1 MR. MILES: Are you guys saying that -- did you guys listen  
2 to it?

3 MR. MARTINEZ: We're going to listen to it right now. It's  
4 your statement.

5 THE COURT: They're double checking it now too.

6 MR. MILES: I'll just stipulate, if there's something wrong  
7 then we'll -- I'll just stipulate, so --

8 THE COURT: Oh, I'm not going to mis-try this.

9 MR. MILES: Yeah. I'm not going to -- I'm not going to --

10 THE COURT: It's only about 40 minutes, just sit down and  
11 listen to it, it will be done before you know it?

12 MR. MILES: Can I just stipulate to the --

13 MR. BECKETT: No, you cannot. We have to listen to it, okay.  
14 You have all the time in the world to do whatever you were doing before.

15 MR. MILES: Okay.

16 MR. BECKETT: We're listening to it, and then you can do  
17 whatever you want to do.

18 THE COURT: You could sit there at your table and do  
19 something else, but they going play it out loud in front of you.

20 MR. MILES: All right.

21 THE CLERK: What are we listening to, the playback first, or --

22 THE COURT: Oh, do the playback first.

23 [Audio playback played from 11:42:04 a.m., paused at 11:42:21  
24 a.m.]

25 THE COURT: Listen to that, is that -- it will be at cross.



1 MR. MILES: No, direct --

2 THE CLERK: Cross -- on cross?

3 MR. MILES: Direct.

4 THE COURT: Direct --

5 MR. MILES: Yeah. It was involving direct examination.

6 THE CLERK: And this was --

7 MR. MARTINEZ: That was direct. So I think what you were  
8 looking for was what the Defendant impeached her with, that she  
9 acknowledged that she said something --

10 THE COURT: Right.

11 MR. MARTINEZ: -- in a hearing.

12 MR. MILES: Oh, I thought it was regarding -- it was several  
13 objections of playbacks. I have the notes here --

14 THE COURT: The only playback we talked about was, you  
15 kept asking her, didn't you say you didn't have a gun [sic throughout]  
16 when you left, or you did have a gun when you left --

17 MR. MILES: Phone.

18 THE COURT: And quite frankly she said -- a phone, gosh.  
19 And frankly, she said both. So that's what we were looking for.

20 THE CLERK: Okay.

21 [Court and clerk confer]

22 THE COURT: This doesn't need to be on the record at this  
23 point.

24 THE CLERK: Okay. You need me to --

25 MR. MARTINEZ: Right.

1 THE CLERK: -- get out of this program, right?

2 THE COURT: You can get out of this program, and just find  
3 what they want to hear.

4 MR. MILES: Your Honor --

5 [Recess at 11:43 a.m., recommencing at 12:35 p.m.]

6 THE MARSHAL: Department 18 is now in session. The  
7 Honorable Judge Mary Kay Holthus now presiding.

8 Please be seated, come to order.

9 [Outside the presence of the jury]

10 THE COURT: All right. Do we need to do anything?

11 MR. MARTINEZ: Once the jury gets in then we're going to  
12 move to admit our proposed 40, 41 and 42, which are the transcripts that  
13 we just discussed outside the presence of the jury.

14 THE COURT: Okay. Mr. Miles, you're good with them just  
15 moving them during your case, so that you can have access to those?

16 MR. MILES: I mean, if they want to move it in during when  
17 the jury is here, that's fine, with me.

18 THE COURT: Okay.

19 MR. MILES: And, Your Honor, is there any way it could be a  
20 little easier, maybe if I want to refresh recollection to actually like move  
21 the screen for the publishing, if it will be easier, so I don't have to go  
22 back forth. I mean, that would be way easier?

23 THE COURT: Well, not -- once these exhibits -- you mean to  
24 use these?

25 MR. MILES: Well, I'm not saying specifically for those yet.

1 I'll get to that, but I'm saying as far as like let's say I want the witness to  
2 see something --

3 THE COURT: Like what?

4 MR. MILES: And I'm trying to refresh your recollection. I  
5 look at you pausing this or pausing that, without showing it yet?

6 THE COURT: So what --

7 MR. MILES: If I wanted to just show the witness, instead --  
8 you know how sometimes you say, can you look over these documents,  
9 can you make sure they're a true and accurate copy, or something like  
10 that, or something of that nature. If I wanted to move the screen just to  
11 show her, would that be -- I'm just saying if there was an instance where  
12 I wanted to do that, would that be okay?

13 I'm just saying, because sometimes the, you know, the  
14 evidence is not admitted. I don't think I could just show evidence to the  
15 jury --

16 THE COURT: True.

17 MR. MILES: -- that hasn't been admitted into evidence?

18 THE COURT: That's true. So that's what I'm asking. What  
19 are you thinking you want to show?

20 MR. MILES: I'm not sure. I'm just going to go with whatever  
21 she testifies to, and just kind of --

22 THE COURT: Well, all of her statements are going to be in.  
23 So you'll be able to just put those on the screen if you want. Because  
24 once those have been moved into evidence and admitted, you could just  
25 put them right up there, and you could say, look right here, didn't you

1 say that? If there's something else I don't really know what you're asking  
2 me to -- turn what screen what way?

3 MR. MILES: I'm just saying, if it ever came to a point to  
4 where I wanted to do that, would that be okay?

5 MR. MARTINEZ: What screen are you talking about, is what  
6 she's asking?

7 MR. MILES: The publishing screen, the publishing screen.

8 THE COURT: Turn it what way?

9 THE CLERK: Are you talking about the Elmo?

10 MR. MILES: Yeah. The Elmo, yes.

11 THE COURT: That goes to the jury. See that big old screen  
12 up there? You mean --

13 MR. MILES: There's nobody --

14 THE COURT: -- you want to turn that so just -- yeah, no,  
15 that's too --

16 MR. MILES: Yeah. Okay. Okay.

17 THE COURT: We'll just keep doing it, the -- you know, you  
18 show it to the witness at the stand. Give it to the Marshal he'll show it to  
19 her. Like I said, if's already in evidence, put it right up there and  
20 everybody can see it. That's probably the cleanest best way for you to  
21 do it anyway, frankly.

22 [Pause]

23 THE MARSHAL: Are you ready?

24 THE COURT: Ready?

25 MR. MARTINEZ: Ready.

1 THE COURT: Ready?

2 MR. MILES: Sir -- yes, ma'am.

3 THE COURT: Ready.

4 THE MARSHAL: All rise.

5 [Inside the presence of the jury.]

6 THE COURT: Good afternoon, ladies and gentlemen.

7 Welcome back to Department 18. Do you want to bring the witness back  
8 on the stand.

9 MR. MARTINEZ: Your Honor, before Gabby gets on the  
10 stand, the State would just move to admit State's proposed 40, 41 and  
11 42. And for the record, it is Gabrielle King's testimony from a  
12 preliminary hearing Thursday, May 7th, 2015, at an evidentiary hearing,  
13 Friday, April 21st, 2017, and another evidentiary hearing Monday,  
14 January 29th, 2018.

15 It's her testimony in a transcript with the appropriate legal  
16 redactions, and we move the admission now, before we commence  
17 cross-examination.

18 THE COURT: Mr. Miles?

19 MR. MILES: No objection, Your Honor.

20 THE COURT: Okay. There being no objection transcripts  
21 admissible non-hearsay under NRS 51-035, they'll be admitted by  
22 agreement of the parties. And they've been reviewed. Is that correct by  
23 both?

24 MR. MILES: Yes, Your Honor. That's correct.

25 [State's Exhibit 40 through 42 admitted into evidence]

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[Pause]

THE COURT: All right. You may proceed, Mr. Miles.

MR. MILES: Okay. Do I have to -- am I recalling the witness, or does the witness just come up?

THE COURT: No, we should get that.

THE MARSHAL: Just watch your step.

THE COURT: I'll just remind you you're still under oath, okay.

GABRIELLE KING, STATE'S WITNESS, SWORN

CROSS-EXAMINATION CONTINUED

BY MR. MILES:

Q Good morning, Ms. King.

A Good morning.

Q Do you recall to what you testified to yesterday?

A Yes.

Q You did? Okay. Now let me ask you this, you've spoken to detectives in this case, didn't you?

A Yes.

Q Okay. And you do recall yesterday that you said you've been entirely truthful during this whole investigation of this case, didn't you?

A Yes.

Q Okay. And you do recall testifying that all the statements that you've made under oath have also been true and correct, didn't you?

1 A Yes.

2 Q Okay. Now can you tell me when you came into contact with  
3 Detective Gatus?

4 A When I went to juvi.

5 Q I can't hear you, can you please say --

6 A When I went to juvi.

7 Q When you went to juvi. Was that first time you talked to her?

8 A Yes.

9 Q What date was that?

10 A I don't remember.

11 Q You don't remember. Did you recall being arrested on  
12 February 13th --

13 THE COURT: Hold on.

14 BY MR. MILES:

15 Q -- 2015?

16 A Yes.

17 Q Okay.

18 A But that was not the time I talked to her, I talked to her like  
19 one or two days after that.

20 Q Okay. One or two days after that. Okay. And would it also  
21 be fair to say, since you didn't talk to her on February 13th of 2015, you  
22 didn't give her permission to view any of your property that day; is that  
23 correct?

24 A No.

25 Q Okay. Now do you recall making a recorded statement --

1 A Yes.

2 Q -- on March 4th of 2015?

3 A I don't remember the date.

4 Q You don't remember the date. Would it refresh your  
5 recollection if I showed you that today?

6 A Yes.

7 MR. MILES: Your Honor?

8 THE WITNESS: Thank you.

9 MR. MILES: Now can you please review those documents,  
10 and let me know when you've reviewed that statement, please?

11 [Witness reviews document]

12 THE WITNESS: I'm done.

13 BY MR. MILES:

14 Q Is that a true and accurate copy of your statement?

15 A Yes.

16 Q So you don't have any reason to believe why that wouldn't  
17 be a true and accurate copy, do you?

18 A Right.

19 MR. MILES: Your Honor, at this time I'll be moving to have  
20 her recorded statement move -- admitted into evidence.

21 MR. MARTINEZ: I'm sorry, Your Honor. I don't mean to  
22 interrupt, but that's not the proper way to introduce that as an exhibit, so  
23 we would object.

24 MR. MILES: Okay. I could lay some more foundation, Your  
25 Honor, if that would be okay?



1 THE COURT: I thought you were refreshing her recollection  
2 to find out the date?

3 MR. MILES: Well, the date, yes. But she said she didn't  
4 recall the statements, Your Honor.

5 MR. MARTINEZ: No, she didn't. She didn't say that, she said  
6 she didn't recall the date.

7 MR. MILES: Okay.

8 THE COURT: Correct.

9 BY MR. MILES:

10 Q Well, let me ask you this, Ms. King. Do you recall testifying  
11 for the State, on direct examination, that I recruited you to engage in  
12 prostitution, on Facebook?

13 A Yes.

14 Q What specifically did you say again, regarding that, the  
15 Facebook messages?

16 A That you wanted to pick me up so I can start working for you.

17 Q So you didn't say that -- something to the effect that I wanted  
18 you to be my prostitution, or I wanted you to be my girl, anything like  
19 that, you didn't testify to that?

20 A No.

21 Q Oh, no?

22 A No, I didn't.

23 Q Okay. So you didn't testify to anything for Mr. Martinez on  
24 direct examination, stating that I wanted you to engage in prostitution  
25 and message you on Facebook, you didn't say nothing like that?

1           A     I said you messaged --

2                     MR. MARTINEZ: Judge, I think that mischaracterizes her  
3 testimony.

4                     MR. MILES: Okay. I'll ask again, Your Honor, I'm sorry.

5 BY MR. MILES:

6           Q     So you testified for the State that I messaged you Facebook;  
7 isn't that correct?

8           A     Yes.

9           Q     So the only thing that you're alleging I messaged you on  
10 Facebook, was to pick you up from your home; is that correct?

11          A     What are -- what are you asking?

12          Q     I'm asking you, are you stating that I only text -- I only sent a  
13 message to you on Facebook regarding picking you up from your home;  
14 is that your --

15          A     Is this --

16          Q     -- testimony?

17          A     Is this the beginning, or the middle, or --

18          Q     At any point in time?

19          A     No. We text through text messages, Facebook.

20          Q     Okay. Well, tell me --

21          A     Calls.

22          Q     -- more about the Facebook messages? Tell me everything  
23 about those Facebook messages?

24          A     We only text through Facebook, in the beginning when we  
25 first met.

1 Q Okay. And what was that conversation?

2 A That you wanted to pick me up.

3 Q Okay.

4 A And basically start working for you.

5 Q And basically start working for you, what do mean  
6 "basically"?

7 A That was -- that was the whole why between us, that's what  
8 I'm saying. Like --

9 Q But I didn't state specifically that I wanted you, to --

10 MR. MARTINEZ: Well, Your Honor, I don't know that he can  
11 testify at this point. He can ask her questions --

12 THE COURT: That's correct.

13 MR. MARTINEZ: -- but he can't testify.

14 MR. MILES: Okay. Would it --

15 MR. MARTINEZ: And I apologize for the interruption.

16 BY MR. MILES:

17 Q Okay. Would it be fair to say that I didn't message you and  
18 say specifically that I wanted you to be my prostitute?

19 A Yes.

20 Q I didn't say that?

21 A It would be fair to say that.

22 Q Okay. Would it be fair to say that I didn't specifically text you  
23 and say that I seen you on Boulder and wanted you to work for me?

24 A Yes. It would be fair to say that.

25 Q Okay. And would also be fair to say that --

1 MR. MARTINEZ: I'm sorry to interrupt. I just want to make  
2 sure I'm understanding what the questioning is. Are we still talking  
3 about the Facebook messages, or are we just talking about all  
4 conversations?

5 MR. MILES: We're talking about the Facebook messages,  
6 Your Honor.

7 MR. MARTINEZ: Okay.

8 MR. MILES: Do I --

9 MR. MARTINEZ: I just wanted to make sure that that's --

10 THE COURT: Okay.

11 BY MR. MILES:

12 Q And for the record --

13 MR. MARTINEZ: -- where he was.

14 BY MR. MILES:

15 Q -- you were saying that I didn't make those statements to  
16 you, that was regarding the Facebook messages; is that correct?

17 A Right.

18 MR. MILES: Okay. Now, Your Honor, if I may publish?

19 THE COURT: What are you --

20 MR. MARTINEZ: This is --

21 THE COURT: -- publishing?

22 MR. MARTINEZ: Excuse me.

23 MR. MILES: State's Exhibit 40.

24 THE COURT: Okay.

25 MR. MILES: Preliminary hearing transcripts.

1 THE COURT: Yeah.

2 BY MR. MILES:

3 Q Okay. One more question before I get to that. Now would it  
4 be also fair to say that I didn't -- actually, let me rephrase that, Your  
5 Honor. Would it be fair to say that before you're alleging that I picked  
6 you up, the only conversations we had was on Facebook?

7 MR. MARTINEZ: Objection. That's been asked and  
8 answered.

9 MR. MILES: And what was the response, Your Honor.?

10 THE COURT: I'm going to let him ask it again, because it's --  
11 go ahead.

12 BY MR. MILES:

13 Q Now would it be fair to say -- I mean, you are alleging that I  
14 picked you up on the 8th, isn't that correct? Is that your testimony?

15 A No.

16 Q What's your testimony?

17 A I said yesterday that you picked me up before the 8th.

18 Q Before the 8th, okay. And that was the only time I picked you  
19 up?

20 A No. You picked me up on the 8th, as well.

21 Q Okay. On the 8th as well. Ok Now let's talk about those  
22 dates and those timeframes. Now you said I picked you up a couple of  
23 days prior to February 8th?

24 A Yes.

25 Q Now how are you alleging that we were communicating?

1 A Through Facebook.

2 Q Through Facebook?

3 A I just answered that.

4 Q Okay. And then on February 8th how were you alleging that  
5 we were communicating?

6 A Through Facebook.

7 Q And it was only through Facebook?

8 A Only through Facebook.

9 Q Okay. Only through Facebook. Okay.

10 Now we just heard testimony from you that it would be fair  
11 say that I didn't tell you on Facebook that I wanted you to -- that I seen  
12 you -- let me rephrase that.

13 We heard testimony from you that it would be fair to say that  
14 I didn't message you, and state that I see you working and that I wanted  
15 you to be my prostitution, that's what you said, it would be fair to say  
16 that.

17 Now I direct your attention to page 21. Now still showing  
18 you State's Exhibit 40. Now, Mr. Martinez, he asked you, "Did there  
19 come a point in time after that, when you were with the Defendant, that  
20 he explained to you what he wanted you to do"? Did he ask you that?

21 A Yes.

22 Q And when you said "point in time" that point, and timeframe  
23 was still between the timeframes we were discussing; is that correct?

24 A Yes.

25 Q Okay. So can you go ahead and read your response?

1           A     "No. He explained to me before we even met."  
2           Q     Okay. And then he asked you, "What was that;" isn't that  
3 right?  
4           A     "When was that?"  
5           Q     He asked you, "When was that;" is that correct?  
6           A     Right.  
7           Q     And your response was?  
8           A     "That was like a week before we met face-to-face."  
9           Q     Okay. And he asked you, "What did he say;" isn't that  
10 correct?  
11          A     Yes. He said --  
12          Q     And you told him?  
13          A     "He told me that he had seen me walking on Boulder and he  
14 wanted me to work for him."  
15          Q     And he asked you the word "work." What do you understand  
16 that to mean, when you say that?  
17          A     It means, to have sex with Johns and to give him my money.  
18          Q     Now hold on one second, Gabrielle. You just said, that it  
19 would be fair say, that I did message you on Facebook and make those  
20 statements?  
21          A     Right.  
22          Q     Now, you've made those statements in the preliminary  
23 hearing; isn't that correct?  
24          A     Right.  
25          Q     Now you testified that you've been entirely truthful during all

1 statements made under oath --

2 A Right.

3 Q -- isn't that right?

4 A Right.

5 Q That wasn't truthful, was it?

6 A When was this?

7 Q This was during the preliminary hearing.

8 A Which was how many years ago?

9 Q About --

10 MR. MILES: Is it okay if I represent to her, Your Honor, that  
11 these preliminary hearing transcripts were on May 7th, 2015?

12 THE COURT: Any objection?

13 MR. MARTINEZ: If that's what the transcript says, then that's  
14 the correct date.

15 BY MR. MILES:

16 Q Okay. So I represented you -- if I represented to you that  
17 these transcripts were on May 7th of 2015 --

18 A Uh-huh.

19 Q -- would you accept those representations?

20 A Yes.

21 Q Okay. So what was the -- I mean, excuse me.

22 A I was saying that --

23 Q Okay.

24 A -- that happened years ago --

25 Q Okay.



1           A     -- so I don't remember every single detail.

2           Q     Okay.

3           A     And I do not remember these questions. Now that I do  
4 remember them and you showed me them, then now it's a different  
5 answer.

6           Q     Now are these statements that I've stated for you on the  
7 record here, your statements regarding, what we've been discussing so  
8 far, are those truthful, yes, or no?

9           A     These are true.

10          Q     But you just stated -- that you did state that it would be fair to  
11 say that we did message each other regarding that?

12          A     I meant to say, I don't remember.

13          Q     But you didn't say that, did you?

14          A     I mean, can I change my answer?

15          Q     Is that what you want to do, do want to change --

16          A     Yes.

17          Q     -- your testimony?

18          A     These are true.

19          Q     Do you think that that's okay, just changing your testimony  
20 when you feel it's appropriate?

21          A     I mean, if I don't remember something that happened five  
22 years ago, then I feel like, yes, it's fairly that I can read back a little of  
23 what I said, and click in my head that I remember it, and yes, I want to  
24 change my answer --

25          Q     So you didn't --

1 A -- these are true.

2 Q You didn't testify that you did recall, did you?

3 A No, I didn't ask that.

4 Q Okay. So now all of a sudden, when I pointed these  
5 statements out for you, you don't recall?

6 MR. MARTINEZ: I'm just going to object that it's --

7 BY MR. MILES:

8 Q Isn't that right?

9 MR. MARTINEZ: -- argumentative, Your Honor.

10 BY MR. MILES:

11 Q Isn't that right?

12 A I recall it, yeah.

13 Q Oh, you recall it now. So which one is it, Ms. King? I'm kind  
14 of confused, because you had -- you testified that it would be fair to say  
15 that we didn't message each other regarding these alleged prostitution  
16 comments, and now you're trying to change your testimony; isn't that  
17 correct, to conform with the State?

18 MR. MARTINEZ: And, Your Honor, this has been asked and  
19 answered a few times now, regarding the Facebook messages. And so  
20 I'm just going to object, and I'm sorry to interrupt.

21 MR. MILES: What is his objection, Your Honor --

22 MR. MARTINEZ: That's been asked --

23 MR. MILES: -- for asked and answered?

24 MR. MARTINEZ: -- and answered a few times.

25 MR. MILES: Okay.

1 THE COURT: I'll give you a little more, and then move on.

2 MR. MILES: Okay.

3 THE COURT: Finish up with this area, okay.

4 MR. MILES: Okay.

5 THE COURT: She can answer that.

6 MR. MILES: And so I'll be honest, I lost my train of thought,  
7 now, with that. Hold on, Your Honor.

8 BY MR. MILES:

9 Q So, again, do you still have that statement over there,  
10 recorded statement from Detective Gatus?

11 A Yes, I do.

12 Q Okay. Now looking at that recorded statement. Now if you  
13 could turn to page 5, please. Okay. Now at some point in time during  
14 your recorded interview would it be fair to say that Detective Gatus  
15 asked you what room was allegedly obtained at the Suites?

16 A Yes.

17 Q Okay. She asked you which room you obtained at the Suites,  
18 okay. Now based on your testimony the room was obtained on February  
19 8th; isn't that correct?

20 A I don't remember.

21 Q You don't remember?

22 A No.

23 Q So is it your testimony that you didn't make those  
24 statements, or you just don't recall?

25 A I don't recall.

1 Q Okay. You don't recall.

2 MR. MILES: And, Your Honor, I would be moving, since the  
3 witness is testifying that she doesn't recall making these statements, I  
4 think that I would be moving to admit her recorded statement and use it  
5 as substantive and impeach evidence; at this time, Your Honor.

6 She testified that she can't recall making these statements.  
7 She's a declarant testifying at the trial. She's subject to cross-  
8 examination concerning the statement and it is inconsistent with her  
9 testimony, so I'll be moving to admit this as an exhibit, Your Honor.

10 MR. MARTINEZ: Well, I think she needs the opportunity to  
11 be able to review the transcript, to see if it refreshes her recollection. If it  
12 does refresh her recollection as to what she told Detective Gatus, then  
13 it's not to be moved into evidence.

14 MR. MILES: That --

15 MR. MARTINEZ: So we're not at that point, yet,  
16 unfortunately. So I think the proper procedure is to ask if she can review  
17 whatever portion of the statement that she gave to Detective Gatus, if  
18 that refreshes her recollection.

19 MR. MILES: And --

20 MR. MARTINEZ: And if does, then she can acknowledge that  
21 she said those things. But that's order, and that's the rules that we have  
22 to follow.

23 MR. MILES: And, Your Honor, I think I did set the foundation  
24 and ask her if she could review that, and if there was a recorded -- if she  
25 could review her recorded statement and -- I thought the foundation for

1 that was said. But if the State is objecting to that I don't mind setting a  
2 foundation again, if -- Your Honor.

3 THE COURT: Lay the foundation.

4 MR. MILES: Okay.

5 THE COURT: Please.

6 BY MR. MILES:

7 Q So would it be fair to say that during your recorded  
8 interview --

9 MR. MILES: Court's indulgence, Your Honor.

10 BY MR. MILES:

11 Q Would it be fair to say that during the recorded interview you  
12 told Detective Gatus, quote:

13 "We had went to um, the Suites. And no, first we had to drop  
14 Porsha, well, we didn't drop her off, but we had drove Porsha  
15 to one of her out calls, and I think it was a hotel or  
16 something. I forgot the hotel, but we had to wait in the car  
17 until she was done. And she was done, and then we drove  
18 back up to the Suites, and of course she had bought the  
19 room, and I had to grab my bag and stuff, and he was like,  
20 'Oh, you're going to be sleeping here tonight.'"

21 Did you state that to the detective?

22 A Yes, I did.

23 Q Okay. You stated that to the detective. And do you recall her  
24 asking you, "Did he tell you what you were going to be doing here"?

25 A Yes.

1 Q Okay. And what was your answer to that question?

2 A Yes.

3 Q It was, yes? Okay.

4 MR. MILES: And, Your Honor, I don't think that -- that  
5 actually misrepresents the document itself, so I'm going to say that's  
6 inconsistent with her testimony, because that's not what I see on here.

7 THE COURT: You haven't laid the foundation yet.

8 MR. MILES: Okay.

9 BY MR. MILES:

10 Q So is there any reason to believe why you didn't say, "Yes"?

11 A Well, can you ask the question again?

12 Q If Detective Gatus was to ask you, did he tell you what you  
13 were going to be doing there, is there any reason to believe why you  
14 wouldn't have said, yes?

15 MR. MARTINEZ: Your Honor, I'm sorry to interrupt. I think  
16 the Defendant can ask her if she said, such and such on page 5 of the  
17 transcript --

18 THE COURT: Right.

19 MR. MILES: Oh, that is -- that's what --

20 MR. MARTINEZ: And she can acknowledge that she said  
21 that, or that she didn't. This isn't --

22 THE COURT: Right.

23 MR. MARTINEZ: -- the appropriate way to do it. And I  
24 apologize for interrupting.

25 MR. MILES: Okay.

1 THE COURT: I'm not entirely sure what question you're  
2 asking her?

3 MR. MILES: Okay. Because, Your Honor, we just heard  
4 testimony from her that she said, "yes," and I said that doesn't actually  
5 represent the statement itself, her statement itself.

6 THE COURT: Well, ask her whatever the statement actually  
7 says, and ask her if she said that.

8 MR. MILES: Okay.

9 BY MR. MILES:

10 Q Now if Detective Gatus -- I mean, if Detective Gatus ask you,  
11 "did he tell you what you were going to be doing there," and you said,  
12 "Huh-uh," would that be correct?

13 A Yes.

14 Q Okay. Now if Detective Gatus was to ask you thereafter, at  
15 any point in time, up to then, did he tell you, you were going to be  
16 working as a prostitution for him, is there any reason to believe why you  
17 wouldn't have said, no?

18 A I said, "No."

19 Q Okay.

20 A It says it right here.

21 Q Okay. Okay, you said, "no"?

22 A Right.

23 Q And when she said, "any point in time," that was when the  
24 room was allegedly obtained; isn't that correct?

25 A Yes.

1 Q Okay. And you did testify for Martinez that the room was  
2 obtained at the Suites, February 8, 2015; isn't that your testimony?

3 A Yes.

4 Q Okay. So explain that to me, Gabrielle King, because I'm  
5 having a hard time understanding this. You said you were entirely  
6 truthful during this investigation. You stated to detective that I didn't tell  
7 you, you was going to working as prostitute, when the -- up to the time  
8 the room was obtained.

9 This is not making sense, can you explain this for me?

10 A When -- before you met me you seen me walking, that's how  
11 you -- you got in contact with me, found me on Facebook, or whatever.  
12 You messaged me saying, "I seen you walking, what's up?" In my mind  
13 I'm already knowing what -- like what you want from me, I'm already  
14 knowing.

15 So like now, when she's interviewing me and stuff, no, I don't  
16 remember everything that I said, because this happened five years ago.  
17 And now that I'm reading back over this, all of this stuff happened.

18 So your question is like, for you, like -- like be real with yourself,  
19 like --

20 Q I don't understand that you said this happened five years  
21 ago, I'm referring -- this recorded statement that you had, it was on  
22 March 4th of 2015; isn't that correct?

23 A Yes.

24 Q Okay. And it's 2019 --

25 A And I was 16 years old.



1           Q     Okay. It's 2019, at this point; is that correct? So your  
2 recorded statement wasn't five years ago, was it?

3           MR. MARTINEZ: Your Honor, I'm just going to object that it's  
4 kind of getting argumentative at this point, whether it's four years or five  
5 years.

6           MR. MILES: She testified, Your Honor, and said this stuff  
7 was five years ago. But in the transcript --

8           THE COURT: You did.

9           MR. MILES: -- but the transcript is not --

10          THE COURT: You did.

11          MR. MILES: -- five years ago, Your Honor. So I'm --

12          THE COURT: Go ahead.

13          MR. MILES: -- cross-examining her --

14          THE COURT: Overruled.

15          MR. MILES: -- on that issue.

16          THE COURT: Go ahead, it's overruled.

17          MR. MILES: Okay.

18 BY MR. MILES:

19          Q     Now based on your alleged version of events I didn't tell you,  
20 you was going to be working as a prostitution in the room that was  
21 obtained; isn't that right?

22          A     Right.

23          Q     Okay.

24          MR. MILES: The Court's indulgence, Your Honor.

25                               [Pause]

1 BY MR. MILES:

2 Q Okay. Now you did testify for the State, Mr. Martinez.

3 MR. MILES: The Court's indulgence, Your Honor.

4 BY MR. MILES:

5 Q Okay. So during direct examination by Mr. Martinez you  
6 testified for Mr. Martinez that I sent you specific text messages on  
7 specific dates; isn't that correct? Do you recall?

8 A Correct.

9 Q Do you recall that? Okay. And do you recall Mr. Martinez  
10 asking you if I sent you a message asking --

11 MR. MILES: The Court's indulgence.

12 BY MR. MILES:

13 Q Do you recall testifying for Mr. Martinez that I sent you a text  
14 message saying, "You got an out call"?

15 A Correct.

16 Q And then you did testify for the State, during cross-  
17 examination, that that alleged text message was sent on February 10th,  
18 isn't that correct?

19 A Correct.

20 Q Okay. Let me ask you this, Gabrielle. We heard testimony  
21 from you that you testified that you did not have a phone between the  
22 dates of February 8th through February 13th of 2015. So how could that  
23 text message could have been sent if you didn't have a cellular phone?

24 A Obviously I had a phone if they can pull up the text  
25 messages.

1 Q I mean, you testified that you didn't have a phone --

2 A We went --

3 Q -- at that time?

4 A -- over this yesterday.

5 Q This -- I didn't cross-examine you on this specific text  
6 message, Gabrielle.

7 A I said I did not -- I had a non-working phone.

8 Q A non-working phone on February 10th of 2015?

9 A I had a phone, but it was not working --

10 Q Okay.

11 A -- so that's why I said I did not have a phone.

12 Q Okay. So on February 10th you had a phone that was not  
13 working, okay.

14 MR. MILES: The Court's indulgence.

15 [Pause]

16 BY MR. MILES:

17 Q In the -- between those timeframes -- well, between the  
18 timeframes of February 8, 2015 and February 13th of 2015 you only had  
19 one cell phone; is that correct?

20 A No, I had two.

21 Q You had two, okay.

22 MR. MILES: I'm still publishing the preliminary hearing  
23 transcript, Your Honor.

24 THE COURT: Okay.

25 MR. MILES: The Court's indulgence. And for the record,

1 Your Honor, I'm grabbing a piece of paper, so only specific portions of  
2 her testimony could be shown at this time.

3 MR. MARTINEZ: I'm sorry, what was that?

4 MR. MILES: I'm just, so it would be easier to, is that okay  
5 which you, or --

6 MR. MARTINEZ: I don't know what you're asking, I'm sorry.

7 MR. MILES: Go like this and make sure --

8 THE COURT: You're fine. You're fine.

9 MR. MILES: Is that fine?

10 THE COURT: I said it's fine.

11 [Pause]

12 BY MR. MILES:

13 Q Mr. Martinez asked you, "who is staying with you in the  
14 Suites? You said you spent the night with the Defendant, was there  
15 anybody else that was staying there with you?" And was your  
16 testimony, "no, just me and him," was that your testimony?

17 A Correct.

18 Q Okay. Let me ask you, so the next day, what happened after  
19 you guys woke up. Can you read what your testimony was?

20 A "We went to go get a phone because I didn't have one at the  
21 time."

22 Q Oh.

23 A "And then processed some type of texting, so -- where the  
24 clients could text my phone, but he will also get the text, and would reply  
25 to them."

1 Q Okay. So you testified that at that point in time you didn't  
2 have a cellular phone; isn't that correct?

3 A I just said I had two phones.

4 Q You testified during the preliminary hearing that you only  
5 had one cellular phone at that time; isn't that correct?

6 A Where did it say that?

7 Q Didn't you testify -- didn't you testify, "We went to get me a  
8 phone because I didn't have one at that time"?

9 A But I didn't say that I did not also have a phone.

10 Q I'm sorry what did you --

11 A What is your question, like --

12 Q My question is, you testified that we went to get me a phone,  
13 because I didn't have one at the time.

14 A Right.

15 Q Okay.

16 A And I just told you, that me not saying that I don't have a  
17 phone, which doesn't mean that I don't have a phone, I have a phone, it's  
18 just not working. So when he said, "did you have at that time," I told him  
19 no.

20 Q I'm not understanding this testimony, Gabrielle, because --  
21 I'm not understanding this. Because I just asked you probably about five  
22 minutes ago -- I mean, you testified about probably five minutes ago that  
23 on February 10th you didn't have a working phone, that was your  
24 testimony; isn't that correct?

25 A Right.

1           Q     Okay. Then you testified during that same cross-examination  
2 that -- I mean, during that same cross-examination that you testified for  
3 the State --

4                   MR. MILES: Excuse me, Your Honor, I'm getting confused  
5 here with this testimony, I'm sorry.

6                   THE WITNESS: I'm getting confused.

7 BY MR. MILES:

8           Q     Yeah. I'm getting confused too. You testified that you had  
9 two cellular phones; isn't that correct?

10          A     Correct.

11          Q     But you didn't have two cellular phones, did you?

12          A     I did, I just said that.

13          Q     Well, what models were those phones, Gabrielle?

14          A     The first phone doesn't matter. The phone that you bought  
15 me was the LG.

16                   MR. MILES: Can you direct the witness, Your Honor, to  
17 answer the question, please.

18 BY MR. MILES:

19          Q     The question was, what were the models of those phones?

20          A     I just told you, the first phone doesn't matter, because that  
21 was my own personal phone --

22                   THE COURT: Okay. What was the model of the first phone?

23                   THE WITNESS: It was a Galaxy.

24 BY MR. MILES:

25          Q     And what was the model of the second phone?

1 A An LG.

2 Q An LG. So the LG phone was the phone that wasn't --

3 A You bought me.

4 Q -- functional?

5 A No, it was functional.

6 Q Didn't you testify for the State during direct examination that  
7 the phone I bought you was a Galaxy phone?

8 MR. MARTINEZ: No, Your Honor --

9 THE WITNESS: Yes.

10 MR. MARTINEZ: -- that mischaracterizes her testimony --

11 THE WITNESS: LG.

12 MR. MARTINEZ: -- she said that it was the LG --

13 THE WITNESS: LG exactly.

14 MR. MARTINEZ: -- phone and that it was white.

15 MR. MILES: Your Honor, specifically, and I have these in my  
16 notes, if we want run back the record, she said the phone that was  
17 bought for her was a Galaxy model phone, and that was her testimony,  
18 Your Honor. So if the State's objection is that -- we could run back the  
19 record that was her testimony.

20 THE COURT: Ask her what the testimony was?

21 BY MR. MILES:

22 Q Was it your testimony, during direct examination by the  
23 State, that I bought you a Galaxy model phone?

24 A It was an LG phone that you bought me.

25 Q So you're saying you did testify for the State that I bought

1 you a Galaxy model phone --

2 A When he showed --

3 Q -- yes, or no?

4 A -- me the pictures on the screen, it was a white LG. He said,  
5 "is that the phone that he bought you," and I said, "yes."

6 Q So there's no reason to believe why, if we play back that  
7 record, you would have testified that the model phone I bought you was  
8 a Galaxy phone?

9 A I probably did say that. But when he clarified that the LG in  
10 that picture was the phone, then I remembered that was the phone. It  
11 wasn't no Galaxy, it was nothing, it was cheap LG phone.

12 MR. MILES: Okay. Court's indulgence, Your Honor.

13 BY MR. MILES:

14 Q Now when the State was showing you State's Exhibit 6,  
15 would you accept my representations to you that Exhibit 6 were text  
16 messages?

17 A What, sorry?

18 Q Would it -- would you accept my representation is that the  
19 State's Exhibit 6 was text messaging?

20 A Yes.

21 Q Okay. So these alleged text messages weren't testified, were  
22 they?

23 MR. MARTINEZ: I'm sorry, Your Honor, I don't understand  
24 that question.

25 THE COURT: I --



1 BY MR. MILES:

2 Q Was these text messages testifying under oath, or were you  
3 testifying under oath?

4 A I was testifying under oath.

5 Q Okay. You were testifying under oath, okay. So you're not a  
6 custodian of records are you? You're not the custodian of records for  
7 these text messages, are you?

8 A I don' t know what that means.

9 Q Did you retrieve these text messages off an LG cellular  
10 phone? Did you retrieve any text messages from any phone?

11 A But the phone that you bought me, that phone right there.

12 Q Did you retrieve any text messages from any cellular phone  
13 in this case?

14 A I don't understand, what are you saying? Did I retrieve text  
15 messages from that phone?

16 Q Did you do any type of data extraction to retrieve text  
17 messages from a cellular phone?

18 A No.

19 Q Okay. No, you didn't. So you were the only one that was  
20 testifying to the truthfulness of the documents; isn't that correct?

21 A Right.

22 Q So nobody else was testifying to the truthfulness of those  
23 documents?

24 A Right.

25 Q Let me ask you this, do you know if that cell phone is

1 currently functional?

2 A To -- at this time?

3 Q Yeah. At this time?

4 A No, I don't know.

5 Q Yeah, okay. How many times have you talked to Mr.

6 Martinez during this case?

7 A A lot of times.

8 Q A lot of times. So you had time to go over your testimony  
9 with Mr. Martinez; haven't you?

10 A Yes.

11 Q Okay. And during those times you was going over your  
12 testimony with Mr. Martinez he told you exactly what, you know, to say  
13 for the case; is that correct?

14 MR. MARTINEZ: Objection.

15 THE WITNESS: No.

16 THE COURT: It's a fair question.

17 BY MR. MILES:

18 Q He did?

19 A No.

20 Q He didn't, okay. But you guys went over trial strategy, isn't  
21 that correct?

22 A No.

23 Q You didn't go to trial strategies. Okay. What did you guys  
24 discuss?

25 A The case, what are you --

1 Q The case? Did you guys --

2 A We discussed -- he gave me a packet of my testimony --

3 Q Okay.

4 A -- which I didn't read over and nothing, and I already  
5 remember what happened. Like I already -- I don't know every single  
6 detail that happened, but overall I know what happened, so I didn't have  
7 to go over it. He didn't say, oh, say this, or nothing like that. So what is  
8 your question?

9 Q My question is this. You were under oath when you made all  
10 these statements, weren't you?

11 A Correct.

12 Q Okay. You were required to tell the truth, weren't you?

13 A Correct.

14 Q Okay. So I'm not understanding the testimony, Gabrielle,  
15 because you're testifying to a version of events that are the same version  
16 of events reflected on these transcripts; isn't that correct?

17 A Correct.

18 Q So let me understand something, based on your version of  
19 events during this cross-examination you didn't have a functional  
20 cellular phone February 10th of 2015?

21 MR. MARTINEZ: Objection. Asked and answered.

22 THE COURT: Okay. No, I'm sustaining it.

23 MR. MILES: Okay. You're sustaining --

24 THE COURT: That's enough.

25 MR. MILES: -- the objection, Your Honor. Okay. Now -- the

1 Court's indulgence, Your Honor.

2 [Pause]

3 BY MR. MILES:

4 Q Now I'm going to show you your testimony, State's exhibit --

5 MR. MARTINEZ: Uh-huh.

6 MR. MILES: I'm sorry, this doesn't have -- excuse me. This is  
7 my copy, sorry.

8 [Counsel confer]

9 BY MR. MILES:

10 Q Okay. Do you recall testifying at an evidentiary hearing on  
11 January 29th of 2018?

12 A I don't remember the date.

13 Q You don't remember the date. Do you remember all the  
14 specific testimony, during that day?

15 A Specific testimonies?

16 Q Do you remember all the specific testimony of the version --

17 A Yes. Yes.

18 Q -- you mentioned during that?

19 A Yes.

20 Q You do?

21 A Yes.

22 Q Okay.

23 MR. MILES: The Court's indulgence, Your Honor.

24 BY MR. MILES:

25 Q Now during this hearing --

1 THE COURT: Mr. Miles, if you're showing an exhibit, could  
2 you just for the record tell us --

3 MR. MILES: Okay.

4 THE COURT: -- what it is?

5 MR. MILES: Now for the record I'm showing State's Exhibit  
6 42.

7 THE COURT: Thank you.

8 MR. MARTINEZ: Which page?

9 MR. MILES: This would be page 25.

10 BY MR. MILES:

11 Q Now, I asked you during that hearing: Now looking at what  
12 given to you to refresh your memory, would you say the day that you  
13 were with Durrell, what" -- sorry, Your Honor. I asked you: "Now  
14 looking at what given to you to refresh your memory, what would you  
15 say was the day that you were will Durrell?" Can you read your  
16 response?

17 A "February 10th."

18 Q February 10th, okay.

19 MR. MILES: The Court's indulgence, Your Honor.

20 BY MR. MILES:

21 Q Now I also asked you, "Okay. So would it be fair to say that  
22 since you were with him on February 10th, that you were also with him  
23 on February 11th, also of 2015?" And you went on to state that, "I only  
24 spent a day with him. I wasn't with him for that long;" isn't that correct?

25 A Correct.

1 MR. MILES: Okay. The Court's indulgence.

2 BY MR. MILES:

3 Q And then you state, "I mean, I asked you, you said a day and  
4 a half, correct?"

5 MR. MILES: Oh, excuse me, Your Honor, I'm trying to find it.

6 THE WITNESS: Correct.

7 BY MR. MILES:

8 Q I asked you -- you said a date --

9 MR. MILES: Oh, excuse, Your Honor. And for the record I'm  
10 still referring to State's Exhibit 42, page 26. I asked you, you said, "a day  
11 and a half, correct? "

12 A Correct.

13 Q And you stated -- what was your testimony, when I asked  
14 you that question?

15 A "Yes. When was the date" -- or what? "Yes. When was the  
16 day that I had got locked up, the 12th?"

17 Q And then I represented to you that you got locked up on  
18 February 13 of 2014; isn't that correct?

19 A Right.

20 Q And then your response was?

21 A "Okay. So, yes, the 11th."

22 Q And then you further responded?

23 A "Half of that day."

24 Q Okay. Now I'm going to direct your attention to page 34, of  
25 State's Exhibit 42. Now State's Exhibit 34 -- I mean State's Exhibit 42,

1 page 34, and I'm going to direct your attention to line 10. So Mr.  
2 Martinez asked you, so -- I mean, he asked you, "did you spend the  
3 whole day, like every minute with Durrell, the time that you were with  
4 him, or did you come and go?" What was your testimony when Mr.  
5 Martinez asked you that question?

6 A "I spent the whole day."

7 Q Okay. You spent the whole day.

8 MR. MILES: The Court's indulgence, Your Honor.

9 BY MR. MILES:

10 Q Now I'm going to direct your attention to --

11 MR. MILES: The Court's indulgence, Your Honor.

12 THE COURT: Sure.

13 [Pause]

14 BY MR. MILES:

15 Q Now, Mr. Martinez, I'm still --

16 MR. MILES: Excuse me, Your Honor, I'm going to direct your  
17 attention back to State's Exhibit 42, Bates 33.

18 BY MR. MILES:

19 Q Mr. Martinez did ask you during that day, "so he was able to  
20 contact you, even though you weren't by his side, and you were with  
21 Durrell and J.J.; is that right?" And you testified?

22 A "Yes."

23 Q Okay. Are you bored right now, Ms. King?

24 A No, I'm just tired.

25 Q You're tired?

1           A     Okay.

2           Q     Now let's talk about something. How many interviews do  
3 you recall having with Detective Gatus?

4           A     I don't remember.

5           Q     You don't remember. Do you remember how many times  
6 she recorded your interviews?

7           A     No, I don't.

8           Q     No, you don't.

9                   MR. MILES: The Court's indulgence.

10          BY MR. MILES:

11           Q     Now there wasn't at any point in time during any of your  
12 interviews that you have with the detective, that you told her I was  
13 driving in a silver convertible car; isn't that correct?

14           A     Correct.

15                   MR. MILES: Okay. The Court's indulgence.

16          BY MR. MILES:

17           Q     Now you did testify at the preliminary hearing, regarding the  
18 "text now application number," didn't you?

19           A     Correct.

20           Q     Okay. And during that hearing, when you testified to that  
21 "text now" number, was that a true and accurate number?

22           A     Correct.

23           Q     Okay. And that "text now" number that you were testifying  
24 for the State --

25                   MR. MILES: Excuse me, Your Honor.



1 BY MR. MILES:

2 Q Actually, the text number that you were testifying to during  
3 the preliminary hearing testimony, that was based on the number you  
4 had in the alleged LG cellular phone; isn't that correct?

5 A Correct.

6 Q Okay. Now having --

7 MR. MILES: Actually, Your Honor, I'm moving on.

8 BY MR. MILES:

9 Q Now would it be fair to say that you never at any point in  
10 time during any other interviews with the detectives, tell her that I pulled  
11 over to the side of the road and cut your GPS off?

12 A No, I did not say that.

13 Q Okay. You didn't say that. Or you didn't state that to the  
14 detective; isn't that correct?

15 A I didn't say that, period.

16 Q Okay. You didn't say that, period. Okay. Now --

17 MR. MILES:

18 MR. MILES: The Court's indulgence.

19 BY MR. MILES:

20 Q Now, you also had never --

21 MR. MILES: I mean, excuse me, Your Honor.

22 BY MR. MILES:

23 Q You also -- I mean, would it be fair to say that you also never,  
24 at any point in time, during any of the interviews with the detective, tell  
25 her that I drove other prostitutes around?

1           A     Yes. I did say that.

2           Q     You did say that?

3           A     Yes.

4                     MR. MILES: The Court's indulgence.

5 BY MR. MILES:

6           Q     And again, you've been entirely truthful during your  
7 testimony, during the evidentiary hearings; is that correct?

8           A     Right.

9           Q     Okay. I'm going to direct your attention, again, back to  
10 State's Exhibit -- States Exhibit 41, for the record, page 88. Now you  
11 testified at that hearing, I asked you: "Would it also be fair to say that  
12 you never at any point in time, during any interview with the detective,  
13 tell her I drove other prostitutes around, and you testified, yes, is that  
14 right?

15          A     Uh-huh.

16          Q     Okay.

17                     MR. MILES: The Court's indulgence.

18 BY MR. MILES:

19          Q     Now you also testified at the preliminary hearing --

20                     MR. MILES: The Court's indulgence.

21 BY MR. MILES:

22          Q     You also testified at the preliminary hearing --

23                                     [Counsel confer]

24                     THE COURT: Are those the original exhibits there?

25                     MR. MILES: These are the originals on this side, Your Honor.

1 THE COURT: You aren't writing on them, right?

2 MR. MILES: No, I wasn't. The Court's indulgence. One  
3 minute, Your Honor, the Court's indulgence.

4 THE COURT: Sure. Do you have a copy you can write on, if  
5 you need it?

6 MR. MILES: Well, I'm trying to look for -- there's a lot of  
7 paperwork going on here. And for the record, I'm sorry for any  
8 inconvenience it's causing for the Court.

9 BY MR. MILES:

10 Q Now you also testified at the preliminary hearing to the  
11 number of your LG cellular phone; is that correct?

12 A Correct.

13 Q I couldn't hear your response; what was that?

14 A Correct.

15 Q Okay. Now during that hearing Mr. Martinez -- I mean,  
16 excuse me, counsel for me asked you, "what number did you use to text  
17 him, which I'll represent to the Court was referring to J.J.," and you  
18 testified?

19 A "The number that my phone was."

20 Q And you were asked, which was? And your response?

21 A 517-1020.

22 Q Okay.

23 MR. MILES: The Court's indulgence.

24 BY MR. MILES:

25 Q Now during your interviews with detective, would it be fair to

1 say that you -- I'm going to actually -- actually, I'll withdraw that  
2 question.

3 Now you were on probation between the timeframes of  
4 February 1st through February 13th of 2015, right?

5 A Correct.

6 Q Okay. And at some point you got arrested?

7 A Correct.

8 Q Okay. And where was that at?

9 A At Arizona Charlies.

10 Q Arizona Charlies. Okay. Tell me a little bit about that, who  
11 were you with?

12 A My friend.

13 Q With your friends, who was your friends?

14 A Nana.

15 Q How do you know Nana?

16 A She's an old friend from school.

17 Q She's an old friend from school. Do you still talk to Nana to  
18 this day?

19 A No, not really.

20 Q Not really?

21 A No.

22 Q Or you don't talk to her?

23 A I talk to her off and on.

24 Q You talk to her off and on, okay. Now during that arrest --

25 MR. MILES: Actually, the Court's indulgence.

1 BY MR. MILES:

2 Q At some point in time, during the timeframes of -- I mean,  
3 during the arrest, did you tell the -- your probation officer that you was  
4 kidnapped?

5 A No.

6 Q You didn't tell him he was kidnapped?

7 A No.

8 Q So at no point in time -- would it be fair to say that at no  
9 point in time during this case you told the detectives that you were  
10 kidnapped?

11 A No.

12 Q So, no, you didn't tell them you were kidnapped?

13 A No. I did not tell them that I was kidnapped.

14 Q Okay. So we heard testimony from you that -- we heard  
15 testimony from you that on February 10th, 2015 you didn't have a  
16 working phone. So would it also be fair that say that during the  
17 timeframes of February 11, 2015, you also didn't have a working phone,  
18 also?

19 A No.

20 Q No, you didn't have a working phone?

21 A No, I did have a working phone.

22 Q You did have a working phone?

23 A Yes.

24 Q Okay. So the point in time that you had a working phone  
25 was February; isn't that correct?

1           A     Right.

2           Q     Okay. So your testimony is from February 1st through  
3 February 10th you didn't have a functional phone, right?

4                   MR. MARTINEZ: That mischaracterizes her testimony, Your  
5 Honor.

6 BY MR. MILES:

7           Q     Well, from February 1st, 2015 through February 8th of 2015,  
8 you also didn't have a working phone, did you?

9           A     I did have a phone, but it was not working, correct.

10          Q     But it wasn't working, okay. Now --

11                  MR. MILES: The Court's indulgence.

12 BY MR. MILES:

13          Q     Now is there any reason to believe why you didn't give  
14 truthful testimony during my cross-examination?

15          A     It was truthful --

16          Q     Okay.

17          A     -- but the dates were -- I don't remember the dates.

18          Q     So you don't remember any of the dates in this case, do you?

19          A     No, not really.

20          Q     So when Mister --

21          A     But the date that I got locked up.

22          Q     Okay. So when Mr. Martinez was asking you specific  
23 questions and specific dates, you didn't really remember?

24          A     And the date that you picked me up.

25          Q     So the only date you remember was the date that I allegedly

1 picked you up?

2 A And the date that I got locked up --

3 Q Okay.

4 A -- and every date between then.

5 Q Okay. So you don't really recall the dates -- I mean, at the  
6 time Mr. Martinez was asking you questions about specific dates, you  
7 didn't really know the timeframes, did you?

8 A He showed me proof of it, and I remember saying that on  
9 that day, so --

10 Q Okay. So --

11 A -- yes.

12 Q Simply because he showed you the document, is the only  
13 reason why you testified today, is that right?

14 A No.

15 Q But you just -- wasn't it just your testimony that you didn't --

16 A I said, he showed me the dates, and what I was saying, and I  
17 remember what I was saying, so the dates had to be correct.

18 Q So it only had to be correct because he showed you that?

19 A No. I remembered them at that time.

20 Q Did you just testify that you didn't remember the dates,  
21 though; isn't that what you testified to?

22 A No, I did remember the dates.

23 Q So now --

24 A I remember the dates and everything I said.

25 Q What dates? You said February 13th through the timeframe

1 through there?

2 A 8th --

3 MR. MARTINEZ: Your Honor, I think she's already answered  
4 that question, she --

5 MR. MILES: She didn't.

6 MR. MARTINEZ: She said she remembered --

7 MR. MILES: No.

8 MR. MARTINEZ: -- February 8th, and she remembered when  
9 she got arrested, which was the 13th. So that's been asked and  
10 answered, I just ask that the Defendant move on.

11 MR. MILES: This hasn't been asked and answered, Your  
12 Honor, but --

13 THE WITNESS: I did say that, though.

14 THE COURT: It has now, for sure.

15 MR. MILES: Okay. The Court's indulgence, Your Honor.

16 BY MR. MILES:

17 Q Now during Mr. Martinez' cross-examination, you did state  
18 that -- -- you did state during Mr. Martinez' cross-examination, that I  
19 didn't take you to get your nails, didn't you?

20 A No, you did not.

21 MR. MILES: Okay. Pass the witness, Your Honor.

22 THE COURT: State?

23 MR. MARTINEZ: Thank you, Your Honor.

24 REDIRECT EXAMINATION

25 BY MR. MARTINEZ:



1 Q We're almost done, Gabby.

2 A Uh-huh.

3 Q So you testified, this is your fifth time coming to Court; is  
4 that correct?

5 A Yeah. I think about -- this is my fifth time coming here.

6 Q Okay. So you testified at a preliminary hearing; is that right?

7 A Correct.

8 Q And then you testified at two evidentiary hearings?

9 A Yes.

10 Q So that's make three. And then you came yesterday and  
11 testified?

12 A Yes.

13 Q And now you're here testifying again; is that correct?

14 A Correct.

15 Q And we're talking about the beginning of 2015, correct?

16 A Okay.

17 Q Is that --

18 A Yes.

19 Q That's the timeframe that we've doing --

20 A Yeah.

21 Q -- February 1st, 2015 to February 13th, 2015?

22 MR. MILES: Objection, Your Honor. I think that actually  
23 mischaracterizes and goes beyond my scope of my cross-examination,  
24 Your Honor.

25 MR. MARTINEZ: It doesn't.

1 THE COURT: Overruled.

2 BY MR. MARTINEZ:

3 Q So that's the timeframe that we're focusing on right now; is  
4 that correct?

5 A Yes.

6 Q Okay. So if we do the math correctly it's about a little over  
7 four years ago these events took place?

8 A Yeah.

9 Q Is it hard to remember exactly which day certain things were  
10 set?

11 A Yes.

12 Q Because it was so long ago?

13 A Yes.

14 Q Okay. Is it hard to remember exact words that were used,  
15 when you were having conversations with the Defendant?

16 A Yes.

17 Q Okay. You had indicated previously that you were on  
18 probation for engaging prostitution when you initially met the  
19 Defendant; is that correct?

20 A Correct.

21 Q Okay. So you had been exposed to that world, right?

22 A Yes.

23 Q The world of pimps and prostitutes; is that correct?

24 A Yes.

25 Q So the Defendant didn't use exact phrases, such as, "I want

1 you to work for me as a prostitute, and I'm encouraging you to work as a  
2 prostitute," did he say things like that? Did he use those exact words?

3 A Now that I looked at my statement with Justine, I do  
4 remember him saying that he seen me walking on Boulder Highway, and  
5 that's why he got in contact with me, through my Facebook.

6 Q Right. And -- but he -- and you had indicated looking back at  
7 your statement, that refreshed your memory; is that right?

8 A Yes.

9 Q Okay. So you had forgotten that that took place like that,  
10 right?

11 A Right.

12 Q Okay. And you had indicated that the Defendant said, had  
13 communicated with you that he saw you walking on Boulder and he  
14 basically wanted you to work for him, you felt a vibe of that?

15 A Yes.

16 Q Okay. So what I'm getting at, is he didn't use the exact  
17 phrases of prostitution and sex trafficking and things like that, legal  
18 terms, or anything of that nature, right?

19 A No.

20 Q He talked to you like you would just normally talk on the  
21 street, back and forth; is that right?

22 A Yes.

23 Q Okay. You had indicated previously that you would call it  
24 "hoeing;" is that right?

25 A Yes.

1 Q You didn't use the words "trafficking" back then when you  
2 were 16-years-old, and didn't use legal terms and things of that nature; is  
3 that correct?

4 A No.

5 Q Now you had indicated on cross-examination that you have  
6 met with me a couple of times to discuss the case; is that correct?

7 A Yes.

8 Q Did I ever tell you what to say?

9 A No.

10 Q Did I ever tell you to not tell the truth?

11 A No.

12 Q What was -- what did I tell you was the more important thing  
13 to do when you testify?

14 A That it's okay if you don't remember everything that  
15 happened to you, but just try your best ability and just tell the truth, tell  
16 what you know.

17 Q And it's hard to remember everything that happened in that  
18 13-day period; is that correct?

19 A Yes.

20 Q So you had indicated on direct and cross-examination that  
21 you had spent some time with Durrell; is that correct?

22 A Yes.

23 Q And then somebody named J.J.?

24 A Yes.

25 Q Okay. And during that time you were still getting text

1 messages from the Defendant; is that correct?

2 A Yeah.

3 MR. MILES: Objection, Your Honor. I think that  
4 mischaracterizes the testimony, Your Honor.

5 THE COURT: Overruled.

6 BY MR. MARTINEZ:

7 Q Is that a, yes?

8 A Yes.

9 Q Okay. So you weren't physically, side-by-side next to  
10 Christian the entire time between February 1st, 2015 and February 13th,  
11 2015; is that correct?

12 A Right.

13 Q Okay. But he was still communicating with you; is that right?

14 A Yes.

15 Q Okay. Is it fair to say that you don't have all the phone  
16 numbers that you ever had, memorized; is it fair to say that?

17 A Yes.

18 Q It's hard to remember the exact numbers of every single  
19 phone number that you have?

20 A Yes.

21 Q Do you remember, yesterday, when I showed you those  
22 craigslist advertisements?

23 A Yes.

24 Q Those were selfies that you took; is that correct?

25 A Okay. And then there was a phone number that was

1 diagonal across the picture; is that right?

2 A Yes.

3 Q Okay. You don't have that phone number memorized, right?

4 A No.

5 Q Okay. But it looked familiar to you; is that correct?

6 A Yes.

7 Q And you had seen that before?

8 A Yes.

9 Q And you had testified that that appeared to be the "text now"  
10 application number that you shared with the Defendant; is that correct?

11 A Yes.

12 Q Okay. And the Defendant brought up in his cross-  
13 examination, a statement that you gave to Detective Gatus. Do you  
14 remember him asking you questions about that?

15 A Yes.

16 Q The reported statement, he had a transcript?

17 A Yes.

18 Q I think it's still up there; is that right?

19 A Yeah.

20 Q Okay. You've been told, and the Defendant brought this up,  
21 that you -- that Laporscha was doing out calls. Is that -- do you recall  
22 that?

23 A Yes.

24 Q Okay.

25 MR. MARTINEZ: All right. I have nothing further, Your

1 Honor.

2 THE COURT: Ladies and gentlemen of the jury, any  
3 questions?

4 MR. MILES: Well, no, Your Honor. I think I have some  
5 follow-up questions, Your Honor.

6 RECROSS-EXAMINATION

7 BY MR. MILES:

8 Q Now you -- Mr. Martinez indicated that you didn't memorize  
9 all the numbers; isn't that correct?

10 A Correct.

11 Q And it was your testimony that the numbers appeared to be  
12 familiar to you; isn't that correct?

13 A They were familiar to me.

14 Q They were familiar to you?

15 A Yes.

16 Q Okay. Now before you testified to those numbers you didn't  
17 know those numbers, did you?

18 A I didn't remember them in memory.

19 Q You didn't remember the numbers --

20 A Correct.

21 Q -- okay. And so once Mr. Martinez showed you the evidence  
22 then you was able to --

23 A Remembers the numbers.

24 Q -- state his -- I wasn't done with the question, thank you.

25 Now when Mr. Martinez was able to show you those numbers, then you

1 was able to testify to those numbers; isn't that correct?

2 A Then I remembered the numbers, yes.

3 Q Then you remembered those numbers. Huh.

4 Now at all points in time, during your whole testimony -- at  
5 all points in time during your testimony, today and yesterday, has it been  
6 truthful; isn't that correct?

7 A Yes.

8 Q Huh. So there is not any reason at all to believe that any part  
9 of your testimony wasn't truthful?

10 MR. MARTINEZ: Objection. That's been asked and answered  
11 a few times.

12 THE COURT: Sustained.

13 MR. MILES: Well, she just had a new -- Your Honor, okay.  
14 Thank you.

15 BY MR. MILES:

16 Q Now during examination -- the examination that you just had  
17 with Mr. Martinez, there wouldn't be any reason to believe why that  
18 testimony wasn't truthful, would there?

19 A No.

20 Q Okay. Because everything that you've testified to during  
21 your examinations we based on versions of events that you knew to be  
22 true; is that right?

23 A True.

24 Q Okay.

25 MR. MILES: Court's indulgence.



1 BY MR. MILES:

2 Q And Mr. Martinez indicated that you spent some time with  
3 Durrell; isn't that right?

4 A True.

5 Q And Mr. Martinez indicated that during those time you  
6 weren't with me, is that right?

7 A True.

8 Q Okay. And during those times were between the dates of  
9 February 10th through February 11th; isn't that right?

10 A True.

11 MR. MILES: Okay. No further questions, Your Honor.

12 THE COURT: Okay. Ladies and gentlemen of jury, any  
13 questions? Okay. Make sure you have your --

14 THE MARSHAL: Wait, wait, wait. Write it down on a piece of  
15 paper.

16 UNIDENTIFIED JUROR: Oh, I'm sorry.

17 THE COURT: Write it on a piece of paper with your badge  
18 number, okay.

19 THE WITNESS: There's a seat number there.

20 THE COURT: Seat number

21 MR. MARTINEZ: Seat number.

22 THE COURT: That's what I meant. Do you have all the  
23 questions?

24 THE MARSHAL: Not yet.

25 THE COURT: Okay.

1 THE MARSHAL: Yeah. Just bring this over. Do you want  
2 them in the hallway?

3 THE COURT: As soon as we got all the questions, ladies and  
4 gentlemen, we're going to send you out in the hallway, so we can take a  
5 look at them outside your presence, and then we will bring you back in,  
6 okay.

7 THE MARSHAL: Will you all rise and follow me.

8 [Outside the presence of the jury.]

9 THE COURT: We're outside the presence of the jury. Seat  
10 number 2 asked, "Did Gabby ever tell Christian her real age?" I think  
11 that's fine.

12 MR. MARTINEZ: That's fine.

13 THE COURT: This person didn't write their seat number, but  
14 is says, "at any point in time did Defendant know your actual age," same  
15 question, I'm going to ask it. And seat 4 says, "since Porsha was doing  
16 out calls was she working for you also?"

17 MR. MARTINEZ: Working for --

18 THE COURT: But I think that's really a question for the  
19 Defendant.

20 MR. MARTINEZ: That's correct.

21 THE COURT: So --

22 MR. MARTINEZ: And I think he has opened that door wide  
23 open for that question to be answered and dived into.

24 MR. MILES: But --

25 THE COURT: The problem is, "was she working for you

1 also?" I don't know if that's an appropriate question for this witness?

2 MR. MILES: I don't think it's an appropriate question.

3 THE COURT: What's your response to that?

4 MR. MILES: I don't think it's an appropriate question for the  
5 witness.

6 MR. MARTINEZ: So the question is, that they're asking if  
7 Laporscha was working for the Defendant, that's what they're asking.

8 MR. MILES: But --

9 THE COURT: My guess is that's what they want to know, but  
10 the question there, they've written down is, "since Porsha was doing out  
11 calls was she working for you also?" I mean, I guess we could ask this  
12 witness if she was -- obviously we shouldn't be having her in here, but --

13 MR. MILES: Yeah. But I think --

14 MR. MARTINEZ: Do you want to wait in the conference room  
15 real quick.

16 THE WITNESS: Okay.

17 MR. MARTINEZ: And don't talk about your testimony to  
18 anybody.

19 MR. MILES: And, Your Honor, if I can make a quick record  
20 too.

21 THE COURT: Yeah.

22 MR. MARTINEZ: Hold on a second.

23 [Court and clerk confer]

24 THE COURT: Go ahead.

25 MR. MILES: Now if I can make a quick record, Your Honor, I

1 will state, and I would ask if the Court could please hear me out, if that  
2 would be okay, that based on the testimony that was presented, and how  
3 the State presented it, I feel like the Prosecutor has an obligation to elicit  
4 the truth, and he has an obligation as the prosecuting attorney to  
5 disclose to the Court if he has offered material, false evidence in.

6 I think it's pretty clear, based on how the State presented the  
7 testimony that this trial seems really fundamentally unfair. And I just  
8 want to state for the record that I believe that I'm not being able to  
9 receive a fair trial, because Mr. Martinez is calling the witness that he  
10 knows will say anything on the stand, and knows will say anything that  
11 he says, to conform to his version of events, instead of the facts of the  
12 case.

13 And I just wanted to state that that is entirely prejudicial, and  
14 I believe that I would actually move actually for a mistrial, if that's fine. If  
15 Your Honor is not inclined to, I just want the record to reflect I am  
16 moving for a mistrial, because based on the evidence that Mr. Martinez  
17 presented to the jury, without disclosing to the Court that there was  
18 either adverse facts, or facts that were not true.

19 MR. MARTINEZ: I'd like to respond to that if I can?

20 THE COURT: Sure.

21 MR. MARTINEZ: I completely disagree with Defendant's  
22 assessment of what I was presenting. He's had the discovery for almost  
23 four years now, and the exhibits and the testimony that I elicited, the jury  
24 can evaluate for themselves, the credibility of each and every witness.

25 MR. MILES: And I do have follow-up, it's very brief. He's

1 right, but as a Prosecutor, it is not okay for a Prosecutor to present  
2 testimony that knows is false. That's not --

3 MR. MARTINEZ: I did not present testimony.

4 MR. MILES: He did present the evidence of Gabrielle King,  
5 but I just wanted to say I believe that's prejudicial. I just the record to  
6 reflect that, I don't believe I'm receiving a fair trial right now. She said all  
7 her testimony was true. We know about looking at the testimony,  
8 obviously it's not for the Judge and us to weigh the facts. We know from  
9 the testimony that's not truthful.

10 And that's going to become the issue. The reason why that's  
11 going to become an issue is because those text messages are a big,  
12 essential part of this case. And I brought that up to the Court many  
13 times, that I wanted those to be authenticated and there was a reason for  
14 that.

15 So when it comes time to my case, I feel like I'm going to be  
16 prejudiced by how the State presented his evidence. And I will State for  
17 the record during those motions, he said he didn't benefit from the  
18 absence of evidence. It seems like he's really benefiting right now, by  
19 the absence of that evidence.

20 So I just want the record to reflect that, and I feel like my trial  
21 is totally unfair, a violation of the 14th Amendment to United States  
22 Constitution. And I don't really believe this is right, I really don't. So I  
23 just -- I'm glad Your Honor heard me out, that's what I wanted to make a  
24 record of.

25 THE COURT: Okay. Motion for mistrial is denied. Back to

1 the -- does anybody object to these questions being read?

2 MR. MILES: Which specification is that, Your Honor?

3 THE COURT: One, did Gabby tell you her real age? And  
4 since Porsha was working doing out calls, was she working for you,  
5 also?

6 MR. MILES: Actually, I don't believe those questions are  
7 relevant. Because as the State is aware, I can guess sink to the act of  
8 prostitution is a defense. But if for some reason he wants to hear if she  
9 told me my age, then I don't believe it's relevant, but or not.

10 THE COURT: That's certainly relevant, I'm talking more  
11 about the other one?

12 MR. MILES: About Laporscha, I don't believe that's relevant.  
13 I don't know if she has any personal knowledge. I think it's clear by her  
14 testimony that she made it clear that I didn't introduce her to any other  
15 prostitutes. I mean, if we have to recall her again in my case in chief to  
16 present, you know -- it says right in here.

17 THE COURT: I'm not convinced it's wrong. I'm not going to  
18 ask it, I'm just going to ask the age question.

19 MR. MARTINEZ: I think it's confusing, Judge, and I have one  
20 more record to make, while we're outside the presence.

21 THE COURT: And I'm going to have these --

22 MR. MARTINEZ: -- of the jury, before Ms. Ramsey testifies.

23 THE COURT: -- marked. I guess I should ask him first. Yeah,  
24 what?

25 MR. MARTINEZ: So it is the State's position is that the

1 Defendant opened the door to Laporscha working for him as a prostitute.  
2 In cross-examination he brought up ,to the podium, and was reading  
3 from Gabby's statement to detectives.

4 THE COURT: Right.

5 MR. MARTINEZ: "We have went on to the Suites. And, no,  
6 first we had to drop Porsha -- well, we didn't drop her off, but we had  
7 drove Porsha to one of her out calls. And I think it was at a hotel or  
8 something, I forgot the hotel, but we had to wait in the car until she was  
9 done. And she was done, and then we drove up to the Suites, and  
10 Porsha she hadn't bought the room."

11 That completely opens the door for Laporscha to testify  
12 freely as to what her -- the extent of her relationship is with the  
13 Defendant, and that she was working for him. And that's going to give  
14 the jury an appropriate context for that statement the Defendant brought  
15 in, and he himself opened the door, we didn't elicit that information at  
16 all.

17 Now since he's opened the door, I think Laporscha should  
18 be free to testify to their exact relationship the way it is.

19 MR. MILES: Well, I'm going to just say this, Your Honor, that  
20 he's referencing the document. I mean, clearly in that document that  
21 he's referencing, I would ask that he characterized that statement  
22 truthfully and correctly. He's characterizing to the Court that I think,  
23 Laporscha, that --

24 THE COURT: My recollection is you're the one who brought  
25 that into evidence. You read that to the witness --

1 MR. MILES: Well, yeah --

2 THE COURT: -- and you had her confirm that fact. So I'm not  
3 sure what --

4 MR. MILES: Well, I'm just saying --

5 THE COURT: I don't know --

6 MR. MILES: -- I don't want the record --

7 THE COURT: -- why you did, but you did it.

8 MR. MILES: The reason why I did that was elicit the truth,  
9 she said all her statements were true, that Mr. Martinez wasn't doing it,  
10 so I was doing it in my defense --

11 THE COURT: Okay.

12 MR. MILES: -- because I felt like, you know, the Prosecutor is  
13 going to go along with any other theories of the case, regardless if they  
14 know witnesses may have perjured themselves without any type of  
15 investigation.

16 So I mean, if he wants to say that's reason why it's opening  
17 the door, and then later mischaracterize evidence to say, "A while ago  
18 she said he was Porsha, she did also say that I didn't have her work as  
19 prostitute from those times.

20 Is he going to change that and say, well, I don't believe that  
21 portion of the statement is true, I believe Porsche's statement is --

22 MR. MARTINEZ: He's

23 MR. MILES: -- that that part of Porsche's statement is true.

24 MR. MARTINEZ: He's the one that asked the question and  
25 brought it up.



1 MR. MILES: Yeah.

2 THE COURT: May --

3 MR. MILES: But he's again, mischaracterized the statement,  
4 is the question? It's one thing presenting in evidence a piece of her  
5 statement, but is he going to characterize the whole entire statement as  
6 is.

7 THE COURT: Here's --

8 MR. MILES: Okay.

9 THE COURT: You have opened the door on the fact that  
10 Porsha was working for you; do you agree?

11 MR. MILES: Well, I would say --

12 THE COURT: You asked the question.

13 MR. MILES: I asked the question in an attempt to elicit the  
14 truth, so the jury could hear the truth.

15 THE COURT: Regardless of why you did it --

16 MR. MILES: Okay.

17 THE COURT: -- you, you brought before the jury the fact that  
18 you and Gabrielle took Porsha to an out call and waited in a car.

19 MR. MILES: Well, I don't believe she especially said me. In  
20 part of her thing she said, "He had picked her up" so I'm not sure if she --

21 MR. MARTINEZ: He read it verbatim from the transcript.

22 THE COURT: Re-read it again to me, please?

23 MR. MARTINEZ: "We had went to on the Suites. And, no,  
24 first we had to drop Porsha -- well, we didn't drop her off, but we had  
25 drove Porsha to one of her out calls. And I think it was at a hotel or

1 something, I forgot the hotel, but we had to wait in the car until she was  
2 done. And she was done, and then we drove back up to the Suites."

3 MR. MILES: Well, she didn't refer who "we" was, but -- so I  
4 don't think I actually opened the door. I didn't says, did you -- when you  
5 said "we" were you referring to me and Porsha?" I didn't say that, she  
6 just said "we." I don't think it opens the door for that. I don't believe  
7 that, but I guess that's the Court's decision. I wasn't specifically referring  
8 to myself. She didn't say who she was referring to when she said, "we."

9 THE COURT: I'm going to -- the testimony is going to stand  
10 for what it is. I don't know if we've got it officially. I don't know that it  
11 technically is there that he's the one she was working for. I mean, it's  
12 certainly an inference and we're not going to -- they got what they got,  
13 but let's not go down this road, unless it becomes necessary. Does that  
14 make sense?

15 MR. MARTINEZ: I'm not -- I don't understand what your  
16 ruling is?

17 THE COURT: I know you don't. I believe he's opened the  
18 door on Porsha working, but not necessarily working for him, but I'll hear  
19 your response?

20 MR. MILES: I think it's very clear what he said in the  
21 statement. He's the one that brought it up and said that they were taking  
22 her to an out call, and she said that.

23 THE COURT: What proceeded that? Can you find that,  
24 Yvette? What was she saying right before that?

25 MR. MILES: What -- okay. And I would just represent to the

1 Court I believe I was asking her the timeframes between the Facebook  
2 messages, and when I allegedly told her on Facebook, which the  
3 Facebook messages are an issue in this case too. But --

4 THE COURT: What transcript is that?

5 MR. MARTINEZ: That is her recorded statement.

6 THE COURT: Which I don't have, right?

7 MR. MARTINEZ: It hasn't been admitted into evidence,  
8 because it was her interview with the detectives.

9 THE COURT: May I see it, please?

10 MR. MARTINEZ: Yes. Do you just want that page, or do you  
11 want the whole --

12 THE COURT: Yeah. I just want the page. I just want to read  
13 it myself.

14 MR. MARTINEZ: For the record it's page 5. But the  
15 information prior to page 5 is clearly, she's referring to her and the  
16 Defendant and Porsha.

17 MR. MILES: And I would just state, Your Honor, that I was  
18 referencing to the "we" part. She didn't refer to who "we" was, so I don't  
19 believe that opened the door, had I would have asked who "we" was,  
20 then maybe it would have been inference that could have been drawn.  
21 Like, okay, yeah, he's referring to himself. So he's identifying himself as  
22 "we."

23 [Court and clerk confer]

24 MR. MILES: And, Your Honor, is it possible, before I guess  
25 the State calls its next witness, seeing I've got to use the bathroom and

1 stuff too. Take like maybe a quick break. What's normally the times with  
2 the break?

3 THE COURT: Yeah. We're putting them in there, right?

4 [Court and clerk confer]

5 THE COURT: We'll give them a break. All right. Let's take  
6 ten, and we'll be back.

7 MR. MARTINEZ: Do you want to keep that, or can I have it  
8 back?

9 THE COURT: For a moment.

10 MR. MARTINEZ: Okay.

11 MR. MILES: And, Your Honor, too. I have to make some  
12 records, I received somethings from the State. This involved the State  
13 telling me at the time of trial that they just, I guess received some  
14 evidence that I guess they're saying that they didn't know at the time, or  
15 before trial, and then he just gave me now a business record affidavit  
16 during the trial, that I didn't have --

17 MR. MARTINEZ: Can I show that --

18 MR. MILES: -- before the trial.

19 MR. MARTINEZ: -- to the Judge? So what I provided, I don't  
20 know if you call yesterday I had referenced the pawn ticket --

21 THE COURT: Right.

22 MR. MARTINEZ: -- the detective had obtained. Detective  
23 Gatus reached out to that specific pawn company and asked them if they  
24 could authenticate that business record. It's a pawn ticket from October  
25 of 2014 that has Christian Miles' information on it, his driver's license

1 number, the address that he's been giving to detectives, and throughout  
2 this process. And also, most importantly the phone number that he  
3 claims did not exist before February 25th.

4 MR. MILES: And, Your Honor, I do want to make a record  
5 that the State is representing to the Court that Detective Gatus didn't  
6 know the information, and he didn't know; that's entire false. I have that  
7 document it in my discovery, I will be presenting to him during trial.

8 THE COURT: Okay.

9 MR. MILES: Good.

10 MR. MARTINEZ: Okay. So I would --

11 THE COURT: Record made. We probably should take a copy  
12 of that.

13 MR. MARTINEZ: We could move for the admission of it now.

14 MR. MILES: I'm going to object --

15 THE COURT: Well, my understanding --

16 MR. MILES: -- it's hearsay.

17 THE COURT: -- from you yesterday is you weren't using it, in  
18 your case in chief.

19 MR. MILES: That's what he said.

20 MR. MARTINEZ: Well, he wants to use it now.

21 MR. MILES: I didn't say I wanted to use it, you said you  
22 wanted to use it, Mr. Martinez.

23 MR. MARTINEZ: Okay. What did you just say that you  
24 wanted to do with the --

25 MR. MILES: No. I said, this is the first time I'm hearing about

1 the business records, and I guess some type of -- that this get in the  
2 record.

3 MR. MARTINEZ: Well, I just got it today --

4 MR. MILES: And I want the affidavit.

5 THE COURT: My understanding, though yesterday, was  
6 when you provided it yesterday that you weren't using in your case in  
7 chief --

8 MR. MARTINEZ: Right.

9 THE COURT: -- it was going to be depending on where he  
10 went.

11 MR. MARTINEZ: Correct. Because all I -- yes, all I had was  
12 the pawn ticket, and then subsequently I got an affidavit.

13 MR. MILES: Yeah. And, I'll just state I didn't have any time  
14 to --

15 THE COURT: I'm going to --

16 MR. MILES: Talk to anybody --

17 THE COURT: -- have you wait until that -- by the way we  
18 agreed on yesterday.

19 MR. MARTINEZ: I misunderstood the question.

20 THE COURT: I did not take it that you weren't prepared to  
21 offer it because you didn't have it authenticated. My understanding was  
22 because it was late you were going wait and not put it in your case in  
23 chief, and only if he, by his case, made it necessary, and then you were.

24 And then I think is all fair in rebuttal. You could have been  
25 free to go out and do that --

1 MR. MARTINEZ: Correct.

2 THE COURT: -- in two days, so I don't have any problem with  
3 that.

4 MR. MARTINEZ: Sure.

5 THE COURT: At this moment I could hold you to the -- not in  
6 your case in chief --

7 MR. MARTINEZ: Right.

8 THE COURT: -- unless he wants it.

9 MR. MARTINEZ: Right. The reason I said, let's just admit it  
10 right now, is because I thought -- so I must have misunderstood what the  
11 Defendant said. He said he already had the ticket in discovery and that  
12 he's going to present it to the jury, so --

13 MR. MILES: I think he's representing to the Court that --  
14 because this might become relevant here. He's stating to the Court  
15 that --

16 THE COURT: Hey guys. We've got a jury --

17 MR. MILES: Okay. I'm sorry, Your Honor --

18 THE COURT: -- that's working on ten minutes. We take so  
19 much time outside the presence. This is really -- you all got to get kind  
20 of --

21 MR. MARTINEZ: Okay.

22 THE COURT: -- figure out what we're going to argue on. We  
23 took two minutes to read these questions, and now here we are 10, 15  
24 minutes later.

25 MR. MILES: Sorry, Your Honor.

1 THE COURT: Take your bathroom break.

2 [Recess at 2:28 p.m., recommencing at 2:37 p.m.]

3 [Outside the presence of the jury.]

4 THE COURT: All right. Here's where we are. I am going to  
5 find that the Defendant opened the door with his questioning of Gabby  
6 with respect to that statement in particular.

7 Moreover, I'm going to find that the State was cautious in not  
8 going down that road, although I believe that based upon the *Franks*  
9 case and the change in 48045, they would have been within their rights  
10 to have offered evidence of your sex trafficking of another girl at the time  
11 because I think that that would be covered by 48045 as changed and  
12 interpreted by *Franks* for sexual propensity evidence being admissible. I  
13 believe that the -- what we have so far has already established with a  
14 preponderance of the evidence that they were both involved.

15 And again, I think the State was cautious and gave you  
16 basically a break in not seeking to go down that road before, but  
17 certainly once you opened the door that which I believe may have been  
18 admissible even absent that, now that you've opened the door is  
19 certainly admissible.

20 So that's my ruling on that. Anybody want to add anything?

21 MR. MARTINEZ : Just that we're not alleging necessarily that  
22 actual sex trafficking occurred with Laporsha Ramsey, but at least  
23 pandering which --

24 THE COURT: Okay.

25 MR. MARTINEZ : -- fits under the same statute as what you



1 referenced in subsection 3.

2 THE COURT: Got you.

3 All right. So for purposes of -- in any event, that she was at  
4 least -- he was at least committing a sexual offense for bad purposes; is  
5 that correct? Pandering.

6 MR. MARTINEZ : Well, what I would reference is the  
7 pandering. Pandering technically isn't -- you don't have to register as a  
8 sex offender if you --

9 THE COURT: Was it considered a sexual offense under this?

10 MR. MARTINEZ : It's mentioned in the statute, I believe. I'd  
11 have to look at it. I don't know that --

12 THE COURT: I'm pulling it right now.

13 MR. MARTINEZ : The statute? I have the statute.

14 THE COURT: Sex assault, statutory battery, administration  
15 regard, abusive regard, incest, open and gross rudeness, sexual  
16 penetration. Any other offense that has an element involving a sexual  
17 act or sexual conduct of another --

18 MR. MARTINEZ : That's I think --

19 THE COURT: -- an offense that's termed to be sexual --

20 MR. MARTINEZ : -- pandering falls under that.

21 THE COURT: I agree with you.

22 And even aside from all that, he clearly opened the door on  
23 it.

24 MR. MARTINEZ : Thank you, Your Honor.

25 THE COURT: Okay. So that being said, we're going to ask

1 these questions the jury asked, is that correct?

2 MR. MILES: And how does that work when they ask  
3 questions? Do we do follow ups or --

4 THE COURT: You can follow up.

5 MR. MILES: Okay.

6 THE COURT: Based upon my ruling now, does anybody  
7 object to either of the questions by the jury?

8 MR. MILES: The questions was how old did she say she  
9 was?

10 THE COURT: How old did Gabby say -- did Gabby tell you  
11 the real age? I'll ask all three of them.

12 MR. MILES: I was just saying for as far as the age, I didn't  
13 really think that was relevant. Because, like I said, the defense to  
14 pandering the age is not a defense.

15 THE COURT: No, but sex trafficking of a child has an element  
16 of under 18, so I think it's relevant.

17 And then I'm going to go ahead and ask this since Porsha  
18 was doing -- since Porsha was doing outcalls was she working for you  
19 also? And she can clarify what that means.

20 Any objection then?

21 MR. MILES: I would just object to she's -- I mean, I've  
22 already asked her, I mean, I've already asked her certain questions if I  
23 introduced her to other -- any other prostitutes, she said no. And so I  
24 mean it might be some type of conflict if she changes her testimony. I  
25 mean she said --

1 THE COURT: You can follow up if she does

2 MR. MILES: Okay. Okay.

3 MR. MARTINEZ : Here's my issue with the last question --

4 THE COURT: Okay

5 MR. MARTINEZ : -- is that it's technically asking if Laporsha  
6 worked for Gabby.

7 THE COURT: Correct.

8 MR. MARTINEZ : So I think that's sort of a confusing --  
9 because I can't for the life of me believe that that's what they're actually  
10 asking her. But that's the way they wrote it down. So I think it's  
11 confusing enough to where it's -- I don't think it's a reliable question  
12 where we could get a reliable answer without following up.

13 THE COURT: You can follow up.

14 MR. MARTINEZ : Okay. That's all right, you did say that,  
15 didn't you.

16 THE COURT: Yeah, you guys can always follow up to jury  
17 questions. I mean, I don't think it's objectionable on any basis really. I  
18 agree that I don't know that -- I think it doesn't say what she meant to  
19 say, but if you both agree it shouldn't be asked, I won't ask it.

20 MR. MILES: What's his question because I think it was  
21 talking about the age first. Is that being asked?

22 THE COURT: The age I'm asking.

23 MR. MILES: Okay.

24 THE COURT: The other one is: Since Porsha was doing  
25 outcalls was she working for you also? You want it out?

1 MR. MILES: Yeah, I would like --

2 THE COURT: All right. Mr. Martinez, you want it out?

3 MR. MARTINEZ : Yes, I want it out.

4 THE COURT: We won't ask that; I'll have that marked. I'm  
5 going to ask these other two on age because they're slightly different.

6 And now we can bring in the jury, please.

7 MR. MARTINEZ : Do you want Gabrielle to come in right  
8 now? Or do you want --

9 THE COURT: What?

10 MR. MARTINEZ : Do you want Gabrielle to come back on the  
11 stand right now or wait for the jury?

12 THE COURT: Bring her out.

13 [Pause]

14 THE COURT: And just for the record, Mr. Beckett's been here  
15 all day, trial.

16 MR. MARTINEZ : And for the record, Defendant has had the  
17 opportunity to confer with Mr. Beckett on the breaks as instructed by  
18 Your Honor.

19 THE COURT: Well, I didn't actually instruct that, but I didn't  
20 stop it.

21 MR. MARTINEZ : Well, what I'm saying is you said that they  
22 wouldn't confer in front of the jury.

23 THE COURT: Correct. What I said is he doesn't have  
24 counsel.

25 MR. MARTINEZ : Right.

1 THE COURT: Mr. Beckett is strictly here in the event he  
2 wants him to take over so that he's up on what's going on and he can  
3 step in.

4 THE MARSHAL: All rise for the entrance of the jurors.

5 [Inside the presence of the jury.]

6 THE COURT: For the record, I don' t know that I admonished  
7 you guys, remember when you leave the room you're supposed to get  
8 admonished, but I assume that no one violated any of the -- you were  
9 never sent to the actual hallway, you were actually back in chambers and  
10 held in the jury room. Is that correct, everybody?

11 JURORS IN UNISON: Yes.

12 THE COURT: All right and my Marshall indicated to you that  
13 you're still under the admonishment. Correct?

14 JURORS IN UNISON: Correct.

15 MR. MARTINEZ : For the record, it appears that everyone  
16 was nodding their heads up and down in the jury box.

17 THE COURT: Okay. Where were we now?

18 Okay. Questions. Did you ever tell Christian your real age?

19 THE WITNESS: Yes, he knew that I was underage when he  
20 met me.

21 THE COURT: At any point in time did he know your actual  
22 age?

23 THE WITNESS: Yes.

24 THE COURT: Either side want to follow up those? Mr.  
25 Martinez?

1 MR. MARTINEZ : No, Your Honor.

2 MR. MILES: Court's indulgence, Your Honor.

3 THE COURT: Mr. Miles, do you have any follow up to that  
4 particular question?

5 MR. MILES: I thought I had some notes on that. No, I don't.

6 THE COURT: Okay.

7 Is this witness free to go?

8 MR. MARTINEZ : Yes, Your Honor.

9 THE COURT: You are free to go --

10 THE WITNESS: Thank you.

11 THE COURT: -- please don't discuss your testimony with  
12 anyone else. Thanks for coming down.

13 State, next witness?

14 MS. RHOADES: Yes, Your Honor. The State calls Jahnay  
15 Laporsha Ramsey.

16 JAHNAY LAPORSHA RAMSEY, STATE'S WITNESS, SWORN

17 THE CLERK: Please be seated. State your name and spell  
18 your full name.

19 THE WITNESS: Jahnay Ramsey, J-A-H-N-A-Y R-A-M-S-E-Y.

20 MS. RHOADES: May I proceed, Your Honor?

21 THE COURT: You may.

22 DIRECT EXAMINATION

23 BY MS. RHOADES:

24 Q Ma'am, Ms. Ramsey, do you have a middle name?

25 A Laporsha.

1 Q Can you spell that for us?

2 A L-A-P-O-R-S-H-A.

3 Q Also can you stay a little bit closer to the microphone and  
4 just speak a little bit higher so we can hear you. Okay?

5 Also you have to answer yes or no for the record. So do you  
6 understand that?

7 A Yes.

8 Q Thank you. Do people call you Jahnay, Laporsha or what do  
9 people call you?

10 MR. MILES: Objection. Relevancy, Your Honor.

11 THE COURT: Overruled.

12 THE WITNESS: They call me Porsha.

13 BY MS. RHOADES:

14 Q Do you know Christian Miles?

15 A Yes.

16 Q Do you see him in court today?

17 A Yes.

18 Q Can you point to him and tell me something that he's  
19 wearing today?

20 A Black.

21 Q And your eyes looked over in the direction of Mr. Miles.

22 MS. RHOADES: Would the record reflect that the witness has  
23 identified the --

24 THE COURT: Can you just point to him?

25 THE WITNESS: Right there.

1 THE COURT: Record reflect identification of Defendant.

2 BY MS. RHOADES:

3 Q I direct your attention to February 2015, at that time how long  
4 had you know Christian?

5 A Around six, eight months.

6 Q How is it that you met him?

7 A Through --

8 MR. MILES: Objection. Relevancy, Your Honor.

9 THE COURT: Overruled.

10 BY MS. RHOADES:

11 Q How is it that you met him?

12 A Through a friend.

13 Q And what was the relationship that you had with Christian in  
14 February 2015?

15 MR. MILES: Objection. Relevancy.

16 THE COURT: Overruled.

17 THE WITNESS: Um, we was, you know, he was my pimp  
18 and, you know, we worked together.

19 MR. MILES: Objection. Your Honor, there's been no  
20 foundation.

21 THE COURT: Overruled.

22 BY MS. RHOADES:

23 Q All right. I'm going to ask you to speak up.

24 A I am.

25 Q Okay, we're having some trouble hearing you. So just scoot



1 a little closer to the microphone. Can you? Okay.

2 So what was the nature of your relationship?

3 A We worked together and, you know, how I was -- he was my  
4 pimp.

5 Q I need you to speak up.

6 A He was my pimp.

7 Q And you said that you had known him for about six to eight  
8 months prior to February 2015; for that entire time was Christian your  
9 pimp?

10 A Yes.

11 Q And what does that mean to you? What kinds of things did  
12 you guys do together?

13 A I did dates.

14 Q And what's a date?

15 A Prostitution.

16 Q Is that doing some sort of sexual act for money?

17 A Yes.

18 Q How is it that you would get dates during that time period?

19 A I was posted on Craigslist.

20 Q Who would post you on Craigslist?

21 A He did.

22 Q And when you say he, do you mean Christian?

23 A Yes.

24 Q Did Christian post ads of you on Craigslist for that whole  
25 time?

1 A Yes.

2 Q Did you, during that time period, do outcalls and in calls  
3 based on those ads?

4 MR. MILES: Objection, Your Honor. There's been no  
5 foundation as to when.

6 THE COURT: As to what?

7 MR. MILES: As to when she did these outcalls, these alleged  
8 outcalls.

9 THE COURT: Overruled.

10 BY MS. RHOADES:

11 Q Okay, Ms. Ramsey, during that time period that we're talking  
12 about, did you do in calls and outcalls?

13 A Yes.

14 Q Were those based on the ads that Christian posted?

15 A Yes.

16 Q When you did an outcall, how would you get to that outcall?

17 A He would take me.

18 Q And when you say he, who do you mean?

19 A Christian.

20 Q Did you, during that time period, have a cellphone?

21 A Yes.

22 Q Did you have a TextNow app on your cellphone?

23 MR. MILES: Objection, Your Honor. I don't think that the  
24 State has offered any direct or circumstantial authenticating evidence  
25 they're referring to a TextNow account, but hasn't offered any

1 corroborating evidence to support that.

2 THE COURT: Overruled.

3 BY MS. RHOADES:

4 Q Did you have a TextNow application on your cellphone?

5 A Yes.

6 Q Can you explain generally how that TextNow application  
7 worked?

8 A Um, it was a number and it's a number that was given to you  
9 and that was the number I used to get my dates.

10 Q Is that number different than your actual cellphone number?

11 A Yes.

12 Q Did Christian have a TextNow app on his cellphone?

13 A Yes.

14 MR. MILES: Objection. I don't think there's been no  
15 foundation as to what phone she's referring to, Your Honor.

16 THE COURT: Overruled.

17 BY MS. RHOADES:

18 Q Did he share the TextNow application with you and the  
19 phone number that you had on the TextNow application?

20 A Yes.

21 Q How do you know that?

22 A That he share?

23 Q How do you know that he shared it?

24 A What shared it with who?

25 Q How do you know that Christian had the same TextNow

1 number that you did?

2 A Because he was the one that posted -- used that number and  
3 I -- he gave it to me to use.

4 Q And use on what?

5 A On my cellphone.

6 Q And he posted it on what?

7 A Post what?

8 Q You said that he posted the number from the TextNow app.  
9 Where did he post it.

10 A He will post it on Craigslist for my dates.

11 Q In February 2015 were you living with Christian?

12 A Yes.

13 Q Do you remember the address that you guys were living?

14 A Yes.

15 Q What's that?

16 A 6559 Hollybrook Court.

17 Q What general vicinity is it in the Valley?

18 A I'm not sure.

19 Q Is it near Bolder Station Casino?

20 A Yes.

21 Q Who lived at that address?

22 A We did.

23 Q Just you and Christian?

24 A Yes.

25 Q In February 2015, was there some sort of a room that was set

1 up like a photo shoot room?

2 A Yes.

3 Q Can you describe it?

4 A It had a green -- it was a green background.

5 A And were there like lights set up?

6 A Yes.

7 MS. RHOADES: Your Honor, I would like to show the witness  
8 State's 30 which also has a custodian of record affidavit attached. This  
9 has been previously shown to Mr. Miles.

10 MR. MILES: And I'm going to object to that, Your Honor,  
11 being effected they haven't referred to what document that is and they  
12 haven't offered any circumstantial or direct evidence to support that  
13 somebody authored those, whoever -- I don't know where the State's  
14 going with this, but they haven't laid any foundation of who authored  
15 that message or I mean I don't know where they're going with this, but --

16 THE COURT: She's laying the foundation right now and she  
17 hasn't offered it yet. So --

18 MR. MILES: Okay.

19 MS. RHOADES: Thank you, Your Honor.

20 BY MS. RHOADES:

21 Q The first page of State's 30, do you recognize what's depicted  
22 in the photograph on that page?

23 A It's a green room, the photo room.

24 Q Do you recognize that green room?

25 A Yes, I do.

1 Q And how do you recognize it?

2 A It was in the house.

3 Q Does that fairly and accurately depict what the room looked  
4 like in yours and Christian's house in February 2015?

5 A Yes.

6 MS. RHOADES: I'd move for the admission of State's 30,  
7 Your Honor.

8 MR. MILES: And I'm going to object again. They're referring  
9 to a message, it hasn't been authenticated by any direct or circumstantial  
10 evidence of who authored that message or who sent that message. So  
11 I'm going to object on that basis.

12 THE COURT: Are you just offering the picture?

13 MS. RHOADES: I am offering the entire thing. But he is  
14 correct, there is a message at the bottom that goes along with it. Sodi  
15 Nebreka's (phonetic) affidavit, pursuant to the statutes we went over  
16 yesterday, that's attached as page 2.

17 THE COURT: All right. The photo -- they're both admitted  
18 pursuant to the affidavit the photograph also because she's identified it  
19 as a true and accurate photograph.

20 MS. RHOADES: Thank you, Your Honor.

21 Can you please have that marked as admitted and then I  
22 would ask permission to publish it.

23 [State's Exhibit 30 admitted into evidence]

24 BY MS. RHOADES:

25 Q Didi you have photographs taken in that green room?

1 A Yes.

2 Q Who took the photographs?

3 A He did.

4 Q And what was the purpose of those photographs that he took  
5 in that room?

6 A To get --

7 MR. MILES: Objection. Relevancy, Your Honor.

8 THE WITNESS: -- posted for my dates.

9 THE COURT: I'm sorry.

10 MS. RHOADES: He objected as to relevancy as to what was  
11 the purpose of the photos in the green room.

12 THE COURT: Overruled.

13 BY MS. RHOADES:

14 Q So can you repeat your answer?

15 A To post for my dates.

16 Q Okay. Showing you State's 30, that's the photo that we've  
17 been looking at, right?

18 A I can't see it.

19 Q Oh, can you see on your screen?

20 A Um-hum.

21 Q Is that a yes?

22 A Yes.

23 MR. MILES: And Your Honor, if I could just state for the  
24 record, they're showing to the jury, I think it says recipients Michelle  
25 Espinosa and then they have something that says Christian Sooo Fly.

1 There hasn't been foundation as to that and there hasn't been any direct  
2 or circumstantial evidence presented for that either.

3 THE COURT: Okay. This exhibit's already in.

4 MR. MILES: Okay.

5 THE COURT: But noticed.

6 BY MS. RHOADES:

7 Q Is that the room that we've been talking about?

8 A Yes.

9 Q And that's the room where you took pictures so Christian  
10 could post for your dates?

11 A Yes.

12 Q Did you have a Facebook account back in February 2015?

13 A Yes.

14 Q Were you friends with Christian on Facebook?

15 A Yes.

16 Q Do you remember what Christian's Facebook name was?

17 MR. MILES: Objection, Your Honor. I don't think she could  
18 testify as to somebody else's Facebook account.

19 THE COURT: Overruled.

20 BY MS. RHOADES:

21 Q Do you remember what Christian's Facebook name was?

22 A Christian Sooo Fly.

23 Q And just looking at the bottom here, State's 30, Christian  
24 Sooo Fly is spelled like that?

25 A Yes.



1 Q Okay. All right.

2 Did Christian have a job in February 2015?

3 A No.

4 Q How about the six to eight months that you knew him, and  
5 you were working for him. Did Christian have a job during that entire  
6 time period?

7 A No.

8 Q In early February do you remember meeting somebody  
9 named Gabby?

10 A I never met her.

11 Q Do you remember coming into contact with somebody  
12 named Gabby?

13 A Yes.

14 Q I'm going to show you what's already been admitted as  
15 State's 15. Do you recognize that person as Gabby?

16 A Yes.

17 Q And how is it that you came into contact with her?

18 A She was apparently in that car.

19 Q When you say she was apparently in a car --

20 A She was in the car when I got in the car.

21 MR. MILES: Objection. I don't think there's -- I think the  
22 State should lay a little bit foundation on what dates they're referring to,  
23 what time frame.

24 THE COURT: I think we've got it, but will you just get the  
25 timeframe a little bit?

1 MS. RHOADES: Sure.

2 BY MS. RHOADES:

3 Q Do you remember the exact date that you came into contact  
4 with Gabby?

5 A I don't.

6 Q Okay. Was it sometime early February 2015?

7 A Yes.

8 Q When you came into contact with Gabby, who else was  
9 there?

10 A No one, just us three.

11 Q Us three, so you, Gabby, and Christian?

12 A Yes.

13 Q And you said it was in a car. Do you remember what car?

14 A A small silver car.

15 Q Whose car was that?

16 A Christian's.

17 MR. MILES: Objection, Your Honor. Relevance.

18 THE COURT: Overruled.

19 BY MS. RHOADES:

20 Q Where were you guys at in the car?

21 A We was going to Walmart.

22 Q And did somebody pick you up in that car?

23 A Yes.

24 Q Who was driving?

25 A Christian.

1 Q Do you remember where Gabby was seated in the car?

2 A Behind -- or somewhere behind me, she was in the back seat.

3 Q Was anybody else in the car?

4 A No.

5 Q Where did Christian pick you up from?

6 A From the house.

7 Q The Hollybluff house?

8 A Yes.

9 Q You said you went to Walmart; did you go somewhere after  
10 that?

11 A No.

12 Q Where did you go after Walmart?

13 MR. MILES: I think that just misstates the testimony. She  
14 answered no, Your Honor, to if they went anywhere else. Now she's  
15 asking where did they go. She testified that she didn't go nowhere after  
16 that.

17 MS. RHOADES: I'll ask some further questions, Your Honor.

18 THE COURT: Thank you.

19 BY MS. RHOADES:

20 Q Did you stay at Walmart forever?

21 A No.

22 Q Okay. Did you go somewhere after you went to Walmart  
23 with Christian and Gabby?

24 A No.

25 Q Okay. Did you go to your house after that?

1 A Yes.

2 Q Who did you go there with?

3 A With Christian.

4 Q Was Gabby there?

5 A Dropped off. Just dropped off.

6 Q Can you repeat that?

7 A It was a dropped off.

8 Q Okay, you got dropped off?

9 A Yes.

10 Q And then Christian and Gabby went somewhere else, you  
11 don't know where?

12 A Yes, I don't know --

13 MR. MILES: Objection, Your Honor. I don't think she has any  
14 personal knowledge of as to where somebody else could have been.

15 THE COURT: That's what she said. Overruled.

16 MR. MILES: Okay.

17 BY MS. RHOADES:

18 Q Did you see Gabby again after that?

19 A No.

20 Q Okay. At some point in early February 2015, did you rent a  
21 room at The Suites?

22 MR. MILES: Objection, Your Honor. I think a little bit  
23 foundation should be laid on there. The witness just testified that she  
24 went to Walmart, then went back to the home and then didn't see Gabby  
25 King after that. So I think it's important that the State lay some

1 foundation as to what she's supposed to be testifying to for that  
2 question.

3 THE COURT: Overruled.

4 MR. MILES: Okay.

5 BY MS. RHOADES:

6 Q Sometime near this time period when you met Gabby did  
7 you rent a room at The Suites?

8 A Yes.

9 Q Was it the same day that you met Gabby?

10 A No.

11 Q Was it the next day?

12 A No.

13 Q Was it the day after that?

14 A Um-um. I don't remember the timeframe from the Walmart.

15 I know it was a few days before the Walmart.

16 Q So you don't remember exactly when, but it was close --

17 A Yes.

18 Q -- in time to when you went to Walmart with --

19 A Yes.

20 Q -- Gabby and Christian? Right?

21 A Yes.

22 Q How did you get to The Suites to rent a room?

23 A He took me.

24 Q Who took you?

25 A Christian.

1 Q In what car?

2 A The same car, the silver car.

3 Q And did Christian ask you to rent the room?

4 A Yes.

5 MR. MILES: Objection, Your Honor. Relevance.

6 THE COURT: Overruled.

7 BY MS. RHOADES:

8 Q Do you remember what Christian said generally about  
9 renting a room?

10 MR. MILES: Objection. Hearsay.

11 THE COURT: Overruled.

12 THE WITNESS: Yes.

13 BY MS. RHOADES:

14 Q What did he say?

15 A Get the room. Asked me to get the room.

16 Q Do you recall exactly how long you got the room for?

17 A I think a week.

18 Q How did you get the money to get the room?

19 A He gave me the money.

20 Q Did you stay in that room?

21 A No, I didn't.

22 MS. RHOADES: I would ask that this be shown.

23 MR. MILES: Can I actually review that document?

24 MS. RHOADES: Oh, sure. I've previously shown this to the

25 Defendant, and he wants to review it again. And it's State's proposed 29

1 . I would ask that it be shown to the witness.

2 MR. MILES: And I's going to actually object to hearsay, Your  
3 Honor.

4 THE COURT: Okay. Well, she hasn't offered it yet, but you  
5 can show it to the witness.

6 BY MS. RHOADES:

7 Q Showing you State's 29, do you recognize that document?

8 A Yes.

9 Q How do you recognize it?

10 A I did this.

11 Q When did you do that?

12 A I'm not sure of the timeframe.

13 Q Is that the document that you filled out when you rented the  
14 room that we're discussing right now?

15 A Yes.

16 MR. MILES: Objection, Your Honor. I don't think she could  
17 testify as to whether this document came from The Suites itself, I don't  
18 think she prepared those documents, so I'll object to that.

19 THE COURT: Let's see it.

20 Continue asking the questions.

21 MS. RHOADES: Okay.

22 BY MS. RHOADES:

23 Q Do you recognize that document as the document that you  
24 filled out when you rented the room that we've been discussing here?

25 MR. MILES: I'm going to object again, Your Honor. She

1 hasn't offered any evidence that that is the true and accurate copy of the  
2 document from The Suites itself. Or whatever.

3 THE COURT: She's trying to do that right now.

4 MR. MILES: Okay.

5 THE COURT: Overruled.

6 THE WITNESS: Yes.

7 BY MS. RHOADES:

8 Q Is that the document that you filled out when you rented the  
9 room?

10 A Yes.

11 MR. MILES: Objection again, Your Honor. She's asking her  
12 is the document herself. If that document is a document from another  
13 business or I'm not sure where she's going with this, I don't think she  
14 could testify if that is that document from wherever it came from. She's  
15 not the one that prepared those documents.

16 THE COURT: Overruled.

17 Q How do you know that that is the document that you filled  
18 out when you rented the room that we're talking about?

19 A That's my handwriting.

20 Q And is it your signature there on the document?

21 A Yes.

22 Q Are there also some names of individuals that you stated  
23 were going to be staying in the room?

24 A Yes.

25 Q Do you recognize those names?



1 A Yes.

2 Q Are those names of your family members?

3 A Yes.

4 Q Does this fairly and accurately depict what you filled out  
5 when you rented the room at Christian's behest in early February 2015?

6 MR. MILES: Objection, Your Honor. I think that's actually a  
7 compound question. I think she should ask a specific question.

8 THE COURT: Overruled.

9 BY MS. RHOADES:

10 Q Does this fairly and accurately depict the record you filled out  
11 when you rented the room after Christian told you to?

12 MR. MILES: I'm going to object and object again and say  
13 that she didn't fill out that document, I mean she didn't obtain that  
14 document from wherever she's saying it's been obtained from. So I  
15 don't think she knows if that's the document itself. So I'm going to  
16 object to that.

17 THE COURT: Overruled.

18 BY MS. RHOADES:

19 Q Do you remember the question?

20 A Yes.

21 Q Does that fairly and accurately depict what you filled out?

22 A Yes.

23 MS. RHOADES: I move for the admission of State's 29.

24 MR. MILES: And I'm going to object to hearsay and I'm  
25 going -- yeah, I'm going to object to hearsay and I'm going to again say

1 she didn't prepare those documents so she can't testify as to the truth in  
2 this and the accuracy of the document itself.

3 THE COURT: It will be admitted.

4 [State's Exhibit 29 admitted into evidence]

5 MS. RHOADES: Thank you, Your Honor. And permission to  
6 publish. I'd like to have that marked admitted first.

7 BY MS. RHOADES:

8 Q Ms. Ramsey, did you use your real ID when you rented this  
9 room?

10 A Did I use my -- no.

11 Q Okay. Did you use a fake ID?

12 A Yes.

13 Q Why did you do that?

14 A Because I didn't want to use my real ID.

15 Q Why not?

16 A Because I didn't want the name to fall back on me.

17 Q Did you know what the room was going to be used for?

18 A No.

19 Q I'm going to show you State's 29, looking at this record, the  
20 suite number up here is F2069; is that right?

21 A Yes.

22 Q And then the names over here, those are the names that you  
23 identified for us as your family members' names?

24 A Yes.

25 Q And is this your signature?

1 A Yes.

2 Q Okay. That's your handwriting, right?

3 A Yes.

4 Q It's not your real name?

5 A No.

6 Q And then this Texas ID down here, that's the fake ID that you  
7 used?

8 A Yes.

9 Q After you rented the room did you ever go back to that  
10 room?

11 A No.

12 Q Did you know who was going to stay in that room?

13 A No.

14 Q Did you ever see Gabby again after you met her?

15 A No.

16 Q I am going to now direct your attention to March 24, 2015.  
17 Were you with Christian at the Hollybluff address that day?

18 A Yes.

19 Q Did you guys get in the car and go somewhere?

20 A Yes.

21 Q Where did you go?

22 A To the store.

23 Q What specific store, do you remember?

24 A The Terribles.

25 Q Was there a Chevron?

1 MR. MILES: Objection. Leading the witness.

2 THE WITNESS: I think Chevron Terribles. Something or one  
3 of them.

4 BY MS. RHOADES:

5 Q One of them what?

6 A It was a convenience store. I'm not sure which name.

7 Q Okay.

8 THE COURT: Overruled.

9 BY MS. RHOADES:

10 Q Who was driving the car?

11 A Christian.

12 Q Was there anybody else in the car?

13 A No.

14 Q When you got to that location did you go inside the store?

15 A Yes.

16 Q Did you come out?

17 A Yes.

18 Q What happened when you came out?

19 A Police everywhere.

20 Q What did you see the police doing?

21 A Searching Christian.

22 MR. MILES: Objection, Your Honor. As to relevancy and  
23 actually think that that's prejudicial. I object as prejudicial. Confusion  
24 the issues, misleading.

25 THE COURT: Overruled.

1 BY MS. RHOADES:

2 Q So when you came out of the store officers were searching  
3 and arresting Christian?

4 A Yes.

5 Q What did you do when you came out of the store?

6 A Trying to see what was going on.

7 Q Were you able to talk to Christian when you came out of the  
8 store?

9 A Yes.

10 Q What if anything do you remember saying to him?

11 A I was just asking what was going on.

12 Q At some point was Christian in handcuffs?

13 A Yes.

14 Q Were you able to interact with him, touch him in some way  
15 after he was in handcuffs?

16 A Yes.

17 Q Okay. Tell us about that.

18 A Gave each other a kiss. And that was that. And he  
19 whispered in my ear.

20 Q You said he whispered in your ear?

21 A Yes.

22 Q Okay. Can you speak up just a little bit for us. What did he  
23 say?

24 MR. MILES: Hearsay, Your Honor. Objection.

25 THE COURT: Overruled.

1 THE WITNESS: He asked me to get the phones.

2 BY MS. RHOADES:

3 Q Do you know where the phones were?

4 MR. MILES: Objection. As if she could lay some foundation  
5 to what phones she's referring to. I think that's relevant.

6 THE COURT: Overruled.

7 BY MS. RHOADES:

8 Q Did you know where the phones were?

9 A On the police car.

10 Q Was there other property with the phones that you  
11 remember?

12 A I'm not really remembering.

13 Q You don't remember?

14 A Um-um.

15 Q And whose phones were these?

16 A Christian's.

17 Q How do you know they were Christian's phones?

18 A Because those were not my phones.

19 Q How many phones did he have?

20 A Two.

21 Q After he whispered that in your ear, what did you do?

22 A I went to go get the phones.

23 Q And did you grab them?

24 A Yes.

25 Q And did you take them off the hood of the police car?

1 A Yes.

2 Q Where did you go after that?

3 A Inside the store.

4 Q After you went inside the store, what happened?

5 A Police came after me.

6 Q And what did the police do?

7 A They arrested me.

8 Q What did they arrest you for?

9 A For evidence, disturbing evidence.

10 Q Did they take the phones back from you?

11 A Yes.

12 Q Both phones, right?

13 A Yes.

14 Q That same day did you sit down for an interview with two

15 detectives, a lady detective and a male detective?

16 A Yes.

17 Q Was that at the Clark County Detention Center?

18 A Yes.

19 Q Do you remember telling them that you never met or never

20 saw Gabby?

21 A Yes.

22 Q And why did you tell them that?

23 A Because I was confused and scared and did not know what

24 was going on.

25 Q Do you remember telling them that you and Christian were

1 boyfriend and girlfriend?

2 A Yes.

3 Q And that you were in love with him, do you remember telling  
4 them that?

5 A Yes.

6 Q Do you remember telling them that you were trying to  
7 protect Christian?

8 A Yes.

9 Q A few days later, on March 27, 2015, do you remember  
10 appearing in court for that destruction of evidence charge?

11 A Never appeared in court.

12 Q Do you remember pleading guilty to something?

13 A Yes.

14 Q And did you plead guilty to a misdemeanor possession of  
15 stolen property?

16 A Yes.

17 Q And was it your understanding that the destruction of  
18 evidence charge, that's a gross misdemeanor charge?

19 A Yes.

20 Q Okay. When you pled guilty did you agree to pay a fine and  
21 stay out of trouble?

22 A Yes.

23 Q And then you were released from jail; is that right?

24 A Yes.

25 Q After that did you go back to the Hollybluff --



1 MR. MILES: Objection, Your Honor. Relevancy.

2 MS. RHOADES: -- address?

3 MR. MILES: As to relevancy.

4 THE COURT: Overruled.

5 BY MS. RHOADES:

6 Q After that did you go back to the Hollybluff address?

7 A Yes.

8 Q And did you live there for some time?

9 A Yes.

10 Q About how long?

11 A A month and a half.

12 Q After that did you move out of state?

13 A Yes.

14 Q And have you been out of state ever since then?

15 A Yes.

16 Q And for your testimony in this case are you aware that the  
17 State granted you immunity in relation for your testimony?

18 A Yes.

19 Q And it's your understanding that you're not going to be  
20 charged with aiding and abetting Christian, sex trafficking of a minor  
21 because you rented a room after he told you so, is that right?

22 A Yes.

23 Q When is the last time that you talked to Christian?

24 A I haven't talked to him.

25 Q When was the last time?

1           A     When I saw him in jail.

2           Q     And was close in time to when you were arrested?

3           A     Yes.

4           Q     Way before you moved out of state, right?

5           A     Yes.

6           Q     And that's the last time you talked to him or saw him?

7           A     Yes.

8                 MS. RHOADES: I pass the witness, Your Honor.

9                 MR. MILES: Could we approach, Your Honor? It's actually  
10     for a regular reason. Could we approach?

11                THE COURT: You want to approach? Is that what you're  
12     asking?

13                MR. MILES: Yeah, but --

14                THE COURT: Ladies and gentlemen, we're going to take a 2-  
15     minute recess. During this recess you're admonished not to talk or  
16     converse among yourselves or with anyone else or any subject  
17     connected with this trial, or read, watch or listen to any report or any  
18     commentary on the trial or any person connected with this trial by any  
19     medium of information, including without limitation, to newspapers,  
20     television, the internet, radio; form or express any opinion on any  
21     subject connected with the trial until the case is finally submitted to you;  
22     no legal or factual research or investigation, recreation of testimony on  
23     your own.

24                THE MARSHAL: All rise.

25                               [Outside the presence of the jury.]

1 THE COURT: We are now outside the presence of the  
2 witness and the jury.

3 Mr. Miles, you wanted to say something?

4 MR. MILES: Yes. Actually, if I could get a computer in a brief  
5 time to kind of get this together, because we did hear from the witness  
6 that she said the last time she talked to me was when she got arrested  
7 and I'm going to present evidence to impeach her testimony because  
8 that's entirely false. We -- well, I'm going to say there were some jail  
9 calls made that might be relevant to her testimony.

10 THE COURT: Okay.

11 MR. MILES: And --

12 THE COURT: Is the State familiar with them?

13 MS. RHOADES: I know that she did talk to him while he was  
14 in jail and I don't believe that her testimony is what Mr. Miles represents  
15 it to be. I asked her when the last time she saw him was. And then she  
16 said when I visited him in jail. And I said you talked to him, something  
17 like that was lost in --

18 THE COURT: I wrote down not talk to him. So my notes say  
19 she said not talk to him, but I could be mistaken. I think he's entitled to  
20 go down this road.

21 Are you -- do you know what he's talking about?

22 MS. RHOADES: I know that she did call -- that they did have  
23 jail calls.

24 THE COURT: Okay. Do you -- can we do this quickly. Do you  
25 all object to him --

1 MS. RHOADES: No, I just don't know the dates of what he's  
2 trying to get into. We could even maybe stipulate, if you have the dates  
3 of the last time you talked to her.

4 MR. MILES: No, I think it would be relevant for the jury to  
5 hear it. Damn. That's why I was objecting to relevancy 'cause --

6 THE COURT: Do you have --

7 MR. MILES: Well, I have the 5th, Mark had all the calls.  
8 Court's indulgence. I don't know if this State I'm pretty sure they have a  
9 case file they could provide.

10 MS. RHOADES: I don't have the jail calls. I wasn't going to  
11 play any of the jail calls, I wasn't going to ask him how many times she  
12 talked to him in jail. She's actually the one who said something about  
13 him being in jail and visiting in jail.

14 MR. MILES: She didn't actually say that. She said her  
15 testimony in --

16 THE COURT: Last time she saw him was in jail.

17 MR. MILES: Yeah, last time she saw me was in jail.

18 THE COURT: Do you have a computer --

19 MS. RHOADES: Yes.

20 THE COURT: -- you can play it on?

21 MS. RHOADES: Yes.

22 THE COURT: Okay, Mr. Miles, can you cue up what you want  
23 so we can just play it quickly. I don't think there's going to be an  
24 objection by the State.

25 MR. MILES: Is there going to be an objection by the state for

1 me to play Ramsey's interview with detectives?

2 MS. RHOADES: Yes.

3 MR. MILES: There's going to be objection to that?

4 MS. RHOADES: Yes.

5 MR. MILES: Oh, okay. I guess if I could just get a computer  
6 and, you know, or is it already set up to, I guess, if it gets admitted into  
7 evidence once she -- I mean I guess they pretty much laid the whole  
8 foundation.

9 THE COURT: What exactly -- what's on that disc?

10 MR. MILES: See there's a lot of stuff because I didn't actually  
11 know she was going to be testifying like that as far as the relevancy as  
12 far as that. So the jail calls I probably could have got them. I only got  
13 from the dates from June and it was some Jail calls made in March. I  
14 had them originally, but I guess I didn't get all the CDs right now. And  
15 that is, that's extreme --

16 THE COURT: March of what year?

17 MR. MILES: That's extremely relevant. Of 2015.

18 MS. RHOADES: Which is what she just testified to.

19 MR. MILES: What she testified that after she seen -- after --

20 THE COURT: She said she lived at the Hollybluff address for  
21 a month and a half and when she moved out of state she didn't talk to  
22 you again.

23 MR. MILES: Yeah, she didn't talk to me after she left, she  
24 seen me in jail. So --

25 THE COURT: Okay.

1 MR. MILES: Okay.

2 THE COURT: So what are you --

3 MR. MILES: I'll probably right now, actually, I mean the  
4 State, I think the State laid the foundation as far as interview. She said  
5 that they talked to the interview, I mean to the interviewers, the  
6 detectives and she referenced --

7 THE COURT: Interview statements are technically  
8 inadmissible as hearsay, unless they're coming in under one of the --  
9 either they're not -- found not to be hearsay, which is how you got the  
10 transcripts in from the hearings; or they're offered for some non-hearsay  
11 purpose; or they meet an exception.

12 So what are you offering them for?

13 MR. MILES: I'm going to offer it as impeachment evidence  
14 and as intrinsic evidence -- I mean substantive evidence. So substantive  
15 evidence and impeachment evidence.

16 THE COURT: Of what?

17 MR. MILES: As far as --

18 THE COURT: Is there something inconsistent with what she  
19 said?

20 MR. MILES: Yes, there is something inconsistent.

21 THE COURT: And what is that?

22 MR. MILES: She said -- she said the cell phones were not  
23 hers in her interview I'm going to be offering evidence that she told the  
24 detectives the complete opposite, she --

25 THE COURT: Okay. You can ask her that. You can say

1 weren't you interviewed on such a date and didn't you tell -- and did you  
2 tell Detective Gatus or whoever that the phones were yours?

3 MR. MILES: Okay. And then --

4 THE COURT: And then whatever she says, you can follow up  
5 with and then if she doesn't tell the truth, you can call Detective Gatus to  
6 come in and say isn't it true that she told you that the phones were hers?

7 MR. MILES: And can I get a copy of her interview, I guess the  
8 State was -- had it, was reference to it. Can it get it or her interview a  
9 copy of it?

10 MS. RHOADES: He's been --

11 MR. MARTINEZ : Provided to Defendant a long, long time  
12 ago.

13 MR. MILES: Well, see, I had Collucci as counsel and there  
14 was big discovery issues with him. He wasn't giving me discovery, so I  
15 didn't actually have her interview. The only interview that was provided  
16 to me through Collucci was --

17 THE COURT: Give me the statement. How many pages is it?

18 MS. RHOADES: It is --

19 THE COURT: Mr. Miles, this is stuff that should have been  
20 taken care of beforehand.

21 MS. RHOADES: --26 pages.

22 THE COURT: It should not be taken care of at 3:30 when a  
23 jury's been sitting here out of the courtroom more than they're in the  
24 courtroom. And it's not our job to provide you multiple copies.

25 MR. MILES: I understand that, Your Honor and I appreciate --

1 THE COURT: Please.

2 MR. MILES: I appreciate the Court providing me copies.

3 THE COURT: Go ahead and make two in case I have to  
4 follow along.

5 THE CLERK: Okay.

6 THE COURT: Is there something else we can do while we're  
7 waiting for that?

8 MR. MILES: Oh, if, I mean I guess if Your Honor, I mean, is  
9 going to be pretty clear if I ask her if she recalls telling the detectives that  
10 if it is already inconsistent with her testimony at that time I'm going to be  
11 moving for the admission of the evidence for impeachment purposes  
12 and probably as substantive evidence as well. And now I'm going to  
13 play the interview in its entirety if Your Honor is inclined to --

14 THE COURT: I guaranty you're not going to play the  
15 interview in its entirety because there's no legal vehicle to do that based  
16 upon what we've got so far.

17 MR. MILES: Okay.

18 MS. RHOADES: If there were notes on my copy did you --

19 THE COURT: And while we're here and on the record, I  
20 would note that the witness' attorney is present in the courtroom as well,  
21 Ms. Kierney.

22 MS. KIERNEY: Thank you, Your Honor. Sorry --

23 THE COURT: I was just noting your presence for the record.

24 MS. KIERNEY: Oh, yes, thank you.

25 MS. RHOADES: I think it's just highlighted.



1 THE COURT: Okay.

2 MS. RHOADES: If we could just make --

3 THE CLERK: I just wanted to make sure you didn't have any  
4 notes on it before I copied it.

5 MS. RHOADES: Yeah, that's.

6 MR. MARTINEZ : I have an electronic copy.

7 THE CLERK: Do you want to do that so it's clean because  
8 there's highlighting --

9 MR. MARTINEZ : Yeah, I have a thumb drive that you can --

10 THE CLERK: Perfect, okay, yeah

11 THE COURT: Now how many discs do you have there? The  
12 jail call disc --

13 MR. MILES: Originally I had all of them because I can't  
14 carry -- I can't have the jail calls in jail or in prison. So originally I think I  
15 was provided the majority of them in, I guess, somehow when it was  
16 given back to me I didn't have all of them. But right now --

17 THE COURT: Tell me how many jail calls are on the disc that  
18 you want to play?

19 MR. MILES: Probably the ones I want to play none at this  
20 time because I don't have that specific date. I think the jail calls were  
21 made a few days after the arrest and I don't have that one. So as right  
22 now --

23 THE COURT: Let's see where it goes. Because if she admits  
24 that she talked to you from the jail then you don't really need to go with  
25 the jail calls.

1 MR. MILES: I mean, I guess, for the record just states that I  
2 guess I already knew she, I guess, talked to me or something like that.  
3 That's what they said. I guess that's what they represented to the Court  
4 that they already knew previously before her testimony was offered that  
5 she talked to me --

6 MS. KIERNEY: I knew that they talked in jail and that she  
7 visited him in jail, and I asked her about that and that was close in time  
8 to when she was arrested.

9 THE COURT: Okay. So I don't think there's going to be any  
10 denial.

11 MR. MILES: Huh?

12 THE COURT: I don't think there's going to be any denial of it.

13 MR. MILES: Okay. All right.

14 THE COURT: Okay?

15 [Pause]

16 THE COURT: Just brief. I assume -- well, I don't even  
17 assume. So at this point now you have a copy of the transcript with  
18 Laporsha Ramsey, correct --

19 MR. MILES: Yeah. And I think --

20 THE COURT: -- Mr. Miles? Another the record will reflect.

21 MR. MILES: I think it would make it much easier, Your Honor  
22 -- I'm sorry to interrupt. I think it would make it much easier because I  
23 have the transcript right here, the court has a copy. If I want to actually  
24 show her that copy, I have my copy here. Did that make sense?

25 THE COURT: No.

1 MR. MILES: That doesn't make sense?  
2 THE COURT: No.  
3 MR. MARTINEZ: I think what's he saying is --  
4 MR. MILES: I'm saying like if I --  
5 MR. MARTINEZ: -- give her a copy of her statement --  
6 MR. MILES: Yeah. Give her a copy of her --  
7 MR. MARTINEZ: -- up there so he can refresh her  
8 recollection --  
9 THE COURT: Yeah.  
10 MR. MARTINEZ: -- without walking up there.  
11 THE COURT: I mean, and maybe I stepped on the State's  
12 toes. If you guys agree to play this or give them the transcript, I don't  
13 care.  
14 MR. MARTINEZ: Well, I think he should follow the proper  
15 steps in impeaching her. Give her an opportunity to deny saying it. Just  
16 like we do with every witness. Just like he did with Gabby, he can do  
17 with --  
18 THE COURT: But we did offer -- we did put in some of her  
19 statements, so I didn't know if you guys wanted --  
20 MR. MARTINEZ: But those were under oath.  
21 THE COURT: Agreed.  
22 MR. MARTINEZ: And met the exception. This doesn't meet  
23 the exception.  
24 THE COURT: Okay. Just like I said, I don't know that I gave  
25 you the opportunity to respond so I want to make sure you have it.

1 Do you have -- how many copies do we have of this?  
2 THE CLERK: I just made --  
3 MS. RHOADES: Well, those are just those two clean ones.  
4 MR. MARTINEZ: She can --  
5 MS. RHOADES: I can make another.  
6 MR. MARTINEZ: -- print more. I gave her my thumb drive.  
7 Electronic version.  
8 MS. RHOADES: Oh, she can?  
9 THE COURT: Well, do I need to follow along or I won't need  
10 to I guess?  
11 MS. RHOADES: No.  
12 THE COURT: Okay. Then she can -- okay. So now we're set.  
13 Where are we on the jail calls?  
14 MR. MILES: If this -- can I see this thumb drive? I'm pretty  
15 sure he probably has it on his thumb drive. That would make it much  
16 easier.  
17 THE COURT: No. You can't have his thumb drive.  
18 MR. MILES: Oh, yeah. I mean -- well, he has it. I don't see  
19 why he wouldn't.  
20 MS. RHOADES: What do you want from the jail calls? You  
21 have --  
22 MR. MILES: Just --  
23 MS. RHOADES: -- CDs there. What do you want from there?  
24 MR. MILES: Well, I don't have the month from March. The  
25 month of March for the jail calls.

1 MS. RHOADES: She's already testified that she talked to you  
2 in March 2015.

3 MR. MILES: She actually said when she got arrested, after  
4 she got arrested she didn't talk to me. That was actually her testimony.

5 MS. RHOADES: Okay. Well, I don't think that was her  
6 testimony, but you can ask her if she called you in March 2015, do you  
7 have March of another year where you have a recorded call with her?

8 MR. MILES: Just -- it was just in March. Just in March.

9 THE COURT: Okay.

10 MS. RHOADES: Of 2000 --

11 THE COURT: Let's see if she denies it and you need to bring  
12 them in then we'll see. If she admits it then I don't think there's any  
13 basis to play them for the jury --

14 MR. MILES: Okay.

15 THE COURT: -- that I can think of.

16 MR. MILES: Okay.

17 THE COURT: They would be hearsay and I can't think of  
18 anything relevant. But if she denies it then maybe the State will help  
19 facilitate narrowing this down and finding the March calls for us --

20 MS. RHOADES: Sure. I --

21 THE COURT: -- so we're not here for a week.

22 MS. RHOADES: I -- sure. I still don't know that they would  
23 be admissible, but yes.

24 THE COURT: Correct. Well, I think if she denies contact with  
25 him in March and you have a jail call where she's talking to him, then I

1 think that that would be relevant at that point.

2 MS. RHOADES: I think --

3 MR. MARTINEZ: She said she talked to him in jail and that  
4 was in March. That's when they got arrested, remember?

5 MR. MILES: Yeah. Physically in jail. Because we got  
6 arrested at the same time. That was her testimony.

7 THE COURT: Correct. And that was my --

8 MR. MILES: We got arrested -- yeah.

9 THE COURT: -- the way I took it was --

10 MR. MARTINEZ: But women and men don't get to be  
11 together.

12 THE COURT: -- she talked to him in passing at the jail. That's  
13 how I understood the testimony. If that's wrong, then somebody needs  
14 to clear that up because that's how I took it.

15 MR. MARTINEZ: What -- I think what she meant because of  
16 the pretrial that we had is that she visited him in jail --

17 THE COURT: Well, that's not --

18 MR. MARTINEZ: -- after he was arrested.

19 THE COURT: -- the evidence right now so --

20 MR. MARTINEZ: What's that?

21 THE COURT: That's not the evidence.

22 MR. MARTINEZ: That's what she --

23 THE COURT: The evidence is in passing.

24 MR. MARTINEZ: That's what she said.

25 THE COURT: So if this gets all cleared up and that's what

1 ends up happening then I don't think that there's any reason for the jail  
2 calls. I would still potentially allow them if you have them on hand, but  
3 I'm not going to continue the trial for a week for you to get them because  
4 I don't think they're admissible at that point.

5 So that's where we are.

6 MS. RHOADES: Okay.

7 MR. MILES: All right.

8 MS. RHOADES: We're ready.

9 MR. MILES: Ready.

10 THE COURT: Let's put our witness back up.

11 MR. MARTINEZ: Yes, Your Honor.

12 THE MARSHAL: All rise for the entry of jurors.

13 [Inside the presence of the jury.]

14 THE MARSHAL: All present, Your Honor.

15 THE COURT: All right. Ms. Ramsey, I'll remind you, you're  
16 still under oath, okay.

17 THE WITNESS: Okay.

18 THE COURT: Mr. Miles.

19 CROSS-EXAMINATION

20 BY MR. MILES:

21 Q Good morning, Ms. Ramsey.

22 Now you testified for the State during direct examination that  
23 -- I mean, wouldn't it be fair to say that you testified for the State during  
24 direct examination that me and you were arrested at the same time on  
25 March 24th of 2015?

1           A     Yes, sir. Yes.

2           Q     Okay. And for the record, it looked like you was looking over  
3 at -- were you looking over at Mr. Martinez when I asked you that  
4 question?

5           A     Yes.

6           Q     You were, okay.

7           THE MARSHAL: Speak up.

8 BY MR. MILES:

9           Q     Now you gave a recorded statement to detectives; isn't that  
10 right?

11          A     Yes.

12          Q     Okay.

13          THE COURT: And let me just clarify something. I'm not sure  
14 what that question was when you asked her if she looked in some  
15 direction, but the direction she looked actually was she looked at me.

16          MR. MILES: Well, I'll clarify --

17          THE COURT: I don't know what that was about, but --

18          MR. MILES: I'll clarify.

19 BY MR. MILES:

20          Q     You -- Ms. Ramsey, when I asked you that question you did  
21 look up at Mr. Martinez; is that right?

22          A     Yes.

23          Q     Okay. Now did you look at Mr. Martinez for any type of  
24 gestures or maybe signals or something? Or what was that all about?

25          A     I looked at her to make sure I was supposed to be answering



1 what I need to, like I'm doing the right thing.

2 Q To make sure you're saying the correct testimony?

3 A Yes.

4 Q Okay. And did he give you any type of gestures? Did he tell  
5 you that to make sure you -- I think the proper question would be --

6 MR. MILES: I think she said she so I'm male. So I think --

7 THE COURT: You can certainly --

8 MR. MILES: -- there may be some confusion.

9 THE COURT: I don't -- I think -- I agree with you but you  
10 cannot follow-up.

11 BY MR. MILES:

12 Q Okay. I asked you if you was looking at Mr. Martinez; is that  
13 correct?

14 A Yes.

15 Q Okay. And I asked you if you were looking for any type of  
16 gesture by Mr. Martinez; is that correct?

17 A Yes.

18 Q Okay. And you indicated that you were looking for some  
19 type of gesture by Mr. Martinez; is that right?

20 A Yes. But not that type of gesture.

21 Q Okay.

22 A I just wanted to make sure I'm right.

23 Q Okay. Did he -- have you talked to Mr. Martinez before?

24 A Yes.

25 Q You have? And how many occasions have you talked to Mr.

1 Martinez?

2 A Two, three times.

3 Q Two or three times. And during those times you were talking  
4 to Mr. Martinez, did he tell you what you should be testifying to?

5 A No.

6 Q He didn't? Did he tell you to look for any gestures while  
7 you're testifying?

8 A No.

9 Q Are you sure about that?

10 A Yes.

11 Q Okay. Now you gave a recorded statement to Detective  
12 Gatus; isn't that right?

13 A Yes.

14 Q Okay. Now during the investigation of this case you've been  
15 truthful with detectives; is that correct?

16 A Yes.

17 Q Okay. So no reason to believe why you would be lying, is  
18 there?

19 A Lying about what?

20 Q Lying about anything in this case?

21 A I did not lie about nothing.

22 Q Okay. You didn't lie about anything, okay. So all statements  
23 that you gave to the detectives are true and correct; isn't that right?

24 A Yes.

25 Q Okay. Now If the Court can, I would like to show Ms. Ramsey

1 her recorded interview with detectives. Now is there any reason to  
2 believe why that's not a true and accurate copy of the transcript of your  
3 interview?

4 A I wasn't honest at first, but I told them that I wasn't, and I  
5 came -- that I was honest, I'm honest now about everything.

6 Q Well, I just asked you if you was truthful with the detectives  
7 during the investigation of the case and you testified yes; isn't that right?

8 A You did not say which interview.

9 Q I said at any point in time --

10 MR. MILES: Well, I'll state for the record, Your Honor, I did  
11 say at any point in time. But --

12 THE COURT: The record speaks for itself.

13 MR. MILES: Court's indulgence. Court's indulgence.

14 BY MR. MILES:

15 Q Now did you and Mr. Martinez go over this statement  
16 together?

17 A No.

18 Q You didn't?

19 A No.

20 Q So what evidence did you go over with Mr. Martinez in this  
21 case?

22 A I don't get what you're asking.

23 Q What evidence did you -- did Mr. Martinez show you any  
24 evidence in this case, or did you get to review any evidence, anybody's  
25 statements or --

1 A Just mine.

2 Q Just your statement, okay.

3 A Just my --

4 Q And can you tell me what type of discussion you had  
5 involving these statements?

6 A The truth.

7 Q The truth, okay. And what were you guys talking about?

8 A The truth about how all this happened.

9 Q The truth about how all this happened. Now you testified for  
10 the State that those cell phones that you got off the hood were mine;  
11 isn't that correct?

12 A Yes.

13 Q Okay. Now there wouldn't be any reason to believe why that  
14 statement was not true and correct, would there?

15 A Was -- can you repeat that?

16 Q There wouldn't be any reason to believe why your -- that  
17 your testimony --

18 MR. MILES: Excuse me, Your Honor.

19 BY MR. MILES:

20 Q It wouldn't be any -- would there be any reason to believe  
21 why your test -- that your testimony that the two cell phones that you got  
22 off the hood of the car weren't your phones? Would there be any reason  
23 for that?

24 A I'm not getting what you asking.

25 Q Would there be any reason to believe that your statement

1 regarding whether those two cell phones were mine was not true and  
2 correct?

3 A I said that it wasn't true on my first statement, but on my  
4 new statement --

5 Q It wasn't true on your first statement, okay. So let me ask  
6 you this. If you could -- if I could direct your attention to page number 3  
7 in the transcript. Now do you recall who you were talking to during that  
8 interview by any chance?

9 A No.

10 Q You don't? Now if you could turn to page -- if you could turn  
11 back to page 1 and look at the first question on page 1. Is there a name  
12 that says Detective Gatus on that page?

13 A Yes.

14 Q Okay. So would it be fair to say that during that interview  
15 you were talking to Detective Gatus?

16 A Yes.

17 Q Okay. Now if you could turn your attention to page 3. Now  
18 did the detective ask you, "Okay. Where do you live at? What's your  
19 address?" Do you recall her asking you that question?

20 A Yes.

21 Q And what was your answer to her?

22 A I gave her the address.

23 Q And what was that address?

24 A 6559 Holly Bluff Court.

25 Q Okay.

1 MR. MILES: Now Court's indulgence.

2 BY MR. MILES:

3 Q Now were you asked, "So that's what brought you guys  
4 down here today" --

5 MS. RHOADES: Your Honor, I'm going to object to this. This  
6 is not proper impeachment. He can't just read questions into the record.

7 THE COURT: Are you -- if you're going somewhere with her  
8 I'll give you a little bit of latitude, but if you're just going to go line-by-  
9 line through her previous statement, if you've got something  
10 inconsistent or what --

11 MR. MILES: Okay. Yeah. I've got something, Your Honor.

12 THE COURT: Okay.

13 BY MR. MILES:

14 Q If she could turn -- if you could turn to page 4 please, Ms.  
15 Ramsey. Now if you could -- did the detective ask you, "Are both of  
16 them phones yours", did she ask you that question during your  
17 interview?

18 A Yes.

19 Q Okay. And what did you tell her during that interview  
20 involving the phones?

21 A I believe I told her that it wasn't mine -- I mean, you know, it  
22 wasn't yours and that they were mine.

23 Q I'm sorry; I couldn't hear your answer.

24 A I said that it wasn't yours; it was mine --

25 Q Okay.

1           A     -- I believe.

2           Q     You said it wasn't mine, they were yours; isn't that correct?

3     Okay. Did -- you did testify for the State during direct examination that  
4     those phones were my phones; isn't that right?

5           A     Yes.

6           Q     Okay. So that -- was that testimony consistent with your  
7     version of events in regards to the recorded interview that I just stated  
8     for you?

9           A     I'm not getting what --

10          Q     Is --

11          A     -- you're asking me. I --

12          Q     Was your testimony consistent with your statement to police  
13     that --

14          A     Not the first --

15          Q     -- you bought the phones?

16          A     -- one. But I --

17          Q     So it wasn't consistent.

18          A     -- I cleared myself and I was honest about my testimony.

19          Q     Okay. So it wasn't consistent.

20                 MR. MILES: Now, Your Honor --

21                 MS. RHOADES: Objection; argumentative and he's not  
22     allowing the witness to answer the question.

23                 MR. MILES: She -- well, what's the objection? I'm not  
24     allowing her to answer the question? I just asked --

25                 THE COURT: Just let her finish answering and then please

1 don't -- no commentary on her response.

2 MR. MILES: Okay. Now, Your Honor, I'm actually going to  
3 move to admit her transcript of her interview into evidence that she  
4 testified on the stand her version of events in regards to the phone is not  
5 consistent with her testimony during direct examination. I would say  
6 that the exception to the hearsay rule allows me to admit that evidence  
7 as prior inconsistent statements. And I'll be able to use those statements  
8 to impeach her credibility as a witness, Your Honor.

9 THE COURT: State.

10 MS. RHOADES: That is not proper by the rules of evidence  
11 and she has already acknowledged that she told the detectives that those  
12 phones were hers.

13 MR. MILES: And I would say that I gave her -- well, I did ask  
14 her if this was a true and accurate copy. I'm not required by the statute  
15 to ask her at this time if -- to explain her statements. But she did explain  
16 her statements and say --

17 THE COURT: That's correct. And you got the evidence in  
18 that you wanted. You got the inconsistent statement in. She has  
19 admitted that she told the police the phones were her phones and not  
20 hers. The evidence is in; the transcript is not.

21 MR. MILES: Okay.

22 BY MR. MILES:

23 Q And these transcripts that I showed you, would it be fair to  
24 say these are a written version of your transcripts? These transcripts are  
25 in writing?



1 A Can you repeat that?

2 Q Were these -- are these transcripts in writing?

3 A No.

4 Q They're not in writing, okay.

5 MR. MILES: Court's indulgence, Your Honor.

6 BY MR. MILES:

7 Q Now if I could direct your attention to page 5 of your  
8 transcript. Do you recall the detective asking you where you bought the  
9 phones at?

10 MR. MILES: And for the record that's not verbatim, Your  
11 Honor. That wasn't verbatim.

12 BY MR. MILES:

13 Q But do you recall the detective asking you where you bought  
14 those phones at?

15 A I don't remember.

16 Q You don't remember? Well, would it refresh your  
17 recollection if you looked at your answer on the top of page 5?

18 A Okay.

19 Q Okay. So are you -- so what was your answer to her when  
20 she asked you that?

21 A "A Metro."

22 Q "A Metro." So didn't you also tell her that you bought one of  
23 the cellular phones on the street?

24 A Yes.

25 Q Okay.

1 MR. MILES: Court's indulgence. And, Your Honor, I'd  
2 actually again move, and I would say more specifically that she's --

3 MS. RHOADES: I'm going to object to this again. He's  
4 arguing. He is putting his statements into the record by arguing about  
5 this. And the Court has already ruled that the transcripts are not coming  
6 in. The evidence is in.

7 MR. MILES: I didn't finish, Your Honor, what I was actually  
8 requesting, but I would say that she -- this is a different statement. She  
9 said she bought the phones at Metro. This isn't consistent with her  
10 testimony. Pursuant to the statute she's a declarant testifying at the trial.

11 THE COURT: Okay.

12 MR. MILES: She's subject to cross-examination. It's  
13 inconsistent with her testimony. The statement is a written or oral -- this  
14 is a written assertion of the statement. So I think --

15 THE COURT: That's actually just a transcript of her oral  
16 statement.

17 MR. MILES: Yeah.

18 THE COURT: The way the law goes and I'm trying to be  
19 patient --

20 MR. MILES: Okay.

21 THE COURT: -- with you. But I -- the law is the law. You  
22 may do what you're doing. You may ask her to acknowledge. She has  
23 acknowledged that the statement comes in as a prior inconsistent  
24 statement under the hearsay rules. The statement itself, the testimony  
25 itself is evidence. You have not met the requirements for admission of

1 the transcript.

2 MR. MILES: Okay. Now Court's indulgence.

3 BY MR. MILES:

4 Q Now you testified for the State during direct examination --  
5 would it be fair to say that during direct examination by the State that  
6 you testified that when you were allegedly picked up by me in the silver  
7 convertible car, you didn't -- you were dropped back off at the house the  
8 next day or the same day; is that right?

9 A Yes.

10 Q Okay. And it was your testimony that that day that I picked  
11 you up you were with Gabrielle King; isn't that right?

12 A Yes.

13 Q Okay. So after you were allegedly with Gabrielle King you  
14 went to the house; is that right?

15 A No.

16 Q I thought you -- I thought it was just your testimony?

17 A No. I said we went to Walmart.

18 Q Okay. You went to Walmart and then what happened next?

19 A I got dropped off back to the house.

20 Q Okay. And then how many days after that were you picked  
21 up again?

22 A Picked up from where?

23 Q Picked up from the house?

24 A How many days before?

25 Q No. How many days after you were dropped off to your

1 house were you picked up again?

2 A From you?

3 Q Yes, by me.

4 A Maybe the next day. Next day.

5 Q Maybe the next day or the next day?

6 A The next day.

7 Q Okay. The next day. So you did testify for the State that, I

8 mean --

9 MR. MILES: Court's indulgence, Your Honor.

10 BY MR. MILES:

11 Q Have you ever told any detectives in this case that the cell  
12 phones that you --

13 MR. MILES: Hold on, Your Honor. I'm getting confused.  
14 Hold on.

15 BY MR. MILES:

16 Q Now it is your testimony, I didn't -- is it your testimony that I  
17 didn't tell you directly to get the room at the suite; is that your  
18 testimony?

19 A Repeat that.

20 Q Is that your testimony that I didn't tell you specifically to go  
21 get the room at the suites?

22 MS. RHOADES: Objection; that completely misstates her  
23 testimony.

24 MR. MILES: I just asked her if that's her testimony, Your  
25 Honor. I didn't ask her if she testified to that during direct examination. I

1 asked her, is that her testimony.

2 THE COURT: Go ahead. I'll overrule it.

3 MR. MILES: Okay. So she can --

4 THE COURT: She can answer.

5 BY MR. MILES:

6 Q Can you answer --

7 THE COURT: Do you want to ask it again?

8 THE WITNESS: Yes. Ask it again.

9 THE COURT: Ask it again please.

10 MR. MILES: Actually, Your Honor, that actually threw me off.

11 That confused me; I forgot what I asked.

12 BY MR. MILES:

13 Q Oh, yeah. It is your testimony that I didn't tell you to go get  
14 the room at the suites; isn't that your testimony?

15 A You did tell me.

16 Q I did tell you?

17 A Yes.

18 Q Okay. And I didn't tell you the purpose of getting a room, did  
19 I?

20 A No, you didn't.

21 Q Okay. No, I didn't. Now can you tell me a little bit about  
22 some of the statements that you've made to the detectives during your  
23 interview? Can you tell me a little bit about that? That you --

24 A My statements are the truth about what happened during the  
25 timeframes. Like that's all I'm doing, the truth.

1 Q Okay. And from based on your version of events the truth is  
2 that you were picked up from Walmart and dropped off and then two  
3 days later, picked back up and got the room at the suites; isn't that right?

4 A I don't know the timeframe. I did not say that. I don't know  
5 the timeframe. It could be four, it could be after. I don't know the  
6 timeframe --

7 Q Okay. But you --

8 A -- from that, but it was close --

9 Q But you just know --

10 A -- a close timeframe.

11 Q Okay. Sorry.

12 MR. MILES: Sorry, Your Honor.

13 BY MR. MILES:

14 Q You just know that it wasn't that same day, that's all you  
15 know?

16 A It wasn't.

17 Q Okay.

18 MR. MILES: Court's indulgence.

19 BY MR. MILES:

20 Q Would there be any reason to believe -- let me ask you this  
21 first. Those two phones that you testified during direct examination that  
22 you got off the hood, what type of phones were those?

23 A I don't remember.

24 Q You don't remember. Now would there be any reason to  
25 believe why those cell phones that were taken off the police's vehicles

1 were actually your phones before I met you?

2 A Those are not my phones.

3 Q Those are not your phones. Now when you were talking to  
4 Mr. Martinez, you indicated that you talked to Mr. Martinez. Is it -- did he  
5 tell you the consequences of testifying untruthfully during this hearing?

6 A Yes.

7 Q Okay. And what did he tell you?

8 A I don't remember.

9 Q You don't remember. Did he tell you -- would it be fair to say  
10 that he told you that if you testified untruthfully you could be subject to  
11 criminal charges?

12 A I don't remember.

13 Q You don't remember. Did he reach out to you to come testify  
14 here today?

15 A I don't remember.

16 Q You don't remember. Well, can you tell me what you do  
17 remember --

18 MS. RHOADES: Objection; Your Honor.

19 BY MR. MILES:

20 Q -- about what you --

21 THE COURT: Sustained.

22 BY MR. MILES:

23 Q Okay. Now let me ask you this.

24 MR. MILES: Well, actually Your Honor, I'll pass the witness.  
25 Pass the witness.

1 THE COURT: State.

2 MR. MILES: Well, actually, Your Honor, I'll pass the witness.

3 THE COURT: State.

4 REDIRECT EXAMINATION

5 BY MS. RHOADES:

6 Q Ms. Ramsey, you said that about 6 to 8 months prior to  
7 February 2015, you had been working for the Defendant as a prostitute;  
8 is that right?

9 A Yes.

10 Q Were there -- or was there ever discussed any rules about  
11 talking to the cops or testifying in court against your pimp?

12 A No.

13 Q Do you know, based on your experience, are there any rules  
14 about that?

15 A Of the situation --

16 MR. MILES: Objection, Your Honor. I don't think she's  
17 qualified to testify. That's actually testifying as an expert witness. I don't  
18 think the State has laid a foundation that she can testify to where --

19 THE COURT: If she knows.

20 BY MS. RHOADES:

21 Q If you know, Ms. Ramsey, are there any rules about testifying  
22 in court against a pimp? No? None that you know of?

23 A No rules, no. No, no rules.

24 Q Okay. Fair to say that when Mr. Miles was asking you  
25 questions, you were looking down most of the time; is that right?



1 A Yes.

2 Q Why?

3 A Because I feel like his questions is irrelevant and I'm not  
4 getting it.

5 MR. MILES: Objection. Speculation, Your Honor.

6 THE COURT: Overruled.

7 BY MS. RHOADES:

8 Q Mr. Miles was your pimp for approximately six to eight  
9 months; is that right?

10 A Yes.

11 Q Do you know Mr. Miles' mother?

12 A Not like that, no.

13 Q Okay. Have you met her before?

14 A One time, yes.

15 Q With regard to Mr. Miles' questions about detectives and  
16 DAs, do you know the difference between detectives and district  
17 attorneys or what they do, how they do it?

18 A I'm really not sure, but I kind of have an idea.

19 Q When he was asking you questions about talking to Mr.  
20 Martinez and looking over at Mr. Martinez, were you, in fact, looking over  
21 at me?

22 A Uh-huh.

23 Q Is that a yes?

24 A Yes.

25 MR. MILES: That's leading the witness, Your Honor. And I

1 think she's already testified to this.

2 BY MS. RHOADES:

3 Q When you met with Mr. Martinez, was I there as well?

4 A The first time?

5 Q Yes.

6 A Not the very first time though.

7 Q Okay. Was there another person there?

8 A Yes.

9 Q Was it an investigator that you know of?

10 A It was the -- yes.

11 Q And is her name Kristen?

12 A Yes.

13 Q Was I there as well another time that you met with Mr.  
14 Martinez?

15 A Yes.

16 Q So Mr. Martinez is different from me; is that right?

17 A Is -- he's different from what?

18 Q From me.

19 A Yes.

20 Q Okay. In any of your time with talking or meeting with Mr.  
21 Martinez, with myself, with Kristen, did anybody ever tell you what to  
22 say in your report?

23 A No.

24 Q What, if anything, did he tell you about you testifying in  
25 court?

1           A     Tell the truth.

2           Q     You testified on direct that you visited -- well, did you visit  
3 the Defendant while he was in the detention center?

4           A     Yes.

5                 MR. MILES: Objection, Your Honor. I think that misstates the  
6 testimony during direct examination.

7                 MS. RHOADES: I just asked her a question.

8                 MR. MILES: She -- but she did refer to the direct examination  
9 when she asked that question.

10                THE COURT: What's your -- I don't know what your  
11 objection is.

12                MR. MILES: From my understanding, she asked during direct  
13 examination -- she asked her during direct examination, you indicated  
14 that you visited the -- me, and at some point in time -- I'm not sure what  
15 she said after that, but she was referring to the direct examination. Now  
16 she just --

17                MS. RHOADES: I can rephrase the question.

18                THE COURT: What is the basis for the objection is all I'm  
19 asking.

20                MR. MILES: I would say that's actually leading the witness,  
21 and that actually misstates the testimony that she's referring to.

22                THE COURT: Overruled.

23 BY MS. RHOADES:

24           Q     Did you visit the Defendant in the detention center?

25           A     Yes.

1 Q Was that after you had been released from the detention  
2 center?

3 A Yes.

4 Q Was that close in time to when you guys were arrested  
5 together?

6 A Yes.

7 Q How many times did you visit him in the detention center?

8 A Maybe one or two, but I'm not sure.

9 Q Was -- were those visits while you were still living at the  
10 Holly Bluff address?

11 A Yes.

12 Q Did you also receive phone calls from the Defendant while he  
13 was in the detention center?

14 A Yes.

15 Q Was that also while you were living at the Holly Bluff  
16 address?

17 A Yes.

18 Q And that was close in time when you guys were arrested  
19 together?

20 A Yes.

21 Q Why did you tell the detectives that you interviewed with in  
22 jail, why did you tell them that those cell phones were your cell phones?

23 A Because I was trying to protect him, and I was scared.

24 Q Did you, in fact, purchase those cell phones from -- one from  
25 Metro PCS and one from on the streets?

1           A     No, I didn't purchase them.

2           Q     Do you remember anything about the cell phones, whether  
3 one was a certain color, one was smaller or larger than the other?

4           A     One was maybe dark blue, square looking, rectangle or  
5 square looking.

6           Q     Do you remember anything about the other? Is that a no?

7           A     I don't remember how the other phone looked.

8           Q     So in your interview with the detectives, you were trying to  
9 protect Christian, right?

10          A     Yes.

11          Q     But you did tell them some things that you told us today,  
12 right?

13          A     Yes.

14          Q     So you told them that there was a green room where you  
15 took photographs at the Holly Bluff address, right?

16          A     Yes.

17          Q     You told them that you and Christian were you living at that  
18 house together, right?

19          A     Yes.

20          Q     You told them that you got the room at the Suites for  
21 Christian, right?

22          A     Yes.

23          Q     And that he went to you, and he told you I need this room  
24 right now, and you got it for him?

25          A     Yes.

1 MS. RHOADES: No further questions, Your Honor.

2 RECROSS-EXAMINATION

3 BY MR. MILES:

4 Q You did indicate during redirect that you lied in your  
5 interviews; isn't that correct?

6 A Yes.

7 Q But I did ask you during my examination that -- I did ask you  
8 during -- would it be to say during my examination of you I did ask you if  
9 you were truthful with the detectives. I did ask you; is that correct?

10 A Yes.

11 Q And you did state you were, that yes, didn't you?

12 A I stated I wasn't truthful at first, but I'm truthful now.

13 Q Now when I asked you that question --

14 MR. MILES: Actually, Court's indulgence, Your Honor.

15 BY MR. MILES:

16 Q My question was I did ask you before I did ask you the other  
17 question, if you were entirely truthful during the investigation of your  
18 case, and you did state yes; isn't that right?

19 A I don't remember. I'm not sure. I mean it's a lot of --

20 Q You don't remember?

21 A It's a lot of questions I've been asked now.

22 Q So has all your testimony so far been entirely truthful?

23 A Yes.

24 Q So are you testifying that there wouldn't be any reason to  
25 believe that you've made a false statement?

1           A     I never made a false statement.

2           Q     You never made a false statement. Okay. Now how long  
3 ago -- well, can you tell me the first time that you've actually spoken with  
4 Mr. Martinez and around what timeframe was that?

5           A     I don't remember.

6           Q     Would it be fair to say that was three years after you got  
7 arrested, four years after you got arrested?

8                   MS. RHOADES: Objection. Asked and answered.

9                   MR. MILES: Not -- I'm asking her a whole different  
10 timeframe, Your Honor.

11                  MS. RHOADES: She already testified that she didn't  
12 remember.

13                  MR. MILES: Okay. I'll rephrase the question, Your Honor.

14 BY MR. MILES:

15           Q     When you got arrested for this crime, did you talk to Mr.  
16 Martinez a year after that?

17           A     A year after the crime, I haven't talked to anybody.

18           Q     Okay. Two years after that, did you talk to Mr. Martinez?

19           A     No.

20           Q     Okay. Three years after that, did you talk to Mr. Martinez?

21           A     No.

22           Q     No. So at no point in time during the timeframe of 2015 to  
23 2016 did you talk to Mr. Martinez?

24           A     No.

25           Q     Okay. During no point in time during 2016 through 2017 did

1 you talk to Mr. Martinez, did you?

2 A No.

3 Q Okay. During no point in time during 2018 through 2019 did  
4 you talk to Mr. Martinez, did you?

5 A I talked to him this year.

6 Q Okay. You talked to him this year. Okay.

7 MR. MILES: Court's indulgence, Your Honor.

8 [Pause]

9 BY MR. MILES:

10 Q Let me ask you this. How did Mr. Martinez reach out to you?  
11 Did he call you?

12 A No.

13 Q Did he text you?

14 A No.

15 Q Did he come to your residence?

16 A No.

17 Q So how did you get in contact with him?

18 A I met -- got subpoenaed and met Mr. Martinez.

19 Q Okay. So they were both together, him and Detective Gatus  
20 and Mr. -- I mean Mr. Martinez and Detective Gatus were together when  
21 they talked to you?

22 A No.

23 Q I mean that's -- didn't you just say you were with a detective  
24 and Mr. Martinez, which --

25 A I didn't say nothing about Detective Goddess -- Gatus. I



1 didn't say nothing about that. I met Mr. Martinez when I got here. That's  
2 what I said.

3 Q Okay. When you got here. But you didn't reach out to him,  
4 did you?

5 A No.

6 Q Okay.

7 MR. MILES: No further questions, Your Honor.

8 THE COURT: Ladies and gentlemen of the jury, anybody  
9 have any questions of this witness?

10 [Court and Marshal confer]

11 THE COURT: And if we need to excuse the jury, just let me  
12 know.

13 MR. MILES: No objection.

14 MR. MARTINEZ: No objection by the State.

15 THE COURT: Okay.

16 How old was Jahnay during the time she was with the  
17 defendant, or the month she was with the defendant?

18 THE WITNESS: Oh. How old I was?

19 THE COURT: How old was Jahnay? How old were you  
20 during --

21 THE WITNESS: I want to say 19 going on 20, 19 or 20.

22 THE COURT: Okay.

23 Follow-up?

24 MS. RHOADES: No, Your Honor.

25 MR. MILES: Oh, yeah. I do have a follow-up. Oh, on that

1 question or can I --

2 THE COURT: Yeah, just that question.

3 MR. MILES: -- just that question? Actually, no, I don't.

4 THE COURT: Okay.

5 Is she excused?

6 MS. RHOADES: Yes, Your Honor.

7 THE COURT: Thank you for your testimony. You're excused.

8 Please don't discuss it with anyone.

9 Does the State have another witness?

10 MS. RHOADES: We do. Mark Admundson.

11 THE COURT: Okay.

12 THE MARSHAL: Mark Edmundson.

13 MS. RHOADES: Admundson.

14 THE CLERK: Raise your right hand.

15 MARK AMUNDSON, STATE'S WITNESS, SWORN

16 THE CLERK: Please state your name and spell your first and  
17 last name for the record.

18 THE WITNESS: Mark Amundson, M-A-R-K A-M-U-N-D-S-O-  
19 N.

20 DIRECT EXAMINATION

21 BY MS. RHOADES:

22 Q Sir, how are you employed?

23 A I -- at the -- currently, I'm a sergeant with the Henderson  
24 Police Department.

25 Q How long have you been with the police department?

1 A 16 years.

2 Q And how long have you been a sergeant?

3 A Approximately six months.

4 Q In March 2015, what unit were you working?

5 A I was a detective with the Henderson Police Department, and  
6 I was assigned to the FBI criminal apprehension team.

7 Q Is that also known as the CAT team?

8 A Yes, the CAT team.

9 Q What, generally, does the CAT team do?

10 A Our job is to pretty much go after fugitives and make fugitive  
11 arrests.

12 Q On March 24, 2015, were you conducting surveillance on  
13 6559 Holly Bluff?

14 A Yes, I was.

15 Q Why were you conducting surveillance at that location?

16 A Prior to that surveillance, I was contacted by a Metro  
17 detective, Detective Justine Gatus, who advised me that she had  
18 warrants for arrest for Christian Miles. And I was conducting  
19 surveillance at that address, because that's where I believed he was  
20 staying.

21 Q And in the afternoon on that date, what, if anything, did you  
22 see happen at that address?

23 A I was doing surveillance at that address, and I -- there was a  
24 gold Volvo that was parked out front. And I saw Christian and what I  
25 believed at the time to be his girlfriend, Laporscha Ramsey. They both

1 exited the residence. Christian got into the driver's seat of the vehicle.  
2 Laporscha got into the passenger seat of the vehicle, and the vehicle  
3 drove away.

4 Q You said it was a gold Volvo?

5 A Yes, it was.

6 Q Do you remember the license plate?

7 A I have my report here. I don't remember off the top of my  
8 head, but I did document it in a report at the time.

9 Q Okay. And your report is folded up. Would looking at your  
10 report refresh your memory as to the license plate?

11 A Yes, it would.

12 Q You can look at that.

13 A Okay. The license plate would be 933-Adam-Xray-Charlie,  
14 AXC.

15 Q Okay. And what did you do after you saw them get in the  
16 car?

17 A I radioed to my other people on my team that I observed the  
18 person that had the warrant driving. And they headed to the area, so we  
19 could safely take them into custody. I then followed him to a gas station  
20 up the street, and then he parked at a gas pump. At that time, I observed  
21 Laporscha exit the passenger seat and walk inside.

22 So the suspect was in the vehicle by himself. And at that time, we  
23 pulled up our cars to block his front and rear and ordered him out of the  
24 vehicle.

25 Q And you said he parked. So he -- Christian was driving the

1 car?

2 A Yes.

3 Q And were you able to take him into custody?

4 A Yes. We took him into custody. We called him out of the car,  
5 and he complied. And we placed him in handcuffs and arrested him.

6 Q Were you actually the one that placed him in custody?

7 A Yes, I was.

8 Q Did you search him incident to his arrest?

9 A Yes. I searched his immediate body. And in his pocket, he  
10 had multiple items, including a wallet, credit cards, and also a cell phone.

11 Q And you said you searched his area too. Is that his -- the  
12 driver's seat?

13 A Yes. And then also on the driver's seat of the Volvo, there  
14 was another cell phone that was sitting on the driver's seat. So there  
15 was two cell phones total that we recovered.

16 Q What did you do with that property at that time?

17 A Okay. This is a little bit of a story. So I took the property and  
18 I set it on the hood of the car while we continue our investigation.  
19 Shortly thereafter, when Laporscha saw what was happening, she came  
20 out, and she was talking. Christian kept asking me several different  
21 times if he could give her his telephones, both of his phones.

22 And I told him several different times that he could not give him  
23 the telephones. Laporscha was standing there when that occurred. And  
24 then I told him the reason why is because they were going to be used as  
25 evidence in the criminal case. He continued to ask, and I continued to

1 tell him no. Eventually, he stopped asking. And then -- you know, which  
2 I thought he accepted the fact that he wasn't going to get them, and he  
3 then asked if he could give Laporscha hug goodbye, which I said, you  
4 know, he was being cooperative. I didn't see any reason not to.

5 We left him in handcuffs. Laporsha then wrapped her arms around  
6 him. And then I was facing Laporsha. And he -- I could see him  
7 whispering in her ear. What I observed Laporscha doing is she was kind  
8 of staring at the ground, like kind of contemplating and thinking. And  
9 she was shaking her head yes. I did not hear what he said. But when I  
10 saw them whispering, I said hey, no more, you know. We can't have  
11 that, you know. Stop whispering. Anything that has to be said has to be  
12 said out loud. We're not going to have secrets, you know, while you're  
13 in custody.

14 They said okay. I then started putting Christian in my car. And  
15 then about 45 seconds later, I went to grab -- he had a baseball cap on.  
16 So what I did is I put the phones and his wallet and his credit cards  
17 inside of the baseball cap. And it was sitting on the hood of the police  
18 vehicle. At that time, I looked up to go grab the hat, and it was gone.  
19 And I was kind of shocked. So we were looking for Laporsha, and we  
20 saw her as she walked back into the gas station. It was like a little  
21 7-Eleven. And she went inside. So myself and a partner of mine went  
22 inside and confronted Laporscha and said hey, do you have -- did you  
23 take the phones off of the police vehicle with the hat. She admitted to  
24 taking them. And then, so she was ultimately arrested and placed in  
25 custody for the -- stealing or destroying and concealing the evidence.

1 And she was also transported to jail. And then I recovered the phones  
2 and the property from her in the gas station about 45 seconds after they  
3 left the hood.

4 Q And so, when you said when you originally placed all those  
5 items, you placed them inside the hat on top of the hood?

6 A Yes.

7 Q And then when you went into the 7-Eleven, you were able to  
8 immediately retrieve those two cell phones?

9 A Yes, I did.

10 Q And those were the same cell phones?

11 A And also the hat. And it was the same cell phone I took from  
12 his pocket and the same cell phone that I took from the front seat of the  
13 vehicle that he was sitting in.

14 Q And what did you do after you got those back from  
15 Laporscha?

16 A I made sure they were attached to me. I wasn't going to  
17 have that happen again. And then, at that time, I transported Christian  
18 Miles to the Clark County Detention Center with the property in my  
19 possession. One of my partners transported Laporscha Ramsey to the  
20 Clark County Detention Center and booked her on unrelated charges to  
21 this case. And then when I got to the Clark County Detention Center,  
22 Detective Justine Gatus was there. I met with her immediately, and then  
23 I handed her the telephones, which she -- I'm guessing, from that point,  
24 she booked into evidence.

25 Q So you handed those two cell phones to a Detective Gatus at

1 the --

2 A Yes.

3 Q -- detention center?

4 A Yes.

5 Q And from the time you retrieved them back from Porsha until  
6 the time you handed them to Detective Gatus, those two cell phones  
7 remained in your sole care and custody?

8 A Yes.

9 Q I pass the witness, Your Honor.

10 THE COURT: Mr. Miles.

11 CROSS-EXAMINATION

12 BY MR. MILES:

13 Q Good morning, officer.

14 A Good morning, sir.

15 Q So you testified, on direct examination by the State, that my  
16 license plate number was, quote, 933AXC; is that correct? Well --

17 A Can I look at my report?

18 Q Yeah.

19 A Okay. Yeah. The license plate of the gold colored  
20 convertible Volvo was Nevada plate 933AXC.

21 Q Okay. Now you said you had the phones. You indicated that  
22 you had the phones in your sole custody and control when you gave --  
23 and then you gave them to detectives; isn't that right?

24 A From the point I took them from Laporscha, I had them in my  
25 sole custody and control until I passed them off to Detective Gatus.



1 Q Okay. And when you passed them off to Detective Gatus,  
2 you don't know anything else that happened with those phones after  
3 that; is that right?

4 A No. At that point, I handed them to her. And I don't know  
5 from -- what she did with them or didn't do with them.

6 Q Okay. Thank you.

7 MR. MILES: That's it, Your Honor.

8 THE COURT: Anything else from the State?

9 MS. RHOADES: Just briefly.

10 REDIRECT EXAMINATION

11 BY MS. RHOADES:

12 Q And Porsha had those phones for approximately 45 seconds?

13 A Yes. And I documented that in my report, but it was 45 --  
14 approximately 45 seconds from the time they were moved from the  
15 hood to the time we recovered them in the gas station.

16 MS. RHOADES: And permission to publish, Your Honor,  
17 State's 35.

18 THE COURT: Okay.

19 BY MS. RHOADES:

20 Q And State's 35, fair to say that's a silver colored vehicle; is  
21 that right?

22 A Yes.

23 Q That's a different vehicle than the one you saw Christian  
24 driving --

25 MR. MILES: Objection, Your Honor. I think that's

1 speculation. I don't think he knows --

2 THE COURT: Overruled.

3 MR. MILES: -- what the vehicle was at the time.

4 THE COURT: Overruled.

5 BY MS. RHOADES:

6 Q This vehicle in State's 35 is a different vehicle than what  
7 Christian was driving on March 24, 2015 --

8 MR. MILES: Objection, Your Honor.

9 BY MS. RHOADES:

10 Q -- is that right?

11 MR. MILES: Objection, Your Honor. That's speculation. I  
12 don't think he can --

13 THE COURT: Overruled.

14 MR. MILES: Okay.

15 THE WITNESS: What I can tell you is the license plate  
16 number is different.

17 BY MS. RHOADES:

18 Q Is the color different as well?

19 A The color looks similar in my opinion.

20 Q Okay. But the license plate is different?

21 A Yes.

22 MS. RHOADES: Nothing further, Your Honor.

23 MR. MILES: Actually, Your Honor, can I view his report too?  
24 Is that all right if I review his report that he is referring to? I think it's  
25 relevant. I'm just going to ask him --

1 RECROSS-EXAMINATION

2 BY MR. MILES:

3 Q Well, actually, if you can look at your own report. Did you  
4 have the color of the vehicle on that report?

5 A Yes, I did. I wrote the color.

6 Q What was the color on that report?

7 A According to my report, and I'll read it verbatim, I observed  
8 gold colored convertible Volvo bearing Nevada license plate 933AXC.

9 Q Okay. Thank you.

10 MR. MILES: No further questions.

11 MS. RHOADES: Nothing further.

12 THE COURT: Anything from the jury?

13 Okay. Is this witness excused?

14 MS. RHOADES: Yes, Your Honor.

15 THE COURT: Thank you, officer, for your testimony. Please  
16 don't discuss it with anyone else.

17 State.

18 MS. RHOADES: The State does not have any further  
19 witnesses for today.

20 THE COURT: Okay.

21 Mr. Miles.

22 MR. MILES: The State [sic] will call Mark Hunt. Oh.

23 THE COURT: Did you want to do an opening?

24 MR. MILES: Yes, Your Honor.

25 MS. RHOADES: Oh, Your Honor, just for today. We're not

1 resting.

2 MR. MILES: Oh.

3 THE COURT: Oh, I'm sorry.

4 MS. RHOADES: That's okay.

5 THE COURT: Okay.

6 MR. MARTINEZ: We ran out of witnesses today.

7 THE COURT: Got you. All right. I misunderstood.

8 Well, the good news and the bad news, ladies and  
9 gentlemen. So we are going to take our evening recess.

10 During this recess, you're admonished not to talk or converse  
11 among yourselves or with anyone else on any subject connected with  
12 this trial, or read, watch or listen to any report or commentary on the  
13 trial, or any person connected with this trial, buy any medium of  
14 information, including, without limitation to, newspapers, television, the  
15 internet and radio, or form or express any opinion on any subject  
16 connected with the trial until the case is finally submitted to you. And no  
17 legal or factual research or investigation or recreation of testimony on  
18 your own.

19 Everybody good for 10:30 tomorrow? Yeah? Raise your  
20 hand if you're not. Okay. Seeing no hands, we'll see you at 10:30  
21 tomorrow.

22 THE MARSHAL: All rise.

23 THE COURT: Thank you all. Have a safe trip home.

24 [Outside the presence of the jury]

25 THE COURT: The record will reflect we're outside the

1 presence of the jury. Is there anything we need to do or can do, so that  
2 we don't have to do it tomorrow when the jury is in the hall?

3 MS. RHOADES: Maybe jury instructions.

4 THE COURT: Do you have yours?

5 MR. MILES: I was pretty much waiting to -- you know, for the  
6 evidence to be presented, because I think that's actually relevant, you  
7 know, for my jury instructions. I didn't bring them with me today, Your  
8 Honor. I mean I didn't think we was going to get to that. Honestly, I  
9 thought the State was going to have more witnesses they were going to  
10 call.

11 THE COURT: Did you review the State's? Do you have any  
12 objection to any of theirs?

13 MR. MILES: I reviewed the State's. Court's indulgence.

14 May I see your copy, Mr. Martinez? Is that fine?

15 MR. MARTINEZ: I don't have a printed copy. I have it -- I  
16 believe we sent an email. If we could print that off.

17 MR. MILES: I might be able to find it.

18 MR. MARTINEZ: We sent an email with instructions and  
19 cites.

20 THE COURT: No problem. We'll print another one. Are we  
21 going to do something with them now or are we just giving them to him  
22 to review?

23 MR. MARTINEZ: Well, I think he already has them. Mr.  
24 Beckett, I believe -- at least I emailed them to Mr. Beckett to give to the  
25 defendant.

1 THE COURT: Did you have them, Mr. Miles? Have you  
2 reviewed them?

3 MR. MILES: Yeah. I reviewed most of it. I think some of the  
4 instructions were reasonable. I might have a couple objections to some  
5 of them, but I didn't know we was going to do this today. Like I said, I  
6 thought the State was going to call their witnesses.

7 THE COURT: Well, I'm not going to -- if he's not ready to do  
8 them, I'm not going to sit here for 40 minutes while he --

9 MR. MARTINEZ: That's fine.

10 Do you have them though?

11 MR. MILES: Yeah, I have them. They're in my room. I have  
12 them.

13 THE COURT: Okay. Bring them tomorrow.

14 MR. MILES: Okay.

15 THE COURT: Because what we'll do is before we take -- we'll  
16 excuse the jury for lunch and before we break --

17 How many more witnesses does the State have?

18 MR. MARTINEZ: We have three more witnesses. Yes, three  
19 more witnesses.

20 THE COURT: It's only Wednesday, isn't it?

21 MR. MARTINEZ: Today is Thursday.

22 THE COURT: No, today is Thursday. It is Thursday.

23 MR. MARTINEZ: But we have a --

24 THE COURT: I was going to say -- okay.

25 MR. MARTINEZ: We have a long day tomorrow. I apologize

1 for --

2 THE COURT: Why did I think we were going to finish today?

3 MR. MARTINEZ: -- misestimating.

4 THE COURT: Why did -- did somebody tell me that you guys  
5 were going to be done today, didn't you?

6 MS. RHOADES: This one did.

7 MR. MARTINEZ: I don't remember that to be exactly  
8 accurate.

9 MS. RHOADES: Those were his words.

10 THE COURT: I believe he even -- I was even -- I even told Mr.  
11 Miles to maybe have a witness ready for this afternoon. I think this  
12 really --

13 MR. MARTINEZ: I have zero recollection of that  
14 conversation.

15 THE COURT: I remember it clearly.

16 MR. MARTINEZ: What I think I said was I thought the  
17 testimony was -- Gabrielle's testimony was going to go until the end of  
18 the day today. That's what I said.

19 THE COURT: I see. Okay. All right.

20 MR. MARTINEZ: So that was my estimation.

21 THE COURT: How long are your witnesses going to be  
22 tomorrow to the extent you can guess?

23 MR. MARTINEZ: For the State it's not going to be that long. I  
24 think cross may take a while, especially for Detective Gatus, if I'm  
25 predicting correctly what Defendant is going to try to elicit.

1 THE COURT: Okay.

2 MR. MARTINEZ: But I can say that we have Detective Gatus,  
3 Vince Ramirez, who is the cell phone expert that extracted the  
4 information from Defendant's phones.

5 THE COURT: Okay.

6 MR. MARTINEZ: And we have Don Hoier, who is a pimp  
7 expert that we noticed.

8 THE COURT: He's a what?

9 MR. MARTINEZ: A pimp expert.

10 THE COURT: Okay.

11 MR. MARTINEZ: Pimp/prostitution subculture.

12 THE COURT: Got you.

13 Okay. And then how many witnesses do you have?

14 MR. MILES: One, two, three -- two maybe three.

15 THE COURT: Do you think that we will get to his witnesses?

16 MR. MARTINEZ: Okay. Are you calling the ones that you  
17 noticed?

18 MR. MILES: Yeah.

19 MR. MARTINEZ: Okay.

20 THE COURT: Do you -- well, I'd like to get this moving. So  
21 maybe if you could have your witnesses ready. Are you going to make  
22 an opening, Mr. Miles?

23 MR. MILES: Yes.

24 THE COURT: Okay.

25 MR. MILES: I'm going to do -- that might take a while, a very



1 long time too. So I -- well, I just --

2 THE COURT: What's a very long time?

3 MR. MILES: I'm not sure, you know. I don't want to get up  
4 there and --

5 THE COURT: Well, you're not going to get days. So --

6 MR. MILES: Well, I know not days, Your Honor.

7 THE COURT: What's a very long time? That's frightening to  
8 me.

9 MR. MILES: Just so it's clear to the jury, I mean maybe an  
10 hour.

11 THE COURT: Okay.

12 MR. MARTINEZ: And I would just remind, if I may,  
13 respectfully, that his opening has to be limited to what his evidence is,  
14 what he has a good-faith basis to believe is admissible evidence.

15 THE COURT: I'm sure you've done that research, right?

16 MR. MARTINEZ: So it can't be argument.

17 THE COURT: This is not a closing.

18 MR. MILES: Yeah.

19 THE COURT: You get that, right? It's an opening. It's the  
20 evidence will show. Your arguments and that will be your closing. So --

21 MR. MILES: And I want to give notice to the --

22 THE COURT: I'll give you latitude as long as you're within  
23 the confines of the law.

24 MR. MILES: I want to give notice to the State too that I  
25 possibly might be calling James Jacobs. I thought the State was going

1 to call that witness. He's a probation officer. I might call the witness. It  
2 wasn't a bad faith -- you know, giving him notice in bad faith. These  
3 were one of his witnesses that he has on his witness list. So I just want  
4 to let the record reflect that might be another witness I call in my case in  
5 chief.

6 MR. MARTINEZ: Yeah. Well, he didn't notice him.

7 THE COURT: Is that Gabby's witness -- or Gabby's PO?

8 MR. MARTINEZ: Yes.

9 THE COURT: So do you have any objection to him putting  
10 him on the list right now?

11 MR. MARTINEZ: I'll submit it.

12 THE COURT: Good faith. If you need to call him, you can call  
13 him. He's supposed to be on your witness list.

14 MR. MILES: Yeah. I was just looking at the statutes too,  
15 Your Honor. I know Your Honor knows the law. I mean I don't think the  
16 evidence should be excluded, because it wasn't a bad faith attempt. I  
17 was just -- you know, I thought he was going to call the witnesses. We'd  
18 probably get the testimony out there.

19 THE COURT: I don't think it's a bad faith thing. There's just  
20 rules that people get prepared. Like I suspect that if they started calling  
21 witnesses, you would be not happy with it. They're accommodating. It's  
22 fine. You get to call them. But that's -- it's not a bad or good faith. It's  
23 the law is the law. And there's rules and there's things you have to do to  
24 try a case, which is why it's very difficult to represent yourself. So  
25 they're giving you some slack. Take it.

1 And let's be back here at 10:30. Should we be here at 10:15  
2 tomorrow?

3 MS. RHOADES: Yes.

4 THE COURT: Okay. We have a -- technically, motions in  
5 limine, civil stuff from 9:30 to 10:30. But I'm told they may not go that  
6 long. So anything else?

7 MS. RHOADES: No.

8 MR. MARTINEZ: No, Your Honor.

9 THE COURT: Well, I guess it's -- we're going to go into next  
10 week, right? There's no way we're going to finish tomorrow? We're  
11 not -- nobody is planning to close tomorrow?

12 MR. MARTINEZ: We'll -- right. We'll be done with our case  
13 in chief tomorrow.

14 THE COURT: Will you be prepared to close tomorrow if it  
15 goes short? I just want -- I'm just trying to figure out --

16 MS. RHOADES: Yes, we will.

17 THE COURT: Okay.

18 Mr. Miles, you'll be ready for closing arguments tomorrow if  
19 we finish the evidence?

20 MR. MILES: If we finish the evidence, I anticipate I'll be  
21 ready. I mean I'll be ready.

22 MS. RHOADES: I mean we still have to do jury instructions  
23 too, but I really don't anticipate that.

24 THE COURT: Well, I'm just thinking. Okay. Tomorrow at  
25 10:30.

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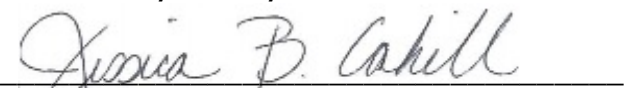
MS. RHOADES: Okay. Thank you.

THE COURT: Mr. Miles, please bring me your jury instructions, any proposed instructions you have.

MR. MILES: Okay.

[Proceedings concluded at 4:25 p.m.]

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



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