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IN THE SUPREME COURT OF THE STATE OF NEVADA

RAMON MURIL DORADO,) Supreme Court Case No.: 79556
) Dist. Ct. Case No.: C-17-323098-1
)
Petitioner,)
)
vs.)
)
THE STATE OF NEVADA,)
)
Respondent.)

APPELLANT'S APPENDIX

Volume 7

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1 THE COURT: Well, correct me if I'm wrong, Counsel,
2 isn't your entire defense consent?

3 MR. MARGOLIS: Our entire defense is consent.

4 THE COURT: Okay. So the nine pages that he talks
5 about, "Well, if you would have preserved the sheets, if you
6 would have looked in the car, you would have taken hair
7 samples and nail samples, you would have been able to see
8 that, yeah, these two individuals were laying in the same
9 bed." Don't you admit that?

10 So why do I need an expert to come in here and spend
11 probably the upwards of four hours telling a jury, you're not
12 disputing. So I'm gonna have an expert come and say, "Well,
13 you know, if they had taken a pillow case, boy, they'd been
14 able to show these two people slept on the same pillow or
15 their heads hit that same pillow." You're already admitting
16 to that. So why do I need an expert to tell the jury
17 something that's not in controversy?

18 MR. MARGOLIS: You don't need him to tell them that,
19 Your Honor --

20 THE COURT: Okay.

21 MR. MARGOLIS: -- okay?

22 I would agree insofar as that goes. You can limit it as
23 far as that goes. But the idea that with the defense of
24 consent that interviewing a witness or two might not have

1 helped, you know, I think that that's plainly false.

2 THE COURT: Oh, and I agree with you. Interviewing
3 individuals in regards to what they perceived, how she was
4 acting with him when they left, stuff like that. That's fair
5 game. But I'm telling you this: I'm going to allow him to
6 testify, but it's going to be very limited.

7 First of all, it's going to be limited to the defenses
8 you are promulgating. When you're not promulgating "I want
9 there," I'm not going to allow you to ask, literally, nine
10 pages of questions as, "Well, could they have done a better
11 job to prove that he was there?"

12 He admits -- the Defendant admits he was there. He was
13 in her presence. He admits that he was in her room with her.
14 He admits to having consensual sex with her. So I don't need
15 an expert to befuddle this jury and have them wonder at the
16 end of his testimony which case is he really talking about?

17 Because for the first nine pages of his analysis, that's
18 what he talks about. Witnesses that have -- "oh, it'd been
19 really good to preserve this or talk to this person about
20 whether or not these two individuals actually had sex." No
21 one's disputing it. It's whether it was consensual sex or
22 nonconsensual sex.

23 MR. MARGOLIS: Well, I would just -- I would want to
24 clarify that a little bit. The issue is not whether or not

1 sexual contact took place. The issue is, what were the
2 relative demeanors of these individuals in the eyes of
3 percipient witnesses at that evening at the Silver Saddle
4 Saloon and at that apartment and immediately outside that
5 apartment; okay?

6 THE COURT: And I will allow you, through this
7 expert, to ask the question of Mr. Bub, "Isn't it relevant to
8 ask percipient witnesses who may have seen these individuals
9 leave together, whether or not it was done out of force, it
10 was consensual, in your own opinion." And why it's important.
11 Absolutely. That is good police work, in his opinion.

12 But I'm not gonna allow you to then ask him, "Well, these
13 cops were horrible because they didn't preserve the suit -- or
14 excuse me -- the sheets. They didn't preserve -- according to
15 him, in LA, you can lock down an apartment complex -- 'cause
16 she said she didn't know which apartment but just had the
17 general area. You can lock down an entire apartment complex
18 and search all 48 units because you're a police officer,
19 according to him.

20 Now, that's why I said, I would have loved that one. But
21 that's not what is an issue in this case. The fact that they
22 didn't do any follow up to determine whether or not she was in
23 an apartment? Don't the parties consent that they were in the
24 apartment together? Do we have to have an interview of -- I

1 think he said the managers too, to determine whether or not
2 someone rented an apartment?

3 We're not disputing that the Defendant was in an
4 apartment with the victim. No one's disputing that. They're
5 disputing what happens afterwards and whether it was
6 consensual. So what I'm saying is this: He's going to get to
7 testify to the very limited questions that deal with your
8 defense; okay? We're not going to go here and try to throw as
9 much on the wall and have this jury confused on defenses that
10 are not being raised; okay? Because the identity is not being
11 raised. We're not disputing that this individual was in an
12 apartment with this victim. No one's disputing that.

13 MR. MARGOLIS: Correct.

14 THE COURT: Okay? So for him to sit here and say,
15 "Well, you should have interviewed these people to find out if
16 he was actually there." It's not relevant. He's admitting to
17 it. So you will be able to ask him questions that deal
18 specifically towards your defense.

19 Counsel, raise your objections. If I think they're going
20 off, you won't even need to. I will stop it; okay? But,
21 Counsel, as far as he's qualified under Hallmark, he clearly,
22 I believe, can assist the jury in those limited questions.
23 Those questions dealing with "did this delay hamper the
24 ability to do X, Y, and Z" that are related to their defense.

1 Absolutely.

2 If he wants to get on there and say something about the
3 DNA and the [indiscernible] analysis, he doesn't qualify.
4 He's not a DNA expert. Now, he thinks he is, but he's not.
5 He didn't go through the training. The fact that he did some
6 sexual assaults but basically was a homicide detective; okay?

7 He can come in and talk about what the routine is for
8 detectives, what you do as a detective, why you do these
9 things. And as long as those things have something to do with
10 your case, then you can ask those questions. Okay? But to
11 sit here and talk about -- this gentleman's gonna sit here and
12 say, "Well, you know, it's a lot better to interview someone
13 the night after than it is 20 years after." I don't need an
14 expert to tell these people that. They're smart people.

15 MR. MARGOLIS: Okay.

16 THE COURT: Okay?

17 We're gonna bring this jury back -- well, I'm gonna use
18 the restroom break real fast, then we're gonna bring 'em back.
19 They've already been out there for ten minutes. We're gonna
20 bring 'em back, release all those other individuals, have our
21 jury pool. Let's get ready to do opening.

22 [RECESS AT 2:37 P.M.; PROCEEDINGS RESUMED AT
23 2:43 P.M.]

24 [OUTSIDE THE PRESENCE OF THE JURY]

1 THE COURT: All right. Be seated. Anything that
2 needs to come before the bench before we get our jury in?

3 MR. SCHWARTZ: Not from the State, Your Honor.

4 MR. MARGOLIS: Nothing from us; right?

5 MR. YAMPOLSKY: No. I thought he said come to the
6 bench.

7 THE COURT: Okay. Perfect.

8 MR. MARGOLIS: No.

9 MR. YAMPOLSKY: No? Oh, yeah. No, we don't have
10 anything.

11 [DISCUSSION OFF THE RECORD]

12 THE MARSHAL: All rise for the jury.

13 [IN THE PRESENCE OF THE PROSPECTIVE JURY]

14 THE MARSHAL: Jury's all present, Your Honor.

15 THE COURT: Please be seated, everyone.

16 All right. Ladies and gentlemen, what I'm gonna do is
17 I'm gonna read through the list. Just waiting on our fancy
18 copy machine, or printer. Bad enough I go back to the days
19 when we used to have a blue drum and this little thing called
20 onion skin you used to put 'em on.

21 And as a school teach -- high school teacher, I used to
22 walk home with blue hands every day. You could always
23 identify the school teachers at the grocery stores. We were
24 the ones who had the blue hands and no hair after two years.

1 All right. The following individuals will be remaining
2 with us. That means the other individuals, if I do not call
3 your name, you're free to go, again, with the respect of this
4 courtroom and all my staff. It's always kind of strange
5 because I always want to talk to people as they exit this
6 because I want to find out their reaction as to do they feel
7 like they wish they would have been chosen versus are they
8 glad that they get the rest of the day off.

9 That's usually the next question I always get, those
10 diligent employees that say, "Your Honor, it's not even
11 3:00 o'clock yet. Do I have to go to work?" You are still a
12 member of this jury until you decide to leave.

13 [Laughter]

14 THE COURT: The following individuals will be
15 remaining with us as the jury in this matter: Badge number
16 066, [JUROR NO. 1066], you'll be staying; badge number 074,
17 [JUROR NO. 1074], you'll be staying; badge number 075,
18 [JUROR NO. 1075], you'll be staying; badge number 254,
19 [JUROR NO. 1254], you'll be staying; badge number 218,
20 [JUROR NO. 1218], you'll be staying; badge number 111,
21 [JUROR NO. 1111], you'll be staying; badge number 113,
22 [JUROR NO. 1113], you'll be staying; badge number 117,
23 [JUROR NO. 1117], you'll be staying; badge number 147,
24 [JUROR NO. 1147], you'll be staying; badge number 162,

1 [JUROR NO. 1162], you'll be staying; badge number 174,
2 [JUROR NO. 1174], you'll be staying; badge number 190,
3 [JUROR NO. 1190], you'll be staying; badge number 239,
4 [JUROR NO. 1239], you'll be staying; and badge number 216,
5 [JUROR NO. 1216], you'll be staying.

6 Is that correct, Counsel?

7 MR. SCHWARTZ: Yes, Your Honor.

8 MR. YAMPOLSKY: Yes.

9 THE COURT: Okay. Thank you.

10 Those individuals who I did not call your name, thank you
11 very much, the admiration and respect of this Court.

12 The rest of you, we'll just have you sit because we're
13 gonna kind of give you assigned seats.

14 MS. CRAGGS: Your Honor?

15 THE COURT: Oh.

16 MR. SCHWARTZ: I think he was confused if he was
17 staying or not.

18 THE COURT: No. No. You're staying, sir.

19 [Indiscernible].

20 All right. Ladies and gentlemen, what I'm gonna do now
21 is I'm gonna have my clerk of the court, she's gonna give you
22 your actual seat assignment. We're gonna start off with,
23 basically, that third seat just on the back.

24 The reason we do that is, if you notice, there are

1 monitors in the courtroom. We have noticed that if you sit in
2 the very first seat or the very last seat, you have a tendency
3 to basically wake up with a very bad neck ache the next
4 morning.

5 So what we'll do is the seat number one will be the seat
6 right below the light, basically the third seat over. I'll
7 have my clerk start with the individual who's gonna occupy
8 that seat then go down in order.

9 THE CLERK: [JUROR NO. 1066], badge 066, will sit in
10 that third seat.

11 THE COURT: So if everybody else just stands up and
12 just kind of slides over, let [JUROR NO. 1066] take that seat,
13 we'll be fine.

14 THE CLERK: [JUROR NO. 1074] will be in seat number
15 two.

16 THE COURT: Right there right next to him. It's
17 basically number four, so to speak. No, [JUROR NO. 1074]
18 right where you're at.

19 THE CLERK: Four, yeah.

20 PROSPECTIVE JUROR #1074: Oh, right here?

21 THE COURT: Yeah.

22 THE CLERK: Number three, [JUROR NO. 1075].

23 THE COURT: Okay. You can go ahead and sit down
24 once you're given a seat.

1 THE CLERK: Four is [JUROR NO. 1254]; five,
2 [JUROR NO. 1075]; six, [JUROR NO. 1111]; seven,
3 [JUROR NO. 1113]. And then in the next row, seat number three
4 will be [JUROR NO. 1117].

5 THE COURT: You'll be that first -- there you go --
6 third one. Perfect.

7 THE CLERK: Next to him will be [JUROR NO. 1147],
8 [JUROR NO. 1162], [JUROR NO. 1224], [JUROR NO. 1190],
9 [JUROR NO. 1239], and [JUROR NO. 1216].

10 THE COURT: Before you guys get all real
11 comfortable, as soon as you guys get all in there, I'm gonna
12 have you stand, raise your right arm -- your right hand and my
13 clerk will swear you in as the jury in this case.

14 [THE JURY WAS DULY SWORN.]

15 THE COURT: All right. Ladies and gentlemen of the
16 jury, at this time we are going to begin with what, we call
17 it, the case-in-chief, beginning with the State.

18 State, do you have an opening argument?

19 MS. CRAGGS: We do, Your Honor.

20 THE COURT: Proceed.

21 MS. CRAGGS: Thank you.

22 OPENING STATEMENT BY THE STATE

23 MS. CRAGGS: Does this work? Okay.

24 Ladies and gentlemen, this is Michelle lair. On

1 April 24th of 1999, she was 25 years old. April 24th, 1999,
2 is also the day that she was sexually assaulted by the
3 Defendant in this case, Ramon Dorado.

4 Now, ladies and gentlemen, this may have been 20 years
5 ago, but you're going to hear from Ms. Lehr. She remembers
6 this event because it was traumatic. She'll tell you how it
7 affected and, to use her words, jarred her life.

8 Now, this began on April 23rd of 1999, when Ms. Lehr, her
9 friend Joanne, who was visiting her from Reno, and
10 Maria Perez -- who goes by Candy, so we'll call her Candy --
11 all decided to do what 25-year-olds do. They were going to go
12 out to a club and have some fun.

13 Now, some of these women had children. And all the
14 children were going to stay over at Candy's house and a family
15 members of Candy's was gonna watch them while the three women
16 went out to a club.

17 Now, the club that they went out to was called the
18 Silver Saddle. This is what it looks like. Or I should say
19 looked like because it's no longer there. It was located at
20 2501 East Charleston here in Clark County. But now I think
21 it's a casino of some sort.

22 Now, these three women leave later in the evening on
23 April 23rd and go out together. Michelle will tell you that
24 she was the designated driver that evening. So she was gonna

1 have a couple of drinks, but she wasn't planning on drinking
2 enough that she couldn't drive. Candy and Joanne were,
3 however, going to be drinking.

4 They arrive at this Silver Saddle bar. There's a band
5 playing. There's a bartender and they're all hanging out.
6 Now, they stay for a few hours. Joanne and Candy are
7 drinking. Michelle has a couple drinks. And because it's
8 1999, one of the women gets a page -- you remember those --
9 that says that her son -- and Michelle has a two-year-old
10 son -- is asking for his mother. So Michelle gets in the car.
11 She goes back to Candy's home where her son is, which is only
12 a couple miles from the Silver Saddle, and she goes to check
13 on her son.

14 After she determines that he's okay, she gets back in the
15 car and she goes back to the Silver Saddle to meet up with her
16 friends because she has said that she'll be the designated
17 driver.

18 Now, at this point, it's the early morning hours of
19 April 24th of 1999. And when she gets back to the
20 Silver Saddle, her friends are talking to a bartender and
21 they're talking to an individual that's introduced to her as
22 Ray, who is part of the band that is playing that night in the
23 early morning at the Silver Saddle.

24 So she gets back, her friends are talking to these men.

1 She sits down. Her friend Candy, who you're also going to
2 hear from, she decides to leave and go meet up with someone
3 else, meet up with another guy. Joanne is hitting it off with
4 the bartender. Michelle is talking to the man named Ray. And
5 they all decide we're gonna keep the party going. "We'll go
6 to another bar."

7 The bartender's gotten off work at this point. And they
8 all head out to the parking lot together. Now, at this point,
9 Michelle's thinking, she, Joanne, these other guys are gonna
10 go to the bar. She'll drive whoever. She'll drive Joanne,
11 whoever else needs a ride.

12 Kind of at the last minute, before everybody gets in the
13 car, Ray says, "Actually, I need to go to my house. I got to
14 call into work," because there's not any cell phones in 1999,
15 "got to call into work. I got to go get my paycheck. Got to
16 cash the check so I have money to get drinks. Can you just
17 take me to my house?"

18 And Michelle, not wanting to kind of be the party pooper,
19 knowing that Joanne likes the bartender, decides, "Okay. I'll
20 drive you to your house." And Ray lives at
21 2101 Sunrise Avenue, which you can see is about two miles from
22 the Silver Saddle. And this is a photograph of that
23 2101 Sunrise Avenue taken from 2009. That's about as old as
24 we can get.

1 So they go to this neighborhood. She parks the car. And
2 that's when Ray -- and he's the only one in the car with her.
3 Joanne and the bartender have gone together to this next
4 location. So she parks the car and Ray says to her, "This
5 isn't a great neighborhood. You should just come in with me
6 while I get my paycheck, make this phone call. I don't want
7 you to be sitting out here by yourself." And she agreed. She
8 didn't really want to be sitting out there by herself.

9 So she gets out of the car. She goes with Ray into this
10 apartment. It's the one right here on the bottom right-hand
11 side, kind of in the middle of the picture. So they go into
12 this apartment together and, initially, everything seems
13 normal. He calls. There's another individual in the
14 apartment that leaves at some point.

15 But then Ray locks the door, dead bolts the front door.
16 And he starts trying to dance with Michelle. And Michelle's
17 thinking, "This isn't what I thought was going to happen. I
18 thought we were going to get the paycheck and just leave."

19 But he's kind of grabbing at her. She's saying, "No.
20 Let's go. Let's go. Let's go." And this is when she starts
21 to get nervous. At some point, after she continues to say no
22 to his advances, he picks her up and takes her into the
23 bedroom. At this point, there's nobody else in the apartment.
24 Her friend Joanne and the bartender are off at another bar and

1 she's alone with this man.

2 Now, they go into the bedroom, or he takes her into the
3 bedroom, and that's when the altercation between the two of
4 them begin. Essentially, he throws her on the bed. He holds
5 her down. He uses his full body weight to hold her down.
6 He's grabbing her with his hands on her arms. He's holding
7 her down by her legs. He's trying to get her pants off. And
8 he said things to her throughout this time like, "You knew
9 this was gonna happen." You know, "This is why we came here."

10 And she continues to say, "No. No. No. That's not what
11 I wanted." And fights him off.

12 And, ladies and gentlemen, she fights him off to the
13 point where some of her press on nails that she has actually
14 come off her hands. And we have a photograph of that.

15 So he's holding her down. He's able to get one of her
16 pant legs off. And she's wearing pants and panty hose. He's
17 able to take one of those pant legs off as she's still trying
18 to fight him off. And he puts his mouth on her vagina and
19 performs oral sex on her while she's still struggling. He
20 inserts his fingers into her vagina while she's still
21 struggling.

22 And she remembers very clearly this detail, that she has
23 safety pins on her clothing. And she's grabbing for something
24 to try to hit him, to try to fight him off. And she takes the

1 safety pin off her clothing and she's trying to stab him with
2 it. And she remembers that it wasn't really affecting him at
3 all.

4 She's able to get away at some point and go towards the
5 door of the bedroom. But he grabs her leg and pulls her down
6 onto the floor, leaving rug burns on her back. Now, at this
7 point he's trying to maintain an erection in order to actually
8 have vaginal intercourse with her. And he attempts to do this
9 for awhile. He's not able to maintain an erection, but he is
10 able to insert his penis into her to at least some degree.

11 Enough of a degree, ladies and gentlemen, that a sperm
12 fraction is left inside of her vagina, which becomes important
13 later.

14 Now, after he's unable to maintain an erection for long
15 enough to actually penetrate her for a lengthy period of time,
16 he gets off of her and makes a comment regarding how his
17 ex-wife said that he wouldn't be able to have sex with another
18 woman. Something along those lines. Michelle tells him this
19 wasn't okay. She gets up and she goes to her car. She
20 leaves.

21 Now, again, 1999. No cell phones. So she can't call
22 9-1-1. So she gets in her car and she goes back to her friend
23 Candy's house because she wants to check on her son. And
24 frankly, she doesn't know what to do. And she'll tell you

1 about that. And how she was feeling.

2 She gets over to Candy's house. She's still wearing the
3 same clothing that she had on that whole night and into the
4 morning. She talks to her friends and she tells them what
5 happened. She says, "I was raped" or "sexual assaulted" is
6 how we refer to it.

7 Now, at some point after, she makes sure her son's okay.
8 She's going to take a shower. That's when her friends say,
9 "No. No. We should go to the police. You should go get a
10 sex assault kit done." So they do. They go down to a
11 substation, tell the patrol officers what happened.

12 The patrol officers then take her to the hospital, to the
13 University Medical Center to get what Mr. Schwartz talked to
14 you a little bit about in voir dire, this idea of a sexual
15 assault kit. And you're gonna hear about that from a sexual
16 assault nurse examiner, who actually does those all the time.

17 Essentially what happens is they take photographs of
18 Michelle. They determine what her injuries are and they also
19 take samples of DNA. Just some examples of her injuries that
20 were photographed just hours after her encounter with this
21 individual. You can't see it very well here, but I'll pass it
22 around at some point. There's a fingernail mark, bruising on
23 her arms, scratches on her chest, bruises on her legs, and you
24 can see that some of her fingernails have been broken off

1 during that struggle.

2 At this time, she also gives a statement to a detective.
3 But she doesn't know Ray. She hasn't met him before. She
4 didn't know this man. And that's pretty much the last time
5 she deals with law enforcement for about 18 years. She didn't
6 hear anything else.

7 Now, in that ensuing 18 years, Michelle will tell you she
8 struggled a little bit. She had another child who had some
9 serious medical issues. She was homeless for a while. At one
10 point she actually picks up a conviction for cashing a forged
11 check.

12 Now, she just got married. She's got her own cleaning
13 business. And of course, when things are starting to go well,
14 she gets contacted by the Las Vegas Metropolitan Police
15 Department. And they tell her, we have a DNA match from your
16 sex assault kit that you gave us back in 1999.

17 And, ladies and gentlemen, there were some questions
18 about this in voir dire as well. And essentially what
19 happened is that there are thousands of these sex assault kits
20 all across the country that weren't tested for various
21 reasons: Either the case was closed, there wasn't enough
22 resources, we didn't have the technology to do what we needed
23 to with the samples in the kits.

24 In this case, the State of Nevada started testing

1 thousands of these kits as well. And one of those kits that
2 was tested was Michelle's. Essentially, what they were able
3 to do is create a profile from that sperm fraction that was
4 left in her vagina from 1999 and match that to an individual
5 named Ramon Dorado, who is the Defendant.

6 They were able to take a swab in 2016 of his DNA and they
7 were able to match it to that sperm fraction. And I'm not
8 even sure what the number means, but we're gonna have a DNA
9 analyst tell you. But it's something in the septillions that
10 it wouldn't be Mr. Dorado. I want to say 21 zeros, but I
11 could be wrong about that.

12 Now, Michelle's contacted by Las Vegas Metropolitan
13 Police Department and says, "Yes, I want to prosecute. I want
14 to move forward. Even though it's 20 years later, I still
15 want justice." And that's how we're here today.

16 And you're gonna hear a lot about that. That it's been
17 20 years. And that's because some of the officers -- I should
18 say all of the officers that were involved in this back in the
19 90s are retired. The woman who actually performed the sexual
20 assault examination is, unfortunately, passed away at this
21 point.

22 And, ladies and gentlemen, the way that we view sexual
23 assault, we touched on this in voir dire as well, and the way
24 that sexual assault investigations are done have changed as

1 well. So in this case, to some degree, justice has been
2 delayed. But I'd submit to you, at the end of this
3 proceeding, it will not be denied. Because in 1999 no meant
4 no. In 2019 no means no.

5 And we are going to show you, through the evidence that
6 we will present to you -- the testimony, the photographs --
7 that, ladies and gentlemen, the Defendant, Mr. Dorado, did
8 sexually assault Michelle in 1999 and that he should be held
9 accountable today.

10 Thank you.

11 THE COURT: Does the Defense wish to do an opening
12 at this time?

13 MR. YAMPOLSKY: Yes, Your Honor.

14 MR. MARGOLIS: Yes, Your Honor.

15 THE COURT: Proceed.

16 MR. MARGOLIS: Bear with me just one second.

17 MR. YAMPOLSKY: Jason, put the mic on.

18 MR. MARGOLIS: Yeah. I know. I know.

19 Everybody can hear me, I take it?

20 OPENING STATEMENT BY THE DEFENSE

21 MR. MARGOLIS: All right. Good afternoon and thank
22 you all very much for your rapt attention. I appreciate it.
23 I know it's been a long day. I will endeavor to be brief.
24 And it's easy in this case 'cause it's a simple case. He

1 said, she said.

2 You're gonna hear a lot about DNA. And that's fine.
3 We're not contesting DNA. There was no one in this room
4 that's going to deny that there was sexual contact between our
5 client, Ramon Dorado, and the victim -- alleged victim,
6 Michelle Lehr. She's gonna come in here and she's gonna say
7 that she was sexually assaulted during the early morning hours
8 of April 24th, 1999. And aside from that aforementioned DNA,
9 you're largely gonna have to take her word for it.

10 So what I would ask you guys to do, you gentlemen and
11 ladies to do is to listen very carefully to the things that
12 Michelle Lehr says. Examine the statements that she makes.
13 Fine-tooth comb the facts and the details of her account.
14 Because I believe that when you do, you'll find that what she
15 claims happened did not and could not have happened.

16 Case starts -- this evening starts innocently enough.
17 Michelle goes with a couple of friends. She has a
18 two-year-old son at home and she hasn't been out in a while.
19 And as a 25-year-old young woman, she wants to go out on the
20 town. It's been a while. So she decides to go with Maria and
21 Joanne to the Silver Saddle Saloon.

22 You've heard from the State that she was the designated
23 driver. That, I'll ask you to examine as the evidence comes
24 in, in this case. Maybe she was a designated driver, but it

1 didn't mean that she refrained from drinking. So the issue
2 will then become how much did she drink and how much does that
3 matter, if at all?

4 She hung at the Silver Saddle Saloon for several hours
5 with her friends. They became friendly with the bartender and
6 with a young musician by the name of Ramon Dorado. They spoke
7 for several hours. She had a couple adult beverages. And
8 some point, Michelle Lehr had to go home and check on her
9 two-year-old son, which she did. She subsequently came back
10 to the saloon.

11 Now, I would submit to you that that could certainly be
12 because she was solely acting as the designated driver. But I
13 would also submit to you that if that were the case, then she
14 would have picked up her friends and she would have driven
15 them home. That's not what occurred. Pay a lot of attention
16 to the time line in this case because it's going to be
17 critical for you.

18 The Defense does not have a burden. But we're gonna ask
19 you to examine the State's case. We're gonna ask you to
20 examine their evidence and we're gonna ask you to put it
21 through its paces. It's their burden. They have to prove
22 that a sexual assault occurred and that this was not
23 consensual sexual contact.

24 And quite frankly, that's harder to do 20 years later.

1 It's harder to do for them, but it's also harder for
2 Mr. Dorado to defend himself. Witnesses have moved.
3 Witnesses have forgotten. Witnesses have died.

4 In a sexual assault case in 2019, I would submit that it
5 might be even a little bit more difficult for Mr. Dorado than
6 it might have been in 1999. And not just because of stale
7 evidence and missing witnesses; okay? The political climate
8 in this country has changed. And the political climate
9 surrounding sexual assault has changed.

10 There is a feeling, a mood in this country that many of
11 us have felt; okay? And you're almost guilty until proven
12 innocent. An allegation of sexual assault is the kryptonite
13 to every superman out there. Okay? Because it all of a
14 sudden forces us to reexamine everything we thought we knew
15 about a person.

16 And by the time that person raises their hand to angrily
17 defend themselves, they kind of look like Brett Kavanaugh in
18 front of congress; okay? And on the one hand, you cheer 'em
19 on for being vehement in their denials. But in the other hand
20 you say, "Wow, you doth protest too much." Okay? And we
21 start to kind of wonder if this guy can get that fired up, how
22 fired-up can he get when he's been led on by a woman for six
23 hours? Okay?

24 We don't have any reason to believe that Mr. Dorado

1 sexually assaulted Michelle Lehr, except for what
2 Michelle Lehr says. And my partner, Mace Yampolsky, and I are
3 going to ask this jury to sit and listen to all of the
4 evidence. Listen to all of the evidence and witnesses put
5 forth by the State and listen to our evidence and witnesses.
6 And reserve your judgment until you've actually seen and heard
7 all there is to see and hear.

8 It bears repeating, we don't contest sexual contact
9 between Ramon Dorado and Michelle Lehr. Makes perfect sense
10 that Mr. Dorado's genetic material would be found in
11 Ms. Lehr's kit because they had -- attempted to have sexual
12 intercourse. Okay?

13 But when you actually examine the incident that occurred
14 in the apartment on Sunrise Avenue, ask yourself a couple of
15 questions: Did an individual that wasn't able to maintain an
16 erection sexually assault a woman for over an hour? That
17 would seem to me to be physically difficult to do.

18 It would also seem to me to be physically difficult to
19 carry a woman cradle-style if she was remotely close to you in
20 size while she is vehemently and violently struggling against
21 you. Would seem to me that that would be a difficult task to
22 accomplish, even if you were stone-cold sober, which we know
23 Mr. Dorado was not.

24 I don't know or purport to know how sober or inebriated

1 Ms. Lehr was. But Mr. Dorado was playing band in a saloon all
2 night long and into the morning. He wasn't drinking water;
3 okay? Now, that doesn't necessarily bear a lot of impact on
4 anything. But I would ask you to consider all of that when
5 you're considering what happened in that apartment. 'Cause
6 there is a real dearth of information as to what occurred
7 within those four walls.

8 There's only one issue in this case. It's a single-issue
9 case. Was Michelle Lehr an active participant in the sexual
10 contact that occurred inside that Sunrise Avenue apartment or
11 was she not? And there's not a whole lot of people that are
12 gonna be able to offer you opinions on that matter. But I
13 would ask you to look at the lead up to their arrival at that
14 apartment.

15 She hung with him at the bar for a couple hours. She
16 went back to check on her son. She came back to the bar,
17 ostensibly to pick up her friends Joanne and Candy. She
18 didn't leave, though. They had a couple of shots there and
19 they made plans to continue the party. I think the plan was
20 to meet up at a local PT's Pub.

21 Mr. Dorado then suggested, "Hey, I need to cash my check.
22 If you want to have a good time tonight, I'm gonna" -- or this
23 morning, I should say -- "then I'm gonna have to get some
24 money." And because it's 1999, I got to call into work and I

1 can't just reach in my pocket and do that; okay?

2 She willingly spent at least an hour or two with
3 Mr. Dorado at the Silver Saddle Saloon. She went back to
4 Candy's place, checked on her son, came back to the
5 Silver Saddle Saloon and hung out with Mr. Dorado for a couple
6 more hours, had at least a shot or two, by her own admission;
7 okay? Admittedly with the bartender and Candy and Joanne.
8 Okay?

9 But then she decides, on her own volition, Mr. Dorado did
10 not force her; okay? She agrees to give him a ride back to
11 the Sunrise Avenue apartment. And she comes inside.

12 Now, today, she says that perhaps she came inside because
13 Mr. Dorado invited her and made her feel that the area would
14 be unsafe for her to sit in her car as a single woman while he
15 was inside the apartment. I'd ask you to unpack that a little
16 bit. Okay. First of all, we're talking about 8:00 o'clock in
17 the morning; okay? And quite frankly, a war zone is probably
18 less dangerous at 8:00 o'clock in the morning than it would be
19 at any other time of the day. Okay?

20 Second of all, she spoke to authorities on at least two
21 occasions; okay? And she was pretty consistent with her
22 willingly going inside the apartment because of her perceived
23 dangerousness of that area.

24 At any rate, Mr. Dorado didn't grab her, kicking and

1 screaming, and drag her into that apartment. Okay? She drove
2 him there in her car then went inside.

3 Did he overpower her and carry her into that bedroom or
4 did she go there willingly? I would submit to you that one
5 possibility is equally as likely as the other. In fact, in
6 defense of Mr. Dorado, I would say that one possibility's
7 actually more likely than the other. But that's your
8 province, after you hear the evidence.

9 As far as the DNA, I'm gonna hammer that point because
10 it's clearly gonna be very important to the State's case.
11 Yeah, there's DNA. They had sexual contact. I would point
12 out that in 1999 there was DNA as well. But be that as it
13 may, DNA didn't matter in this case. They knew who he was.
14 She told him where she met him. She told him his name. Told
15 him where the apartment was.

16 This is not some monolithic apartment complex with
17 128 units. It's a relatively small apartment complex with
18 relatively small apartments. You could have canvassed the
19 whole thing in ten minutes, quite frankly. They didn't. I
20 wonder why? I would like for you to as well.

21 Ramon Dorado was right there. He was playing music at
22 the Silver Saddle and he was staying in an apartment on
23 Sunrise Avenue. He was there a day later. He was there a
24 week later. He was there a month later. Crickets. Nothing.

1 Why? Why?

2 What this evidence will ultimately show is that
3 Ramon Dorado and Michelle Lehr had a consensual sexual
4 encounter on the evening or early morning, if you will, of
5 April 24th, 1999. And I would also ask you to consider the
6 fact that I don't think either party was particularly enthused
7 with the way that this sexual encounter went or with the way
8 that this storybook evening ended.

9 Mr. Dorado was playing music in a bar. An attractive
10 woman paid him a little mind. I'm sure he was excited at the
11 opportunity to potentially get to know her better.
12 Michelle Lehr was out for the first time in a couple of years.
13 I'm pretty certain she was looking to have a good time.
14 Pretty certain, based on what we do know, that she took a
15 shine to Ramon Dorado.

16 He didn't club her over the head and throw her in the
17 back of his car. She drove him from the saloon, where she
18 watched him playing music and then danced, talked, and drank
19 with him. I would submit that that is circumstantial evidence
20 that supports the Defense's theory of this case. This was a
21 consensual sexual encounter that went wrong, that left people
22 upset, disappointed, and looking to point fingers.
23 Hindsight's 20/20. And Monday morning quarterbacking is
24 awfully easy.

1 I think later in the day, on April 24th, Michelle Lehr
2 had a little bit more time to walk through that evening and
3 that morning and she got angrier. She got more and more
4 upset. She got more and more -- the feeling that she was
5 taken advantage of, bamboozled; okay? But persuading a woman
6 to go to bed when she probably knows she ought not go to bed
7 is not the same as sexually assaulting a woman. It's not the
8 same thing. Okay?

9 By Michelle Lehr's own admission, she was not inebriated
10 beyond the ability to give consent. She just claims that she
11 fought tooth and nail to prevent this from happening. That's
12 not what the evidence really supports, though, would be our
13 position. And I would ask, as you evaluate this evidence, to
14 kind of fact check Michelle Lehr's account, because it's all
15 we've got.

16 Now, what happened in that apartment? Apparently
17 Mr. Dorado carried this woman from the main living area of
18 this small apartment into a bedroom. He did this against her
19 will. He then proceeded to, according to Michelle, remove her
20 black pants and panty hose with her violently kicking all the
21 while attempting to get him off.

22 Now, Mr. Dorado's gained a few pounds since 1999. I
23 think most of us have. He wasn't a particularly large man in
24 1999. He weighed about 155 pounds; okay? A woman of a

1 reasonable size, you know, someone who wasn't a waifish model
2 in the 1970s probably would have been able to give Ramon a
3 little bit of business; okay?

4 So when you read her account of what occurred in that
5 apartment, ask whether or not it's physically possible, you
6 know? Does it comport with what we know about human beings
7 generally and these two human beings specifically.

8 And at the end of the day, and I told you I'd be brief
9 and I will still endeavor to do so, it's a case that's very,
10 very simple. It's about Michelle Lehr and her account of what
11 happened. Okay? If there were other witnesses, we'll never
12 know. They weren't spoken to in 1999. And efforts to locate
13 them in 2017, '18, and '19 have proven less than fruitful. We
14 will hear from Michelle's friend Candy, who was with her for
15 part of the evening.

16 Michelle Lehr remembers this evening and the early
17 morning hours that followed an awful lot better than her
18 friend Candy does. And that's no slight on Candy. It's been
19 20 years. And for Candy, this was another night out with
20 friends. That's what it was.

21 The disclosure was made to Candy. Her recollection of it
22 leaves a lot to be desired today. Now, that may or may not
23 speak to the credibility of Michelle Lehr. That may or may
24 not speak to what Michelle Lehr's demeanor was when she told

1 her close friend what had happened to her. But I would ask
2 that you pay attention to what Candy says when she takes the
3 stand. What does she remember and what does she not remember?

4 If your best friend were violated in this manner, in the
5 way that Michelle Lehr describes, seems to me that Candy,
6 Michelle herself, might have taken more drastic and forceful
7 action in the immediate aftermath of that. I -- you know,
8 that's just what I think.

9 I ask you to withhold your judgment until you actually
10 see the evidence. I ask you to not immediately assume
11 Mr. Dorado is guilty because we're in this courtroom. I'd ask
12 that you require the State to prove their case. And I ask
13 that you require them to prove it beyond a reasonable doubt.
14 The fact that DNA exists does not mean sexual assault
15 occurred. Thank you.

16 THE COURT: Thank you.

17 Ladies and gentlemen, this case is based on what we refer
18 to as information and/or indictment. Frequently during this
19 case you'll hear me refer to the State as "the State," or
20 you'll hear "madam" or "Ms. Prosecution" or "Mr. Prosecution."
21 I use those terms interchangeably. You'll also hear me refer
22 to the Defense as "the Defense" or just "Counsel." Please
23 understand it has no bearing on it whatsoever.

24 The other thing I always do before we read the

1 information and the plea, as was given before we present the
2 evidence, is understand that you're not here to judge the law.
3 It's not your job to judge the law. Your job here is to judge
4 the facts. Whether or not you believe a law is just or
5 whether or not it has anything to do with how the case is
6 imposed, that's my burden. Nor are you to consider the
7 punishment because you will not be asked at the end of this
8 case to render the punishment or no punishment.

9 Your job, solely, is to come up with a determination as
10 to guilty or innocence. Once that is established, then it is
11 the judge's job to go there forward.

12 At this time I'll have Madam Clerk read the information
13 and/or indictment and the plea as given by the Defendant.

14 [INDICTMENT READ]

15 THE COURT: Ladies and gentlemen, the case is based
16 upon that information and indictment that was just read. You
17 should understand distinctly that is an indictment. That is a
18 charge. That is not proof of anything, other than the State
19 of Nevada has brought forth that charge against the
20 individual.

21 The Defendant has pled not guilty to those charges. It
22 is, therefore, the burden of the State to prove each cause of
23 action against this Defendant beyond a reasonable doubt.

24 State, you willing to proceed?

1 MS. CRAGGS: Yes, Your Honor.

2 THE COURT: Proceed.

3 MS. CRAGGS: The State will call Michelle Lehr.

4 May I approach your clerk, Your Honor?

5 THE COURT: You may. We're gonna hand out notebooks
6 while we're waiting.

7 [DISCUSSION OFF THE RECORD]

8 THE COURT: Marshal, if you'll summons Ms. Lehr.
9 Thank you.

10 MS. CRAGGS: And before she comes in, Your Honor,
11 I've spoken with Defense counsel and it sounds like they're
12 willing to stipulate to the entry of State's 1 through 26,
13 which are photos that have been previously provided.

14 THE COURT: Counsel, is that correct?

15 MR. YAMPOLSKY: That's correct, Your Honor.

16 THE COURT: Exhibits 1 through 26 are hereby entered
17 by stipulation.

18 [STATE'S EXHIBITS 1-26 ADMITTED.]

19 MICHELLE LEHR,
20 [Having been called as a witness and being first duly
21 sworn testified as follows:]

22 THE CLERK: Please be seated.

23 State and spell your first and last name for the record.

24 THE WITNESS: Michelle, M-I-C-H-E-L-L-E, Lehr,

1 L-E-H-R.

2 THE COURT: Counsel, are we ready?

3 MS. CRAGGS: Yes, Your Honor. Thank you.

4 THE COURT: Your witness.

5 MS. CRAGGS: Thank you.

6 DIRECT EXAMINATION

7 BY MS. CRAGGS:

8 Q Hi, Ms. Lehr. Can I call you Michelle?

9 A Mm-hmm.

10 Q And you have to say "yes" or "no" for the record.

11 A Yes.

12 Q Okay. And if you don't understand one of my
13 questions, just tell me you don't understand and I'll rephrase
14 it; okay?

15 A Okay. Yes.

16 Q Okay. Try to talk into the microphone too.

17 THE COURT: If you want, you can move that
18 microphone up a little bit closer to you. It's semi-portable.

19 Thank you.

20 BY MS. CRAGGS:

21 Q Michelle, do you currently live in Las Vegas?

22 A Yes, I do.

23 MS. CRAGGS: Thank you.

24 /

1 BY MS. CRAGGS:

2 Q And I'm gonna take you back to April of 1999 --

3 A Mm-hmm.

4 Q -- where were you living at that time?

5 A It was off of Decatur in the Lighthouse Apartments.

6 Q Okay. And that's here in Las Vegas?

7 A Yes.

8 Q Okay. Clark County?

9 A Yes.

10 Q Okay. When had you moved to Las Vegas?

11 A 1997.

12 Q And have you lived in those Decatur apartments that
13 entire time?

14 A No, before that I lived off of Flamingo. I think it
15 was 5010 Indian River Drive.

16 Q And then you moved to those Decatur apartments --

17 A Yes.

18 Q -- and that's where you were living in 1999.

19 A Yes.

20 Q Okay. At that time in 1999, in April, specifically,
21 did you have any children?

22 A Yes, I had one son.

23 Q And how old was he in April of 1999?

24 A He had just turned two.

1 Q Okay. Now, I'm going to take you, specifically, to
2 April 23rd of 1999.

3 A Mm-hmm.

4 Q Do you recall whether you had plans to go out that
5 evening?

6 A Yes.

7 Q And who were you going to go out with that evening?

8 A It was with Candy and Joanna.

9 Q And is Candy her real name?

10 A No, it's Maria Calendary (phonetic), I think.

11 Q Okay. So Candy and who was the second one?

12 A Joanna.

13 Q Okay. How did you know Joanna?

14 A I knew Joanna from when I lived in Reno.

15 Q Was she visiting you?

16 A Yes.

17 Q And then how did you know Candy?

18 A I knew Candy from when I moved out here. She was a
19 neighbor in the apartments that I lived at.

20 Q Was she a neighbor in the apartments off Decatur or
21 the ones before that?

22 A I'm sorry. When I first moved out here, I lived off
23 of Bonanza -- the Bonanza apartments. I know now they're
24 called the Mirabella. I don't know -- I can't remember what

1 they were before.

2 Q That's okay.

3 A But she lived in the next building right across from
4 me.

5 Q Okay. So you met her because you guys were
6 neighbors?

7 A Yes, when I first moved out to Vegas.

8 Q Okay. So then April 23rd you, Joanna, and Candy
9 were all going to go out.

10 A Yes.

11 Q Okay. Where were you guys gonna go?

12 A Candy wanted to go to the Silver Saddle because she
13 knew a lot of people there.

14 Q Okay.

15 A So we agreed to go.

16 Q Okay. What were you gonna do in terms of your son?
17 Somebody watching your son that night?

18 A Her sister-in-law, Gabby, was watching the children.
19 Because also her children were there too.

20 Q How about Joanna? Did she have any children?

21 A Joanna had children, but they were older. She had
22 one almost teenager, I think, and then a son and a daughter.

23 Q Okay. So your children and Candy's children were
24 all over at Candy's apartment.

1 A Yes.

2 Q And her sister-in-law was watching them.

3 A Mm-hmm.

4 Q Yes?

5 A Yes.

6 Q Thank you.

7 A Sorry.

8 Q Do you remember about what time you went over to

9 Candy's apartment with your son?

10 A I want to say we were there about 10:00 o'clock, is

11 when I headed over there. And then we were all getting ready

12 together.

13 Q Had you gone out with Candy before this?

14 A Not out like, you know, to a night club or anything

15 like that. But we'd gone out to, like, shopping and things

16 like that or to the store.

17 Q Okay. But you guys hadn't gone out to the

18 Silver Saddle before, that you can remember?

19 A No. Huh-uh.

20 Q And why was that, that you hadn't gone out with her?

21 A Because I'm a single -- I was a single mom and I had

22 a son.

23 Q Okay.

24 A It's kind of hard to afford a babysitter and things

1 like that.

2 Q So -- I'm sorry. What time do you think it was that
3 you went over to Candy's? I know you answered that.

4 A I think it was around 10:00.

5 Q Okay.

6 A 10:00 o'clock, if I recall. I know it was really
7 late because we got to the Silver Saddle late.

8 Q Okay. Do you remember when you got -- did you guys
9 leave right away from Candy's or did you put the kids to bed?

10 A Yeah, they were down watching a movie.

11 Q Okay.

12 A My son fell asleep when we left.

13 Q Do you remember when you guys got to the
14 Silver Saddle?

15 A I remember going in and we were out and we all
16 walked in after being IDed. Candy and Joanna, we got a table,
17 ordered drinks, and then Candy went on the dance floor.

18 Q But you don't know for sure what time that was at.

19 A I know it was after midnight.

20 Q Okay. So early morning hours, at this point --

21 A Mm-hmm.

22 Q -- of April 24th.

23 A Yes.

24 Q Okay. So you'd spent a couple hours over at Candy's

1 apartment before you left.

2 A Yes.

3 Q Okay. Had you been drinking at Candy's apartment
4 before you got to the Silver Saddle?

5 A No.

6 Q Had Candy?

7 A Not that I know of.

8 Q Okay. How about Joanna?

9 A No.

10 Q Okay. So you guys go to the Silver Saddle a little
11 bit after midnight. I'm going to show you State's Exhibit 8.
12 And if you look to your monitor -- you see that?

13 A Mm-hmm.

14 Q Okay. Does this appear to be the Silver Saddle?

15 A Yes.

16 Q Does this look familiar, in terms of the club that
17 you went to that night?

18 A Yes.

19 Q Okay. So you said you got there and you guys got a
20 table.

21 A Mm-hmm. Yes.

22 Q And then did you order a drink at that point?

23 A I remember ordering a drink. I can't recall
24 exact -- what it was, but --

1 Q Okay. That's fine. But you remember getting a
2 drink of some sort.

3 A Uh-huh. Yes.

4 Q Okay. How about Candy and Joanna, do you know if
5 they were drinking?

6 A Yes, they were.

7 Q Who was driving that night?

8 A I was.

9 Q Okay. Had you agreed to be the designated driver?

10 A No, it just turned out that way, I think.

11 Q Okay. So did you actually drive your car to the
12 Silver Saddle?

13 A I drove my car. So I'm very cautious about driving
14 with any -- I don't want to get a tick -- I just, I'm very
15 cautious about what I drink when I'm driving, so --

16 Q Okay. So you drove both of those women?

17 A Yes.

18 Q So they were drinking and I think you said Candy
19 went on the dance floor.

20 A Yes.

21 Q Was there a band?

22 A Yes.

23 Q Okay. Had you ever been there when there had been a
24 band before?

1 A No.

2 Q Okay. You said Candy knew some people there. Do
3 you know if she knew members of the band?

4 A No. No, I can't recall that.

5 Q Okay. So Candy gets on the dance floor an you're
6 sitting at the table?

7 A And Joanna and I were, too. And then she came and
8 got us and dragged us out there.

9 Q Okay. So all three of you are now on the dance
10 floor.

11 A Yes.

12 Q How long were you sitting at the table before you
13 went out on the dance floor?

14 A Maybe about 15, 20 minutes.

15 Q Okay. Do you know how many drinks you had at that
16 point?

17 A I was still waiting on the drink.

18 Q Oh, you hadn't gotten your first one yet.

19 A Huh-uh.

20 Q Okay. So you went out on the dance floor. How long
21 were you guys out dancing on the dance floor?

22 A About ten minutes or so. Maybe two songs.

23 Q Did you talk to any members of the band at that
24 point?

1 A No.

2 Q Okay. What happened after you and Joanna and Candy
3 were done dancing?

4 A We went back to our table. We got our drinks from
5 of the cocktail waitress. And I remember that I didn't care
6 for it.

7 Q Okay.

8 A And that I asked for a water and then went to the
9 bathroom. And then I came back, I know that -- I can't recall
10 the time. I just know that we were dancing a little bit more
11 and chitchatting.

12 Q Okay. And try to talk into the microphone --

13 A Okay. I'm sorry.

14 Q -- a little bit more. Okay. That's okay. That's
15 okay.

16 So you were just kind of hanging out for a while longer?

17 A Uh-huh. Yes, ma'am.

18 Q At some point, did you leave the Silver Saddle?

19 A Yes, I did. I don't recall how the -- I think Candy
20 got a page that my son was awake and asking for me. And I had
21 specifically left instructions to have them get ahold of me if
22 he woke up. And so they weren't ready to go, so I left 'cause
23 it was not too -- it was right across the street, practically
24 down the street, where she lived at -- to go take care of my

1 son.

2 Q So her apartment was pretty close to the
3 Silver Saddle?

4 A Yes.

5 Q Okay. Do you remember about what time it was that
6 you left to go check on your son?

7 A I would say about 2:00, 2:30.

8 Q Okay.

9 A It's around there. I'm not completely accurate.

10 Q Okay. You're not completely sure, but you think
11 it's around that time.

12 A Yeah. Yes, ma'am.

13 Q Okay. So did you have a pager on you?

14 A No.

15 Q Okay. Just Candy had the pager.

16 A Yes.

17 Q So did you then go check on your son?

18 A Yes, ma'am.

19 Q Okay. And what was going on there?

20 A He just woke up and wanted to know where I was.
21 That was my first time leaving him alone like that. So I came
22 and hung out with him a little bit and he fell back asleep.
23 And I had to go back and pick up Candy and Joanna. So I
24 headed back --

1 Q How long were you --

2 A -- after that.

3 Q I'm sorry. I cut you off.

4 A It's about 5:00 -- I want to say it was
5 5:00 o'clock. Around 4:30, 5:00 when I headed back towards
6 the Silver Saddle.

7 Q Okay. So do you think that you were with your son
8 for a couple of hours?

9 A Yes.

10 Q Okay. And did you -- you actually stayed with him
11 and hung out with him for a while.

12 A Yes.

13 Q Okay. And why did you say you went back after you'd
14 been gone for so long?

15 A To go pick up Joanna and Candy.

16 Q Was that because they didn't have another --

17 A They didn't have -- they didn't have a ride home. I
18 couldn't leave them stranded until I knew, you know, what was
19 going on. So --

20 Q Now, by the time you left to the club to go pick --
21 or to go -- I'm sorry -- see your son, do you know about how
22 many drinks that you'd had at that point?

23 A None. I had only had that one that I never
24 finished.

1 Q Okay.

2 A And the water. 'Cause I was more wanting water than
3 anything else.

4 Q So you came back and you said -- I think you said
5 4:30 or 5:00 in the morning?

6 A Mm-hmm. Yes, ma'am.

7 Q When you got back to the Silver Saddle, what did you
8 see going on?

9 A I walked in. There wasn't a band playing anymore.
10 And Candy and Joanna were sitting in the back of the bar with
11 the bartender and that gentleman that I knew as Ray.

12 Q And you say the gentleman that you knew as Ray.

13 A Mm-hmm.

14 Q Had you ever met him before this night?

15 A No, ma'am.

16 Q Okay. But had you seen him in the band?

17 A No, I didn't really notice him in the band. I was
18 told that he was -- Candy said that he was in the band.
19 That's what they found out, I'm assuming.

20 Q Had you been dancing with him that night?

21 A No, ma'am.

22 Q Okay. Had you spoken with him at all before you
23 went to check on your son?

24 A No.

1 Q Okay. So you come back and they're -- you said
2 they're sitting in the back of the bar.

3 A Yes, ma'am.

4 Q Do you remember if they were sitting at like a table
5 or the bar or --

6 A It was at the bar.

7 Q Okay. Talking to -- and you said that individual
8 over there. Do you see the man who you knew as Ray in the
9 courtroom today?

10 A Yes, ma'am.

11 Q Okay. Can you please point to him and tell me what
12 color of clothing that he's wearing?

13 A He's wearing a white shirt and a blue tie.

14 MS. CRAGGS: Your Honor, may the record reflect that
15 the witness has identified the Defendant?

16 THE COURT: The record will so reflect.

17 MS. CRAGGS: Thank you.

18 BY MS. CRAGGS:

19 Q So when you get back, do you then go sit at the bar
20 with the Defendant, the bartender, Joanna, and Candy?

21 A Yes.

22 Q Okay. Do you remember the bartender's name?

23 A No, I don't recall. I know he was behind the bar
24 serving.

1 Q Okay. So what was going on when you sat down at the
2 bar? What was the plan at that point?

3 A They were -- we were just hanging out talking and,
4 you know, just shooting the -- shooting -- you know, talking.

5 Q Gotcha.

6 A You know, and then -- and that was it. And then
7 pretty much until, like, day light.

8 Q Do you -- can you estimate about how long you guys
9 were kind of sitting around talking?

10 A I would say probably about till 6:00, 6:30.

11 Q So maybe a couple of hours?

12 A Yeah, about --

13 Q Were you talking to anybody specifically?

14 A I was talking with Candy, Ray at the time, and
15 Joanna was pretty much into the bartender. I remember that.

16 Q At the time, what was your impression of Ray and the
17 bartender?

18 A They were nice. They were polite. Nothing -- just
19 nice guys. You know, acquaint -- you know, just met them. So
20 I couldn't really make a judgment.

21 Q Okay. Had you been drinking more in those two hours
22 that you're sitting talking to those folks?

23 A No, I had ordered a drink, but I never finished it
24 or wanted it.

1 Q So you think maybe you -- throughout the whole
2 night, you thinking you ordered like two drinks?

3 A Yes.

4 Q Okay. Did you do any shots with everybody?

5 A I don't recall. I mean, I -- I don't -- I can't
6 remember on that one just yet.

7 Q Yeah, just tell me what it is that you remember.
8 So you may have, but you're not sure?

9 A Yes.

10 Q Okay. Do you remember if around 6:30 you felt like
11 you were inebriated at that point?

12 A No.

13 Q What happened around 6:00 or 6:30?

14 A I remember the bartender talking about he gets off
15 work and if we all wanted to go to PT's Pub --

16 Q Okay.

17 A -- and hang out from there on. And Joanna wanted to
18 go because she was attracted to the bartender.

19 Q How about Candy?

20 A Candy said, yes, she would go. And I said I don't
21 mind going as long as we were back before my son woke up.

22 Q What was the plan in terms of you, Joanna, and Candy
23 getting back to the apartment with the kids, if there was one?

24 A At that point in time, it was all of us going back

1 together in my car. Because I -- we were all going to drive
2 over to PT's together.

3 Q Was there a time that you guys had agreed upon
4 leaving?

5 A At 7:00.

6 Q Okay.

7 A When the bartender got off.

8 Q Okay. Was there a time that you guys had agreed to
9 go back to the apartment to get the kids?

10 A Yes, I -- before 10:00 a.m. or by 10:00 a.m.

11 Q Okay. So tell me what happened when you all agreed
12 to go to PT's.

13 A I recall walking out to the parking lot. Candy had
14 gotten -- went to the pay phone and called her boyfriend,
15 Beto, at the time. And Joanna and all us walk out to the
16 parking lot. And --

17 Q When you say "Joanna and all of us," you mean Joanna
18 and the bartender --

19 A And the bartender --

20 Q -- and the Defendant and yourself.

21 A Yes.

22 Q Okay.

23 A Yes. And Joanne ended up going to the car with the
24 bartender. And I was waiting for Candy to come out of the

1 Silver Saddle. And she, at the last minute, said that she had
2 called Beto and she wants to go -- he's gonna come and pick
3 her up. So that left me with the Defendant in my car and --

4 Q Now, at the time that you're all walking out in the
5 parking lot, you've been hanging out for a couple hours.

6 Would you characterize your time as that you were having fun?

7 A Yeah. I was just -- it was just like going out.

8 Q Is it fair to say you wanted to go to the second bar
9 and keep hanging out? And if not, that's okay, too.

10 A I didn't want to be a party pooper, you know. So I
11 was willing to go at the time.

12 Q Okay. So you were out in the parking lot. And does
13 Candy come tell you that she's not coming with you?

14 A Yes. That is -- yes, she comes out and I'm waiting
15 for her. And by then, the bartender and Joanne had pulled up
16 besides us in her car and said that they were gonna head over
17 there. And Candy -- that's when Candy told us that she had
18 Beto coming to pick her up.

19 Q Now, did you and the Defendant head straight to meet
20 Joanna and the bartender or what happened?

21 A I had asked -- or I was assuming at that point, yes.
22 And then he mentioned that he had to cash a paycheck.

23 Q Okay. So when the Defendant got into your car --

24 A Mm-hmm.

1 Q -- did you know, at that point, that you had to go
2 get this paycheck or did you think that you were going to the
3 bar or do you remember?

4 A I thought we were going to cash his check or cash
5 his check at the bar, at that point.

6 Q Okay. You didn't know that you were going to a
7 different location at that point.

8 A No.

9 Q Okay. What happened when the Defendant got into
10 your car?

11 A As we were driving the car, he asked if he could
12 stop by his apartment or his friend's apartment to call into
13 work.

14 Q Do you know if it was his apartment or his friend's
15 apartment?

16 A I am not sure who's apartment it was.

17 Q Okay. Do you remember where that was located?

18 A Yes, it was off of Sunrise --

19 Q Okay.

20 A -- Street or Boulevard.

21 Q I'm going to show you State's Exhibit 10.

22 A Mm-hmm.

23 Q Do you recognize this building?

24 A Yes.

1 Q Okay. And how do you recognize that building?

2 A 'Cause that's what we drove up on. And then I
3 remember the apartment was in between, on the left-hand side.

4 Q I'm going to show you another one; okay?

5 A Uh-huh.

6 Q State's Exhibit 6. Okay. That's a little bit of a
7 close-up --

8 A Yes.

9 Q -- of the front of that apartment.

10 A Yes.

11 Q Do you remember which apartment it was that was
12 either the Defendant's or the Defendant's friends?

13 A I just know you walk in through on the pool. You go
14 to your left and it's the first apartment with the door on
15 your right.

16 Q Is it --

17 A I can get to it today. I know where it's at today.
18 I remember that.

19 Q Is it this actual building that I'm pointing to on
20 this exhibit?

21 A Yes.

22 Q Okay. And it's the first door on your left?

23 A On your -- when you turn, it's the first door on
24 your right.

1 Q I see. Is this the gate that I'm pointing to in the
2 middle of this photo that you went through?

3 A Yes.

4 Q Okay. So let's talk about what happened when you
5 got to this location on Sunrise. Did you park your vehicle?

6 A Yes.

7 Q And where did you park your vehicle?

8 A I had parked it on the side of the street on the
9 parking slots.

10 Q Okay. What kind of car did you have?

11 A I had an Oldsmobile Calais.

12 Q Okay. When you parked your vehicle, was it your
13 intention to go inside with the Defendant?

14 A Not at that moment, no.

15 Q Okay. Tell me what happened.

16 A He invited me in. He said he might be a minute or
17 two and he didn't want to leave me sitting out in the parking
18 lot. So I agreed to come in.

19 Q Now, why did you agree to go inside?

20 A It just didn't seem like a great, safe neighborhood.

21 Q Okay. Did you have any reservations at that point
22 about going inside with him?

23 A No, I didn't feel threatened or anything at that
24 time, no.

1 Q Is it fair to say that, up to that point, your
2 interaction with him had been a good interaction?

3 A Yes.

4 Q Okay. At that point, did you have any intention of
5 staying in that apartment?

6 A No.

7 Q Did you have any intention of doing anything sexual
8 at that point?

9 A No.

10 Q Okay. What was your intention when you went into
11 the apartment?

12 A To wait for him to use the telephone and to call
13 into work and then to go and meet Joanne and the bartender at
14 the PT's -- the other bar.

15 Q Now, when he asked you to go take him to this other
16 apartment, why did you agree to take him to this apartment
17 instead of just go to the bar?

18 A It made sense that he had to call into work.

19 Q Okay.

20 A I mean, it wasn't an unreasonable, you know, I
21 guess, question.

22 Q Okay. 'Cause there were no cell phones at that
23 point?

24 A Yes.

1 Q Okay. So you go inside the apartment. Do you
2 remember if there's anybody else there?

3 A There was a young gentleman on the couch when we
4 walked in.

5 Q When you walked in, what room did you see, if you
6 can remember?

7 A I walked into the living room.

8 Q Okay. Was there a kitchen there too?

9 A Yes.

10 Q Okay. When you walked in and you saw the young man
11 on the couch, did you speak with him at all?

12 A I looked at him and, you know, and said hi.

13 Q Is it fair to say this is around -- I think you said
14 you left at 6:00 or 6:30 --

15 A Mm-hmm.

16 Q -- from the Silver Saddle?

17 A It was a little bit -- I mean, it was probably -- it
18 was almost -- I know it was after 7:00 --

19 Q Okay.

20 A -- when we left because the bartender didn't get off
21 work until 7:00.

22 Q Okay. So you probably left the Silver Saddle a
23 little bit after 7:00 --

24 A Mm-hmm.

1 Q -- and drove to Sunrise?

2 A Yes.

3 Q Okay. And was it pretty close?

4 A Yeah, it wasn't that far away. No.

5 Q Okay. So you walked inside. Did the Defendant say
6 anything to the young man? Did he stay in the apartment?

7 A The young man?

8 Q Mm-hmm. Yes.

9 A No, he spoke in Spanish to him. And I couldn't
10 understand all of it. But I was able to get out that he sent
11 him to the store.

12 Q Do you speak Spanish?

13 A Yes and no.

14 Q Okay.

15 A I speak it -- I understand it more than -- and I get
16 nervous when I speak it, but I took it for four years.

17 Q Okay. So you understand some things.

18 A Yes. More than most.

19 Q Okay. So it sounded to you like the Defendant had
20 told him to go to the store?

21 A Yes.

22 Q At this point, were you feeling concerned?

23 A No, not really. I thought maybe he sent him to go
24 get cigarettes or something.

1 Q Okay. What did the Defendant do when you walked
2 inside of this apartment?

3 A He went and I sat -- he had me sit down. He asked
4 me to sit down and then he went to the telephone and made his
5 phone call.

6 Q Did you understand what he was saying on the phone?

7 A I didn't -- I don't recall. I didn't really pay
8 attention, I don't think.

9 Q Okay. What happened after he made the phone call?

10 A He came back and sat down next to me.

11 Q Okay. And --

12 THE COURT: Counsel, is this a good time to take a
13 break?

14 MS. CRAGGS: Okay.

15 THE COURT: I got some fidgety bodies in the --

16 MS. CRAGGS: I see.

17 THE COURT: Okay. All right?

18 MS. CRAGGS: Okay. Thanks.

19 THE COURT: Ladies and gentlemen, at this time we're
20 gonna take a quick break.

21 You're not to talk or converse among yourselves or with
22 anyone else on any subject connected to this trial or read,
23 watch, or listen to any report of or commentary on the trial
24 or any person connected with this trial by any medium of

1 information, including without limitation: Newspapers,
2 television, radio, the Internet, or form or express any
3 opinion on any subject connected with this trial until the
4 case is finally submitted to you.

5 You're not to do any experiments or investigation
6 regarding any matters raised, nor are you to post on any
7 social media.

8 We're gonna -- just give me a quick break. Let's catch
9 you guys back here at five minutes after the hour.

10 Ma'am, if you'll remain sitting there.

11 THE MARSHAL: All rise for the jury.

12 UNIDENTIFIED JUROR: [Indiscernible] on this chair.

13 THE COURT: You can just leave your notepads and
14 your pencils or pens right there, please. Take everything
15 else, except for your jackets and stuff. If you want to leave
16 them there, you can leave 'em.

17 [OUTSIDE THE PRESENCE OF THE JURY]

18 THE COURT: Ma'am, during this break, I'd ask that
19 you have no contact with the jury. Don't make any facial
20 contact with them, no conversations. If you're on the phone,
21 make sure they're not in an area they can hear you; okay?

22 THE WITNESS: Yes, sir.

23 THE COURT: We'll see you back here at five minutes
24 after.

1 THE WITNESS: Okay.

2 [RECESS AT 3:50 P.M.; PROCEEDINGS RESUMED AT
3 4:05 P.M.]

4 [OUTSIDE THE PRESENCE OF THE JURY]

5 THE COURT: Counsel, anything that needs to come
6 before the bench before we get the jury in here?

7 MS. CRAGGS: No, Your Honor.

8 THE COURT: I'll ask you this every time we come
9 back from breaks, guys.

10 MS. CRAGGS: Sorry. No, Your Honor.

11 THE COURT: All right.

12 All right. Let's get our jury in here.

13 THE MARSHAL: I'll see who's out there?

14 [DISCUSSION OFF THE RECORD]

15 THE MARSHAL: All rise for the jury.

16 [IN THE PRESENCE OF THE JURY]

17 THE MARSHAL: The jury's all present, Your Honor.

18 THE COURT: Counsel, stipulate to the presence of
19 the jury.

20 MS. CRAGGS: Yes, Your Honor.

21 MR. YAMPOLSKY: Yes, Your Honor.

22 THE COURT: Please be seated.

23 Counsel, your witness.

24 MS. CRAGGS: Thank you.

1 DIRECT EXAMINATION (resumed)

2 BY MS. CRAGGS:

3 Q Okay, Michelle. So we left off, you were sitting on
4 the couch and the Defendant was sitting next to you. Can you
5 tell me what happened next.

6 A He sat down. We were talking for a few minutes.

7 Q Talk into the microphone a little bit more.

8 A We were talking for a little bit and then he got up
9 and started to try and get me to dance with him. And that's
10 when I was like, "I thought we were leaving," and I started to
11 go to the door.

12 Q Explain what you mean by trying to dance with you.

13 A Trying to just get me up off the couch and had his
14 hands around me. Trying to get me to move with him.

15 Q So he was touching you.

16 A Yes.

17 Q Where was he touching you?

18 A On my hips.

19 Q Did you verbally tell him that you did not want to
20 do that?

21 A Yes.

22 Q And describe what happened when you tried to go to
23 the door.

24 A I went to go to the door, and that's when he grabbed

1 me and picked me up and started to carry me towards the
2 bedroom.

3 Q Was the front door locked or unlocked?

4 A I didn't get a chance to get that far.

5 Q Got it. Describe how he carried you.

6 A At first he picked me up, kind of like a cradling.
7 And then it -- as I started to struggle, he put me over his
8 shoulders.

9 Q Do you remember, was he a slim build? Medium build?
10 Can you describe what he kind of looked like?

11 A Just average. I mean --

12 Q Okay.

13 A -- a little bit more muscular then.

14 Q How tall was he, if you remember?

15 A 5-6, 5-7.

16 Q And about how tall are you?

17 A 5-6.

18 Q And how would you describe your build at that point?

19 A I wasn't -- I was a lot lighter then.

20 Q When he picked you up in the cradle position, did he
21 have any difficulty carrying you because you were flailing
22 around?

23 A I can't recall. I really can't.

24 Q And then put you over his shoulder?

1 A Mm-hmm.

2 Q Were you saying anything at this point?

3 A "Put me down."

4 Q Was he saying anything?

5 A Nothing.

6 Q Where did he take you?

7 A He took me into the bedroom.

8 Q And tell me what happened when you got into the

9 bedroom.

10 A He put me down on the bed and laid on top of me.

11 Q Can you describe what you mean by lay on top of you?

12 A He had his weight on top of me as I was underneath

13 him.

14 Q Now, were you saying anything at this point?

15 A I was telling him, "Don't do this." "Let me up."

16 "I'm" -- "This is not what I" -- "I didn't want to give

17 you" -- "I didn't try to give you any of these intentions."

18 Q Now, did he say anything about how he thought that

19 that was the impression that you were trying to give him?

20 A No.

21 Q Okay. Did he say anything to you at that point?

22 A I can't recall.

23 Q Okay. What happened when he was laying on top of

24 you? What did he do next?

1 A He started to try and kiss me and I pushed him away.
2 And that's when I tried to get up and go to the door. And he
3 grabbed me and pushed me up -- or slammed me up against the
4 wall.

5 Q And what happened after he slammed you up against
6 the wall?

7 A He proceeded to try and take my pants -- or my shirt
8 off and everything.

9 Q Can you tell me what you were wearing?

10 A I was wearing -- I remember it was all black. I
11 know I had my -- my pants had a -- I know I had my black
12 pants. And I know they were too big for me because that's one
13 of the key elements that I recall. And I had a safety pin in
14 it.

15 Q So did you have a safety pin in it to keep them up?

16 A Yes.

17 Q Were you wearing anything else under, like --

18 A I had pantyhose and I remember the pantyhose, black
19 shoes, and a jacket.

20 Q Underwear?

21 A I can't recall on that one.

22 Q But you had on a shirt and a jacket?

23 A Yes. And my bra and everything.

24 Q So you're -- at this point you're standing on

1 your -- he's holding you against the wall?

2 A Yes.

3 Q And how's he doing that?

4 A He's got his -- he had his hands on my arms. And
5 then he pushed himself against me and kind of held me there.

6 Q Did he have 'em on your -- was it on your upper arms
7 or your forearms?

8 A It was on my upper arms at first. And then he
9 leaned his body in against me so I -- tried to pin me there.

10 Q What happened after that?

11 A Somehow he turned me around and then we had -- he
12 had pulled my shirt and my jacket kind of over, from my back,
13 over my head, kind of, to where I was kind of entangled into
14 it. And I just recall somehow or another we were on the floor
15 by then.

16 Q When he pulled your jacket and your shirt over your
17 head, were you still standing up at the time?

18 A I can't -- I want to say it was on the ground,
19 after -- in the process of that.

20 Q So somehow you got on to the ground?

21 A Yes.

22 Q But you're not sure how.

23 A I don't remember how. I just know that I was trying
24 to get away. I couldn't really see. I was kind of entangled

1 up in my clothes by then.

2 Q And when you're on the ground, are you on your back
3 or are you on your stomach?

4 A I'm on my back.

5 Q What happens next?

6 A I blanked out for a minute. And I remember -- not
7 like a minute. Like a second or two. And bit my tongue to
8 keep myself, you know, in the situation. And he was trying to
9 take my pants -- my pants were down and he had had -- and my
10 pantyhose. [Indiscernible] pretty much had my legs out
11 almost.

12 Q When you say blanked out?

13 A I just -- I don't know if I lost my breath and
14 just -- you know, just couldn't believe this happened. I was
15 in shock still. It wasn't very long. I just remember I
16 woke -- I just came -- I was just like -- the next thing I
17 knew, he was pulling down -- like, trying to pull down my
18 pants. And I had one of my legs out of the pantyhose.

19 Q Do you remember if your full leg was out?

20 A Yes, [indiscernible].

21 Q At this point that you're on the floor --

22 A Yes.

23 Q -- are you still struggling at this point?

24 A Yes. And I grabbed my -- I remember taking the

1 safety pin at that time and stabbing him with the -- in his
2 hand and in his shoulder. And all that.

3 Q How does he have you pinned on the floor?

4 A He's got his weight on me. And I remember kicking
5 or just back and forth, just struggling. I'm like telling him
6 stop. And then -- and then I remember getting away for a
7 minute there. And he started to unbuckle his pants. And
8 that's when he grabbed me again and pretty much put my legs up
9 in the air.

10 I know I came to at one point and he had his mouth on my
11 vagina right -- I think that was kind of like before. Right
12 when he got my pants off. 'Cause I remember trying to also
13 grab clothes and trying to shove it down his throat.

14 Q And when you say kind of "shove it down his throat,"
15 were you kind of --

16 A 'Cause I was pushing his head away from my --

17 Q From your --

18 A -- vagina. And I was reaching, at the same time,
19 trying to grab clothes or something to, you know, leverage
20 myself and push him away. And I remember taking the clothes
21 and pushing them in his face.

22 Q Was this when you had the safety pin?

23 A It was right after I had the safety pin. After I
24 hit him with it a couple times.

1 Q Now, just going back briefly to the safety pin, did
2 you -- was it pinning -- you said it was pinning your clothes
3 on?

4 A Yeah, it was like on the sides of my pants.

5 Q And were you able to get -- you were able to kind of
6 unpin it?

7 A Yes. It had already come unpinned because it -- I
8 remember it poked me once. And that's how I grabbed --
9 realized to grab it.

10 Q So you said that your pant leg is off and you kind
11 of came -- you kind of came back to --

12 A Yeah.

13 Q -- did you blank out again?

14 A Towards the end I kind of --

15 THE COURT: Counsels, I can hear you.

16 MR. YAMPOLSKY: Sorry, Your Honor.

17 THE COURT: Sorry, Counsel. Go ahead.

18 MS. CRAGGS: Thank you.

19 THE WITNESS: Towards the end, I just kind of just
20 closed my eyes and just decided, you know, I -- just to give
21 up kind of.

22 BY MS. CRAGGS:

23 Q So at the point that he has his mouth on your
24 vagina, are you still struggling?

1 A Yes, that was when we were on the floor and that's
2 when I grabbed the cloth -- I was trying to get the clothing
3 and pushing him away. And I -- I don't know what kind of
4 clothing it was, but I was just shoving it towards him to try
5 and, you know, put something in between us. Choke him,
6 possibly. I was just trying to get away.

7 Q When he had his mouth on your vagina, was he using
8 his tongue? Was he using his lips? Do you remember?

9 A Yeah, I remember it feeling wet.

10 Q Okay. Do you know if he was using his tongue?

11 A Yeah. Yes.

12 Q Okay. So you were putting the clothes into his
13 face.

14 A Yeah.

15 Q Does it work? Does he stop?

16 A He just pushes 'em out of the way and then that's
17 when I started -- I pushed away and I was able to scoot back a
18 little bit. And then he -- that's when he started to unbuckle
19 his pants.

20 Q Did -- do you remember if the room had carpet?

21 A Yes.

22 Q And you said you were able to scooch back --

23 A Yes.

24 Q -- were you able to get up?

1 A Yes, I got up. And that's when he grabbed -- he
2 was -- as he was undoing his pants. And then he grabbed me
3 and tossed me back on the bed and then had -- was in between
4 my legs with himself.

5 Q Do you remember what he did at that point?

6 A He was rubbing himself up against my vagina, back
7 and forth, trying to stimulate himself. And he got half way
8 there but not all the way and --

9 Q So continue.

10 A I just -- at that point in time, I was just done. I
11 thought, just want to get out of here and I just -- I was
12 exhausted.

13 Q So at that point, when you're on the bed, you kind
14 of stopped struggling?

15 A Yes. Mm-hmm.

16 Q And so you said he was able to get sort of, half
17 way, an erection.

18 A Yes.

19 Q Okay. And when you say he was, you know, rubbing
20 himself, was he rubbing on the inside of your vagina?

21 A Yes, ma'am. Yes.

22 Q Was he able to penetrate your vagina to some extent?

23 A Yes.

24 Q Okay. At any point was he able to get a full

1 erection?

2 A No.

3 Q Okay. Did -- to your memory, did he ever penetrate
4 you fully?

5 A No.

6 Q Okay. So at this point you're laying on the bed.
7 What are you thinking at this point?

8 A I just can't believe this is -- "I'm never gonna go
9 out again," you know, is how I felt. And "this isn't
10 happening."

11 Q Did he ever put any other body part of his inside of
12 your vagina?

13 A He did put his finger inside of me.

14 Q When was that?

15 A That was right before he started to take his --
16 himself and rub it back and forth.

17 Q So was that while you were on the bed?

18 A Yes.

19 Q Do you remember how many fingers?

20 A No.

21 Q And he penetrated your vagina with his fingers?

22 A Yes, ma'am.

23 Q Do you know about how long this went on for?

24 A I would say probably at least a good half an hour.

1 Q And during --

2 A -- more.

3 Q -- while this is going on, does he say anything to
4 you?

5 A Not in between, other than like -- other than
6 like -- just like, "You know you wanted to be here and do
7 this." And I just kept saying no. And then towards the end,
8 he just got up and sat down on the bed all of a sudden. And
9 that's when I got up and I remember kicking him.

10 And then saying, "I'm sorry. I'm sorry."

11 And I'm like, "Yeah, you should be. You're not as sorry
12 as you're gonna be."

13 And then I -- he said something about his wife was right
14 and I was just -- just didn't make any sense, coherent, you
15 know. And that he would never be able to have sex -- his wife
16 said he would never have sex with another woman again.

17 Q So he was apologizing to you.

18 A I don't know really what he -- he said not -- no,
19 I'm not talking about that. And then he said something about
20 fate and -- I don't remember the whole conversation. It was
21 kind of just a blur by then.

22 Q Did you stick around and talk to him or did you
23 leave --

24 A No, not necessarily. I mean, just as I was grabbing

1 my stuff to try and just keep from distraction, I guess. And
2 then I just started to get out the door as I was putting my
3 clothes back together.

4 Q How are you feeling at this point?

5 A Violated and upset and angry and dirty and what did
6 I do to implicate this, you know?

7 Q And, obviously, you know that we talked about this.
8 This was 20 or so years ago?

9 A Yeah.

10 Q And do you still remember how you felt today?

11 A Angry.

12 Q So at the time that you were able to leave the
13 house, what did you do next?

14 A I opened up the door and then the gentleman that
15 was -- had gone to the store, that he told -- sent to the
16 store, was sitting on the couch. And I just looked at him
17 like, "Did you not" -- you know? "Were you here this whole
18 time?" Is how I had that feeling on my face of disbelief.

19 And then I started walking toward the door. And the
20 young man chased after me asking me if I was upset or hurt.
21 And I just looked at him. I go, "What do you think?" And --

22 Q Now, were you -- you thought that the young man may
23 have heard what happened. Was that because you were yelling?

24 A Yes. I mean, how could you not hear the struggle

1 inside there? You were in the living room.

2 Q Did you yell for help or anything like that?

3 A Yes.

4 Q You said you left the apartment then. Did you get
5 in your car?

6 A Yes, I got in my car. The young man asked me -- and
7 I quite couldn't understand, you know, because he was
8 speaking -- he didn't speak much English. You know, he just
9 -- he kept saying enojado or enojada at me. And I'm like,
10 "Yeah, I'm angry." And then I told him, "No means no. And
11 your friend" -- and then said in Spanish that he was an
12 asshole. And he -- and that's it. I just drove off and went
13 to Candy's house by then.

14 Q So why did you go to Candy's house back then?

15 A 'Cause I just wanted to see my son. I didn't know,
16 really, what to do. I didn't. I didn't know what to do at
17 first.

18 Q What happened when you got to Candy's house?

19 A I remember coming into Candy's house. They were
20 asking me where I was. And I looked at them and I was -- and
21 I just didn't know what to say. You know, I wanted to take a
22 shower and I remember looking at the clock and seeing the
23 time. And -- 'cause I wanted to make sure I got there before
24 my son woke up. But he was already awake by then.

1 Q What time was it?

2 A It was 10:20.

3 Q You said you wanted to take a shower. Did you take
4 a shower?

5 A No, I didn't. They told me -- I told her what -- I
6 told Candy and them what happened. And they didn't -- they
7 told me not to, to go to the police.

8 Q Did you call 9-1-1 at that point?

9 A No, I didn't.

10 Q How come?

11 A 'Cause I was taught that you just don't call unless
12 you're dying, you know?

13 Q And at that point you didn't feel like --

14 A Well, I mean, I'm not dying. So I just went down to
15 the substation on Saint Luis at the time.

16 Q On -- I'm sorry -- what?

17 A It was on Saint Luis and -- I want to say --
18 Eastern, right off of there.

19 Q Who went with you, if anyone?

20 A Candy and Joanne.

21 Q Both of 'em?

22 A Yes.

23 Q What happened when you got to the substation?

24 A I got to the substation. I spoke with the officer

1 and I don't recall who it was. But -- and told them it had
2 just happened. And I remember Joanna said that she didn't --
3 she wanted to remain -- keep -- remain out of it for some
4 reason.

5 And Candy was willing to, you know, provide the
6 information that she knew, knew of the situation. And that
7 was -- and I remember getting in the detective's car at one
8 point in time and showing them where the apartment was. We
9 drove over and I showed them where everything happened.

10 Q By the time you get down to the substation, are you
11 still wearing the same clothes?

12 A Yes.

13 Q Okay. And you hadn't showered.

14 A No.

15 Q And after you get to the substation, do you go to
16 the hospital?

17 A They took -- on the way to -- as I showed them where
18 the address, where the apartment was, then they took me to the
19 UMC over there. And that's when they did the testing on me,
20 or the swab kits.

21 Q Did they take photographs of you at that point?

22 A Yes, ma'am.

23 Q Did you have any injuries at that point?

24 A Yes, I had some bruising. I know a couple of my

1 nails were broken.

2 Q Were you in any physical pain at that point?

3 A I think I was just still dealing with the situation
4 as it was. I can't recall.

5 Q Okay. I'm going to show you some pictures; okay?

6 A Mm-hmm.

7 Q Now, you said you -- when you got to the hospital,
8 you did an examination.

9 A Yes.

10 Q Were you given the option not to do the examination?

11 A I don't recall.

12 Q Okay. But you said photographs were taken of you
13 and swabs were taken?

14 A Yes.

15 Q And swabs were taken of your vagina at that point.

16 A Yes.

17 Q I'm going to show you State's 9. Do you recognize
18 that photo?

19 A Yes.

20 Q And who's that?

21 A That's me.

22 Q And that's back in 1999?

23 Showing you State's Exhibit 1, do you recognize that?

24 A Yes.

1 Q Okay. And what does that show?

2 A My nails.

3 Q And that's how your nails looked after the --

4 A Yes, after the --

5 Q -- altercation.

6 A Yes.

7 Q Okay. Prior to the sexual assault, did your nails

8 look like that?

9 A No.

10 Q And then was it -- did they come off during the

11 sexual assault?

12 A Yes.

13 Q And how did they come off, if you know?

14 A From fighting him. I know -- I mean, scratch -- I

15 did whatever I could.

16 Q Where did you scratch him?

17 A I scratched him in his back. I did get him on his

18 face because I knew he already had some scratches on his face.

19 So I was trying to reopen those.

20 Q What kind of scratches did he already have on his

21 face?

22 A I don't know what they were, but they just had

23 scratches and I -- from that night.

24 Q So he -- just to make sure I am clear, he already

1 had them on his face --

2 A Yes.

3 Q -- before you scratched him.

4 A Yes.

5 Q And then you tried to scratch him on the same place.

6 A Yes.

7 Q Okay. State's 2. And what's that?

8 A Bruising.

9 Q And you received this bruising as a result of the
10 sexual assault?

11 A Yes.

12 Q Or it happened during the struggle?

13 A That's me. Yes. I'm -- I know I didn't have them
14 before.

15 Q You didn't have them before you went over to the
16 Defendant's apartment or his friend's apartment?

17 A No.

18 Q Now, I'm going to show you State's 3. And if you
19 can't see this very well, I can bring it up and show you.

20 MS. CRAGGS: In fact, Your Honor, may I approach the
21 witness?

22 THE COURT: You may approach.

23 MS. CRAGGS: Thank you.

24 /

1 BY MS. CRAGGS:

2 Q I'm showing you State's 3. Do you see any injuries
3 depicted in State's 3?

4 A I see scratches.

5 Q And are those scratches on your chest?

6 A Yes.

7 Q And are those a result of your altercation with the
8 Defendant, do you remember?

9 A I can't recall on that one.

10 Q Okay. You're not sure about that one?

11 A Mm-hmm.

12 Q Okay. And these just aren't showing up very well,
13 so I'm going to keep showing you these up here. State's 4.
14 How about that? Do you remember that?

15 A That's -- it's bruising from when he grabbed me from
16 the -- on my arms.

17 Q Okay. So you do remember that that was a result
18 of --

19 A Yes.

20 Q -- your altercation with the Defendant.

21 A Mm-hmm.

22 Q Yes?

23 A Yes, ma'am.

24 Q Thank you.

1 MS. CRAGGS: And, Your Honor, can I publish to the
2 jury?

3 THE COURT: You may.

4 MS. CRAGGS: Thank you.

5 BY MS. CRAGGS:

6 Q I'm showing you State's 5. Is there an injury
7 depicted on State's 5?

8 A A bruise.

9 Q Did you have that as a result of the struggle with
10 the Defendant?

11 A That one, I can't recall. But it's --

12 Q If you can't recall, that's totally fine.

13 Okay. I'm showing you State's 12. Do you remember if
14 that injury was a result of the struggle with the Defendant?

15 A Yes.

16 Q And that -- that's showing us what?

17 A That's a bruise on my forearm.

18 Q Do you know how you got that bruise?

19 A He was holding me on this -- on my hands when he
20 grabbed me from the door too.

21 MS. CRAGGS: May I publish, Your Honor?

22 THE COURT: You may.

23 BY MS. CRAGGS:

24 Q And I'm showing you 15. Do you see an injury

1 depicted, that photo that you did receive, based on your
2 struggle with the Defendant?

3 A It's bruising.

4 Q Okay. And that's based on the struggle with the
5 Defendant.

6 A Mm-hmm.

7 Q Okay.

8 MS. CRAGGS: May I publish, Your Honor?

9 THE COURT: You may.

10 MS. CRAGGS: Thank you.

11 BY MS. CRAGGS:

12 Q Showing you State's 18. Do you see an injury
13 depicted in that photo that was from your struggle with the
14 Defendant?

15 A I can't tell if that's a shadow or a bruise.

16 Q Okay. Fair enough.

17 Do you recall -- showing you State's 24. Do you
18 recognize that as an injury that you received from the
19 struggle with the Defendant?

20 A Yes.

21 Q What's that?

22 A That's from the carpet.

23 Q What is it? What kind of injury is it?

24 A It's when the back of the carpet, when I was sliding

1 back, it burned me.

2 Q Was that when you were trying to get away?

3 A Yes.

4 MS. CRAGGS: May I publish, Your Honor?

5 THE COURT: You may.

6 BY MS. CRAGGS:

7 Q Now, after you had the photos taken and you had the
8 swabs done, did you speak with the detective?

9 A I can't recall. I know I spoke to a lot of people.

10 Q Do you recall giving a statement to the police at
11 some point about what happened?

12 A Yes, I do.

13 Q Okay. Do you recall that it was a recorded
14 statement?

15 A Yes.

16 Q Okay. How about your clothing, what you were
17 wearing, was any of that clothing taken?

18 A Yes, it was kept as evidence.

19 Q What did you do after you were done at the hospital?

20 A After I was done at the hospital, I remember talking
21 to a -- I guess, a rape crisis counselor.

22 Q Okay.

23 A And I chatted with her, you know, about the
24 situation. They gave me phone numbers for support and ways

1 to, I guess, you could deal with the situation.

2 Q Did you hear anything else from the police in the
3 years to come?

4 A No, I did not.

5 Q Did you hear again from the police in -- around
6 2016?

7 A Yes.

8 Q Okay. So let's talk a little bit about what
9 happened between 1999 and 2016. When you didn't hear anything
10 from anybody, what did you think happened with the case?

11 A I just figured he got away with it, but -- I didn't
12 know until, I guess, the case is starting now -- until I got
13 contacted that, I guess, my kits or my evidence sat on a shelf
14 until the funding came available. And that's when I think
15 they were able to contact me. So I guess it was just a
16 limited way of having it -- they got investigation until they
17 had the funding for all that.

18 Q Did you ever see the Defendant again after that
19 night?

20 A No, ma'am, I didn't.

21 Q So between 1999 and 2016, did you have any more
22 children?

23 A Yes, I had a son named Ryan.

24 Q Did you have any financial difficulties during that

1 time?

2 A Yes, I did.

3 Q Can you just tell me a little bit about that?

4 A My son Ryan's dad and I broke up. My youngest son
5 was also diagnosed with type one diabetes. And I didn't -- I
6 wasn't able to afford his -- I didn't qualify for help because
7 I made \$23 too much and I had to pretty much lose everything
8 to take care of his medicine. It's \$600 a month just for his
9 insulin.

10 Q At any point did you find yourself without a place
11 to live?

12 A Yes.

13 Q At some point, did you, in order to try to get
14 money, did you do something criminal in order to get that?

15 A Yes.

16 Q Tell me a little bit about what happened.

17 A I was working at Caesars Palace and they had just
18 let me go because -- and that's also when I left Ryan's dad at
19 the time. And Diane asked me -- asked to borrow my computer
20 and all that to make some checks and I let her do that. And
21 then he asked me to cash one. And so I did. And that she
22 would give me some money to get me -- get on my feet.

23 Q And is it fair to say you received a conviction due
24 to that behavior?

1 A Yes, I did.

2 Q Is that a conspiracy to commit a crime?

3 A Yes.

4 Q Okay. When did that all happen?

5 A 2007.

6 Q And you said that was after you had left your second
7 son's father.

8 A Yes.

9 Q And did you receive proceeds -- some money from the
10 cashing of that check?

11 A I only took \$20 at the time and that was it. I
12 didn't get anything else.

13 Q Was part of the deal that you would receive some
14 money from cashing the check?

15 A Yes.

16 Q What are your feelings about that now?

17 A I was stupid. You know, I mean, I was just panicked
18 and stupid.

19 Q Did you take responsibility for what you did?

20 A Yes, I did.

21 Q Now, what do you do for a living now?

22 A I own a cleaning business.

23 Q When did you open that cleaning business?

24 A 2014.

1 Q Do you have a place to live now?

2 A Yes, I do, now.

3 Q Okay. Are you married?

4 A Yes, I am.

5 Q When did you get married?

6 A July 3rd, 2018.

7 Q Okay. So you were contacted by Las Vegas

8 Metropolitan Police Department in 2016.

9 A Yes.

10 Q And did they ask you whether or not you wanted to

11 move forward with this case?

12 A Yes.

13 Q And what did you think about that?

14 A I was surprised. I didn't -- I had kind of blocked

15 it out of my memory for the time being because I just needed

16 to move on. You know, it was one of those things that I

17 compartmentalized until that day. And I just -- all I could

18 think of was if, you know, I didn't know where he was, but if

19 he was out, I didn't want him doing that to anyone else.

20 Q So you decide to move forward with the prosecution?

21 A Yes.

22 Q Okay. And just going back to your friend -- your

23 friend Candy, who was there for a lot of this, are you guys

24 friends at this point?

1 A Right now, today?

2 Q Yes.

3 A No, I haven't seen her in years.

4 Q Okay.

5 MS. CRAGGS: Court's indulgence.

6 THE COURT: Go ahead.

7 MS. CRAGGS: I pass the witness, Your Honor.

8 THE COURT: Cross.

9 MR. YAMPOLSKY: Your Honor, may I approach?

10 THE COURT: Approach.

11 [BENCH CONFERENCE]

12 THE COURT: Defense, your witness.

13 MR. YAMPOLSKY: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. YAMPOLSKY:

16 Q Ms. Lehr, regarding that conviction, you've pled
17 guilty; correct?

18 A Yes.

19 Q And it was theft -- attempt theft and conspiracy to
20 commit a crime?

21 MS. CRAGGS: Hey, Mace. Mace.

22 MR. SCHWARTZ: Mace, your notes are on the --

23 MS. CRAGGS: Your notes are on the --

24 THE COURT: Your notes are on the Elmo, Counsel.

1 MR. YAMPOLSKY: Nobody can read 'em anyway.
2 MS. CRAGGS: Here. Do you want me to --
3 MR. YAMPOLSKY: [Indiscernible].
4 MS. CRAGGS: Push the little button on the -- push
5 this.

6 MR. YAMPOLSKY: Okay. All right.

7 THE COURT: Thank you, Counsel.

8 MR. YAMPOLSKY: All right.

9 THE WITNESS: I can't just -- can you repeat the
10 question again, please.

11 BY MR. YAMPOLSKY:

12 Q I'm sorry?

13 A Can you repeat the question again, please.

14 Q Yeah. You pled to theft, attempt theft, and
15 conspiracy to commit a crime?

16 A I pled guilty to conspiracy to commit theft.

17 Q Okay. And that was 2007?

18 A Yes.

19 Q Okay. Now, I'd like to talk to you a bit about the
20 timeline of that evening. And you've said since the birth of
21 your -- was it son?

22 A Yes, my son.

23 Q Approximately two and a half years ago, you never --
24 you hadn't gone out at all. Like gone out to a bar or

1 something like that; correct?

2 A Yes.

3 Q Okay.

4 A For my first son.

5 Q I'm sorry?

6 A I have two sons.

7 Q Oh, okay. Yeah, your first son.

8 Could you do me a favor and lean forward? I have
9 terrible hearing.

10 A Okay.

11 Q Thank you.

12 And so -- and that was really the first time you had gone
13 out.

14 A Yes.

15 Q Okay. And you went out with your friend Candy.

16 A Yes.

17 Q And your other friend, is it Joanne?

18 A Yes.

19 Q And she was your friend from Reno.

20 A Yes.

21 Q And you had lived together.

22 A Joanne and I had lived together in Reno?

23 Q In Reno? Yes? No?

24 A We worked together in Reno.

1 Q Oh, okay. Excuse me. So you and Candy and Joanne
2 decide to go out; correct?

3 A Yes.

4 Q So you went over to Candy's house about
5 10:00 o'clock?

6 A Yes.

7 Q Okay. And you actually went out at 1:00 a.m. in the
8 morning?

9 A It was after midnight when we left her house.

10 Q It was after midnight? What?

11 A It was after midnight when we left Candy's
12 apartment --

13 Q Oh, okay.

14 A -- her house.

15 Q And you went to the Silver Saddle.

16 A Yes.

17 Q And that's a couple miles from Candy's house; right?

18 A Yes.

19 Q So you got to the Silver Saddle and there was a band
20 playing?

21 A Yes.

22 Q Okay. And Candy knew some of the members of the
23 band.

24 A I'm not sure if she knew some of the members of the

1 band, but I know she was familiar -- she had been -- she's
2 familiar with the people there.

3 Q So she knew the bartender.

4 A Yes.

5 Q Okay. Now, when you got there, you sat at the bar.

6 A No.

7 Q No, you sat at a table?

8 A Yes.

9 Q And that was you and Candy and Joanne?

10 A Yes.

11 Q At that time, nobody else was sitting with you.

12 A No.

13 Q And you said you were the designated driver?

14 A I was the one who was driving, yes.

15 Q Okay. And when you first got there, you had a
16 drink, a Midori?

17 A I don't recall the kind of drink it was back then.
18 But according to the -- my statement at that time, yes.

19 Q Okay. And of course, in your statement, you want to
20 be truthful.

21 A Yes.

22 Q And accurate.

23 A Yes.

24 Q And complete.

1 A Yes.

2 Q Because when you gave your statement to the police,
3 you wanted to help them.

4 A Of course.

5 Q Okay. Now, approximately how long did you -- excuse
6 me. Now, at some time you went home to look at your son --

7 A Yes.

8 Q -- I mean, to check in with your son.

9 A Yes.

10 Q Okay. And that was about 2:00 o'clock in the
11 morning?

12 A Can't recall. I mean, I'm gonna say between there.

13 Q It was a couple hours --

14 A Yes.

15 Q -- after you arrived at the bar.

16 A Mm-hmm.

17 Q Okay. And at that time, you hadn't talked to Ramon,
18 who you called Ray, no?

19 A Yes, I knew him at the time. Yes. No, I hadn't.

20 Q Okay. So at that time, you talked to Candy and
21 Joanne; correct?

22 A Yes.

23 Q And did you talk to any other people that were
24 there, like the employees that Candy knew?

1 A Not at that time, no.

2 Q No. So it was just the three of you --

3 A Yes.

4 Q -- sitting there. Okay.

5 Now, you said you got a page from -- or Candy got a page
6 from someone saying your son wanted to see you.

7 A Yeah, that my son was awake.

8 Q Okay. So you went back and spent some time with
9 him.

10 A Yes. I asked if they were ready to leave and they
11 said no. So I left and said I would come back for them.

12 Q Okay. And you spent --

13 A Went to go check on my son.

14 Q -- about a half an hour with your son?

15 A Probably a little longer.

16 Q Okay. So do you remember -- I know it's a long time
17 ago. But do you remember approximately when you got back to
18 the bar?

19 A I know it was after 5:00 or around 5:00. That's all
20 I can recall. I know it was almost -- sun was almost coming
21 up.

22 Q Okay. So you were there and Candy and Joanne were
23 still there; correct?

24 A Yes.

1 Q And at that time they were talking to some of the
2 employees.

3 A Yes.

4 Q Okay. And you said Joanne liked the bartender.

5 A Yes.

6 Q Okay. So when you got back and you met Candy, she
7 was sitting at the bar?

8 A Yes.

9 Q Okay. And she was talking to a couple of people;
10 correct?

11 A Yes.

12 Q And she was talking to --

13 A Yes.

14 Q -- Ramon?

15 A Mm-hmm.

16 Q Okay. And she introduced you to Ramon.

17 A Yes.

18 Q Okay. And then you folks started talking --

19 A Yes.

20 Q -- correct?

21 And you talked and -- with Ramon until you left.

22 A Yes.

23 Q Okay.

24 A And Candy was there too.

1 Q And that was approximately 7:00, 7:30 --

2 A It was, yeah.

3 Q -- something like that.

4 A Yes.

5 Q Now, when you left, you and Candy and Joanne, you
6 planned to go to another bar.

7 A Yes.

8 Q Okay. And Joanne and Candy did not drive with you?

9 A Joanne and Candy drove with me to the Silver Saddle.

10 Q No, I understand this. But what I'm talking about
11 is in the morning, approximately 7:00 a.m., when you left the
12 Silver Saddle, you were gonna go to another bar; correct?

13 A Yes, at that point in time. And then the plans
14 changed at the very last second.

15 Q Okay. So you did not drive them to another bar?

16 A No.

17 Q And did they actually go to another bar?

18 A I know that Candy didn't. As far as I know, Joanne
19 and the bartender arrived at the PT's Pub at that point.

20 Q Okay. And --

21 A I never made it.

22 Q And you were leaving and Ramon asked you for a ride?

23 A No, Ramon ended up driving with us because Joanne
24 left with the bartender. And Ramon wanted to cash his

1 paycheck.

2 Q Okay. Let's back up.

3 A I don't know. I was getting confused too.

4 Q Because I'm a little confused.

5 A Okay.

6 Q Okay. When you left the Silver Saddle, it was you
7 and Candy and Ramon in the car? Was Joanne and the bartender
8 in the car also there?

9 A Was nobody in the car with me. Okay. When I walked
10 out of the Silver Saddle --

11 Q Right.

12 A -- it was Joanne, the bartender, Ramon, and I.
13 Candy --

14 Q And not Candy --

15 A -- was on the phone --

16 Q Okay.

17 A -- calling her boyfriend Beto at the time. She was
18 at the pay phone there. As we were walking out, we wait in
19 the parking lot for Candy. Joanne and the bartender went into
20 the bartender's car. That left me and Ramon standing out in
21 the parking lot momentarily waiting for Candy.

22 Candy walked out of the Silver Saddle a few minutes after
23 and said that her boyfriend, Beto, was coming to pick her up.
24 That she wanted to go with him instead of to the bar.

1 Q And then --

2 A And then the bartender pulled up with Joanne in his
3 car, right next to us in the parking lot, and said -- and
4 that's when Ramon mentioned he had to cash a paycheck. And
5 then something came about the Showboat, going to cash checks
6 there or something like that. I don't recall the whole
7 conversation.

8 And Joanne and them said, "Well, we'll see you at the
9 PT's Pub in like 20 minutes." And then Ramon and I got into
10 my car after that.

11 Q Okay. Let me ask you about the Showboat --

12 A And the intention was to head over to the -- I never
13 made it to the Showboat. I just made a suggestion.

14 Q No, I understand that. But the -- where you were,
15 the Showboat was close to you; correct?

16 A It was only -- yeah, in the area.

17 Q Okay. And somebody mentioned that Ramon could have
18 cashed his check at the Showboat.

19 A Yes.

20 Q Okay. And, obviously, they have phones at the
21 Showboat.

22 A I never made it to the Showboat. I've never been in
23 there. So I couldn't tell ya.

24 Q You agree that most casinos have phones.

1 A Yes.

2 Q Okay. So you didn't go to the Showboat, but you
3 went to -- went with Ramon to his home?

4 A Yes, we got in my car and he asked if he could stop
5 by his friend's apartment or his apartment. I can't recall
6 whose it was. And made it to call into work.

7 Q Okay. So the reason he wanted to go back to his
8 apartment was to call work.

9 A Yes.

10 Q And you know the reason he needed to call work?

11 A To not show up.

12 Q Oh, okay. So you -- he had mentioned he wanted to
13 cash his check.

14 A He had mentioned that to all of us while we were in
15 the parking lot, yes.

16 Q Okay. And he -- do you know if he had the check or
17 not at that time?

18 A I do not know.

19 Q Okay. So at that time he said, "Let's go to my
20 apartment"; correct?

21 A He said, "Let's stop by my apartment so I can" --
22 "will you stop by my apartment so I can call into work."

23 Q And he was going upstairs and this was
24 approximately --

1 A There is no upstairs.

2 Q Oh, I'm sorry. His apartment's on the ground floor?

3 A Yes.

4 Q Okay. So he was going to the ground floor and you
5 were sitting in your car; correct?

6 A He didn't -- he got out of the car --

7 Q He did?

8 A -- and I sat in the car.

9 Q You sat in the car?

10 A And then as he walked around my car, he asked if I
11 wanted to come in instead of sitting in the parking lot.

12 Q Right. And did you believe that where you were was
13 a dangerous area?

14 A I just didn't care for the neighborhood, no. It
15 just looked a little shady to me.

16 Q So you went with Ramon into his apartment.

17 A Yes.

18 Q And there was another individual there.

19 A Yes.

20 Q And was he -- let me just get the layout. So you
21 came in and it's like a living room area?

22 A Yes.

23 Q Okay. And in the living room area, this individual
24 was sitting on the couch.