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Respondent.

Docket 80293 Document 2020-31642

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Case No. 80293

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1 A Yes.

2 Q And you said it happened around -- it was around
3 Thanksgiving, Christmastime of 2015; is that right?

4 A Yes.

5 Q Do you remember moving to -- to another house?

6 A Yes.

7 Q Okay. And what house was that?

8 A Bruce. I think it was Bruce Street.

9 Q Okay.

10 A I don't remember the -- the house where the police
11 came.

12 Q Okay. And that -- you moved there after this last
13 time; is that right?

14 A Yes.

15 Q Okay. Once you moved there, do you remember
16 whether or not the sexual touching started again or it still
17 didn't happen?

18 A I was in the kitchen, and he passed by and then he
19 grabbed my butt.

20 Q Okay. So there was another time of touching; is
21 that right?

22 A Yes.

23 Q Okay. How close was that time to the time when the
24 police actually came to the house?

25 A Like two weeks or more, or like, just like before

1 they even came.

2 Q Okay. Now, after that happened, you said that this
3 has happened in the kitchen; is that right?

4 A Yes.

5 Q Okay. Is there anybody else in the kitchen when it
6 happens?

7 A No.

8 Q And can you tell us exactly what happens?

9 A I was in the kitchen. I was -- I think I was
10 looking for something to eat because I -- I have a console
11 that I play video games on, and at that time, I was -- excuse
12 me -- I was -- I had my console in my sister's room with --
13 which I was in. And I just went outside to grab something to
14 eat, and then he just came by and just gripped me.

15 Q Now, when you were in the kitchen and this
16 happened, was there anybody else in the kitchen?

17 A No.

18 Q Okay. And you said that he touched your body; is
19 that right?

20 A Yes.

21 Q What part of your body did he touch?

22 A My butt.

23 Q Okay. And what part of his body did he use to
24 touch that?

25 A His hand.

1 Q Okay. And when his hand touched your butt, can you
2 describe what happened? Did it just stop there on your butt
3 or did it move at all or what happened?

4 A He just like --

5 Q Now, you made a motion of your hand of sort of
6 going back and forth; is that right?

7 A Yes.

8 Q Is that how his hand touched your butt at that
9 time?

10 A Yes.

11 Q Okay. Now, after -- now, at the time that that
12 happened, how long had it been since he -- he hadn't been
13 sexually touching you?

14 A For -- for --

15 Q Had it been --

16 A -- it was months.

17 Q -- a long time?

18 A Months.

19 Q Months? Okay.

20 And when he did touch you, what did that make you think,
21 if anything?

22 A It was going to happen again.

23 Q All right. Now, I want to go to that time right
24 then about the time that the police came to your residence, I
25 think you said that that was April 16th of 2016; is that

1 right?

2 A Yes.

3 Q Okay. Now, at that time, who was living that
4 residence that you were living at the police came to?

5 A Me, him, my mother, my sister, my sister's
6 boyfriend, my brother, his wife, pregnant, and my youngest
7 nephew.

8 Q Okay. So there was a lot of people living at the
9 residence --

10 A Yes.

11 Q -- at that time; is that right?

12 Did you know whether or not that some of those people
13 were going to be moving out of the residence any time?

14 A Yes.

15 Q Could you tell us about that.

16 A My sister started getting into a very serious
17 relationship with her now husband, and they wanted to move to
18 a new place because at that time, she was -- she was
19 pregnant.

20 Q Okay.

21 A But an incident happened that we got in a car
22 accident and she lost the baby, but she wanted to move -- she
23 wanted to move out and like start a family.

24 Q Okay. And did they --

25 A My brother --

1 Q -- have plans to move out at some point?

2 A Yes.

3 Q Did you know when they were going to move out?

4 A They said like in two to three months they were --

5 they were -- they were already looking for a place.

6 Q Okay. And what about your brother, Mael?

7 A My brother wanted his own privacy because his --

8 his wife was pregnant with his second child, and he wanted to

9 move for they could have a bigger place for themselves and

10 for the -- and for the babies.

11 Q Okay. So did you believe that they were going to

12 be moving out soon?

13 A Yes.

14 Q Okay. Now, I want to go to April 16th of 2016.

15 That's the day that the police arrived, right?

16 A Yes.

17 Q Okay. Do you remember a time when the police came

18 to your residence?

19 A Yes.

20 Q Did you know where the police were there at the

21 time?

22 A Yes.

23 Q How did you know why the police were there?

24 A Because Armando didn't want to give the rent money,

25 but that happened because my sister and my brother-in-law,

1 they used one of his tools, and I guess, it wasn't working
2 properly, and he got angry. And then he grabbed the rent
3 money and said that it was his, that he wasn't going to give
4 it to us. So I believe my mother called the police, and
5 that's when the police came so he could return the money.

6 Q Were you involved in any of the discussions between
7 your mom and the defendant or your sister and her husband?
8 Were you involved in any of that?

9 A No.

10 Q Okay. Do you remember seeing the police arrive?

11 A Yes.

12 Q Now, when the police arrived at the residence, what
13 were you thinking?

14 A That I wanted to be free from everything. And I
15 was scared of being alone with him and my mother.

16 Q Okay. Let's talk about that for a minute. You
17 said you were afraid of being alone with him and your mother.
18 What do you mean by that?

19 A I was afraid that he was going to start sexually
20 abusing me again.

21 Q And you said that you were afraid that you were
22 only going to be there with him and your mother. So you did
23 believe that there weren't going to be other people around to
24 potentially protect you?

25 A Yes.

1 Q All right. You also said you wanted to be free.
2 What do you mean by that?

3 A I wanted to be free of walking in my own home.

4 Q So at that time, what do you do?

5 A When the police came, I went up to talk to them,
6 and I told them that I was being raped.

7 Q Okay. And when you told them that, what happened?

8 A They told me to describe what rape was, and I told
9 them that he put his penis in my anus, and they told me to go
10 back, and that's what they went and grabbed him to arrest
11 him.

12 Q At that time, do you remember talking to the police
13 about when the sexual abuse might have happened?

14 A I don't understand.

15 Q At the time that you talked to the police, did they
16 ask you anything about when the sexual abuse you described to
17 them happened?

18 A No, they just told me to go back and this, after I
19 talked to the detective.

20 Q Okay. So at that time, you said that they told you
21 to kind of go off some place; is that right?

22 A Yes, they told me to go back with my mom.

23 Q Okay. And what happens next?

24 A They arrest him. And my mother was asking me what
25 was going on. And my brother was getting from work, and she

1 told me like what's going on, like, why -- why are they
2 taking him? And then I told her that -- that he was raping
3 me, and then she started crying.

4 Q Okay.

5 A And --

6 Q At some point do you go somewhere?

7 A I went with the detectives.

8 Q Okay. And where did you go?

9 A I didn't -- I don't know where it was.

10 Q Okay. What was the place that you went to?

11 A I don't remember. I just know that it I was a room
12 talking a detective.

13 Q Was it sort of a place where the police are, a
14 police station?

15 A Yes.

16 Q Okay. And when you got to the police station, did
17 you see the defendant any more that day once you got to the
18 police station?

19 A No.

20 Q And you said that you talked to somebody; is that
21 right?

22 A Yes.

23 Q Okay. And did you tell them what had been
24 happening to you at that time when you talked to the police?

25 A I just told her that I was being raped, my mother,

1 and my brother came from work at that time, and then my
2 brother was like, what's going on? And my mom cried and he
3 told her like oh, well, he -- she said that he -- he was
4 raping her and then I brother tried to attack Armando, with
5 the police holding my brother back. They told him to calm
6 down or they were going to take him as well.

7 Q Okay. And that was while you were at your house;
8 is that right?

9 A Yes.

10 Q Okay. And there came a point in time when you left
11 your house and you went to the police station --

12 A Yes.

13 Q -- is that right? Okay.

14 And then once you got to the police station, did you
15 talk to another detective there?

16 A It was just one detective that was there.

17 Q Okay. And when you talked to that detective, did
18 you tell him what had happened to you, what the defendant had
19 been doing to you?

20 A Yes.

21 Q And do you remember what happened after that?

22 A I -- they told me that I could go back. My mother
23 was there. And then he -- he called in my sister, and then
24 my sister went and talked to the detective. I don't know
25 what they talked about.

1 Q Okay. And what happened next?

2 A We went home. My brother was there.

3 Q Okay. At some point in time, did you go to the

4 hospital?

5 A I did go. It was on North Las Vegas side, and it

6 was like a courtroom and then on the side it was like kind of

7 a like a hospital, and they went in to check my -- they told

8 me to pee in a cup and --

9 Q Okay. And so did they do an exam on you at that

10 time?

11 A Yes.

12 Q Okay. And did they look at your body and things of

13 that sort?

14 A Yes.

15 Q Okay. Did you ever talk to your mom or your sister

16 about exactly what happened to you? What the defendant did

17 to you?

18 A I don't understand.

19 Q Okay. Did you of tell your mom and your sister

20 exactly all the details that you're telling us about --

21 A No.

22 Q -- what defendant did to you?

23 A No.

24 Q No? Did they know that the defendant had sexually

25 abused you?

1 A Yes.

2 Q Okay. But they didn't know all the details?

3 A Yes.

4 Q Okay. Have you ever talked to them about all the
5 details?

6 A No.

7 Q Now, do you remember a time when you -- you came
8 down to the District Attorney's Office in about a month after
9 the police came to your house in about May of 2016; do you
10 remember that?

11 A No.

12 Q Do you remember a time you came to the District
13 Attorney's Office with your mother and sister? Is that a no?

14 A No.

15 Q Do you remember a time when your -- your sister --
16 you found out that your sister had also been sexually abused?

17 A Yes.

18 Q Okay.

19 MR. FELICIANO: Object to hearsay.

20 THE WITNESS: Yes.

21 MR. FELICIANO: Well, I'll just --

22 THE COURT: I'll allow it to stand. She just said
23 yes.

24 MR. SWEETIN: Okay.

25 BY MR. SWEETIN:

1 Q And do you remember where you were when you found
2 that out?

3 A I believe it was here.

4 Q Okay. Did you come to visit a District Attorney at
5 that time?

6 A We -- we were -- we were talking like I am now, and
7 they told her to go in, and I was a bit confused.

8 Q Okay. Well, let me stop you there for a minute.
9 On that day, did you come here to talk to a District
10 Attorney?

11 A Yes.

12 Q Okay. And who came with you?

13 A Just me, my mother, and my sister.

14 Q Okay. And that's your mother Rosalba; is that
15 right?

16 A Yes.

17 Q And your sister?

18 A Darey.

19 Q Okay. Is that Darey Stephania?

20 A Yes.

21 Q Okay. And when you got here, do you remember what
22 you did?

23 A I was just talking --

24 Q Okay.

25 A -- on the stand.

1 Q Okay. And did you have a meeting with the District
2 Attorney before you were supposed to talk on the stand?

3 A I don't remember.

4 Q Okay. Do you remember seeing your sister act a
5 certain way?

6 A Yes.

7 Q What did you see?

8 A She started getting really nervous, and she was --
9 she was crying a little bit.

10 Q Okay. Is that your strange for your sister?

11 A Yes.

12 Q Okay. And what happened next?

13 A When she -- I was done talking, and then they
14 called her in first -- no, second.

15 Q And you say they called her in, who do you mean?

16 A It was like a judge. I -- I don't know, like --

17 Q Okay. So somebody called her in?

18 A Yes.

19 Q Okay. And that she was away from you; is that
20 right?

21 A Yes.

22 Q Did you subsequently find out what that was about
23 after that? Did you find out what that was about?

24 MR. FELICIANO: Objection. Hearsay.

25 THE COURT: I mean, she can -- you can answer the

1 question.

2 MR. SWEETIN: Yeah, it just goes to her state of
3 mind.

4 THE WITNESS: I had an idea because I don't
5 understand like why would she even be involved in any of this
6 because I thought it was just going to be me, and --

7 BY MR. SWEETIN:

8 Q At some point -- at some point, did you find out
9 that Stephania had disclosed that she was also abused by the
10 defendant?

11 A Yes.

12 Q Okay. Did you ever find out about any of the
13 specifics about it?

14 A No.

15 Q Have you ever talked to Stephania about any of the
16 specifics of her abuse?

17 A No.

18 MR. SWEETIN: Nothing further, Judge.

19 THE COURT: Cross-examination.

20 MR. FELICIANO: Can we approach briefly?

21 THE COURT: Sure.

22 (Bench conference begins)

23 MR. FELICIANO: So I'm going to go -- I'm going to
24 go into tomorrow with this. I have -- what I meant to ask
25 her --

1 THE COURT: Okay.

2 MR. FELICIANO: Can we break for today and maybe --

3 THE COURT: No.

4 MR. FELICIANO: -- [inaudible] maybe start

5 tomorrow.

6 THE COURT: Keep going. You've got 30 minutes.

7 MS. HOJJAT: Because she -- she looks like she

8 needs a break right now. Like -- like that's what I -- she

9 looks like she needs a break.

10 THE COURT: No, we just --

11 MS. HOJJAT: If we took a 15 or 20 minute break it

12 would --

13 THE COURT: We just --

14 MS. HOJJAT: be at the end of the day, basically.

15 THE COURT: We just came back in. I mean, how much

16 cross do you have?

17 MR. FELICIANO: I mean, more than half an hour.

18 THE COURT: Okay.

19 MR. FELICIANO: More than a half an hour.

20 THE COURT: Yeah, I was hoping we would be able to

21 finish her today, but --

22 MR. FELICIANO: Yeah, we're not going to be able to

23 finish her today.

24 THE COURT: All right. Well, why don't you at

25 least start.

1 MR. FELICIANO: Okay.

2 THE COURT: It's 4:30.

3 MR. FELICIANO: Okay.

4 THE COURT: Thanks.

5 (End of bench conference.)

6 CROSS-EXAMINATION

7 BY MR. FELICIANO:

8 Q Good afternoon.

9 A Hello.

10 Q So you're 17 years old now, right?

11 A Yes.

12 Q And when the -- this case first started when the

13 police got involved in you were 14? Around 14?

14 A 13, 14 years old.

15 Q Okay. So you talked about how you learned about

16 what abuse is.

17 A Yes.

18 Q You just talked about that.

19 And did you learn about some of that through television?

20 A Yes.

21 Q Okay. So certain shows about people like going

22 through abuse or something like that?

23 A Yes. It was on Discovery Channel. It was shows

24 that my mom likes to watch.

25 Q Okay. And when was that?

1 A It -- like all the time. She will always be
2 watching that show.

3 Q Okay. Do you remember what age you were when you
4 watching the -- when you started watching those shows about
5 people being abused?

6 A No.

7 Q Do you remember if it was around when you met
8 Armando or towards the end when he went --

9 A Towards the end.

10 Q Towards the end. Okay.

11 You also talked about learning about abuse from a
12 close friend?

13 A Yes.

14 Q Is that right? Okay.

15 And that was a friend at school?

16 A Yes.

17 Q But you don't -- you don't -- was it a really good
18 friend of yours that you've known a while?

19 A Not really, it was just a friend. I wasn't really
20 good at making friends at school, so it was just like an
21 acquaintance because we were just talking at school, but
22 other than that, we wouldn't be talking.

23 Q Was that a boy or a girl?

24 A Boy.

25 Q Okay. Do you remember his name?

1 A No.

2 Q Okay. And do you remember what grade you were in
3 when you were talking to him about this stuff?

4 A Sixth grade.

5 Q Sixth grade. Okay.

6 So you were -- at the time that the police got involved,
7 were you going into eighth grade; does that sound about
8 right, back in 2016, April?

9 A I was -- I don't remember if I was finishing eighth
10 grade or --

11 Q Okay.

12 A -- I was like the very beginning eighth grade.

13 Q Okay. So you're -- you talked with your friend
14 about this kind of stuff it sounds like a couple years before
15 the police got involved?

16 A Yes.

17 Q And there was -- was there an incident where
18 Armando where you say he touched you possibly in front of one
19 of your friends?

20 A Yes.

21 Q During a sleep over?

22 A Yes.

23 Q Okay. And the friend saw something?

24 A No, she -- she was my best friend at the time.

25 Q Okay.

1 A And we were having a sleep over, and we -- we fell
2 asleep on the floor in the living room, and that was in -- in
3 the green house with three bedrooms and the laundry room.

4 Q Okay.

5 A And --

6 Q And what happened?

7 A -- she just told me that she saw him in the living
8 room --

9 Q Okay.

10 A -- laying down with us.

11 Q Was that something -- I mean, were you concerned
12 that that was some sort of abuse when she told you about
13 that?

14 A I don't understand.

15 Q Did -- when she saw him, did she say what he was
16 doing?

17 A No.

18 Q Okay. And what was your friend's name?

19 A I don't remember.

20 Q Okay. And do you -- and so that was you said in
21 the green house?

22 A Yes.

23 Q Okay. So that would have been -- what grade would
24 you have been in at that time?

25 A Fifth grade.

1 Q Fifth grade.

2 So that was before you spoke to your boyfriend or

3 your friend who was a boy about some abuse stuff, right?

4 A Yes.

5 Q It would have been before that? Okay.

6 So the TV shows that you watched with -- with your

7 mother in your home, did you see those before or after you

8 spoke to your friend who was a boy about abuse?

9 A During that time.

10 Q During that time. Okay? So that would have been

11 about sixth grade or fifth or sixth grade?

12 A Yes.

13 Q Okay. And so some of the -- I mean, and again,

14 we're talking about -- we're using some adult words in court

15 today.

16 A Yes.

17 Q Right? Is it kind of hard to use some of these

18 words?

19 A A little bit.

20 Q Okay. And you've used -- you've used different

21 words for different things in the past; is that right?

22 A Yes.

23 Q Okay. Like today you're using the word vagina.

24 A Yes.

25 Q Okay? Have -- in court have you ever used a

1 different word?

2 A My private part in the front.

3 Q Anything else?

4 A I don't remember.

5 Q Did you ever use the word pussy?

6 A Yes.

7 Q Okay. And that was when you spoke to the

8 detective?

9 A Yes.

10 Q Okay. And then when you came to court the first

11 time?

12 A Yes.

13 Q Okay. And then you're using the word anus today.

14 Have you ever used a different word for that?

15 A My back part and my butt.

16 Q Anything else?

17 A No.

18 Q How about ass?

19 A Yes.

20 Q Okay. And was that something you also used when

21 you first spoke to the detective when the case got started?

22 A Yes.

23 Q Okay. And something also you talked about in court

24 when you testified last?

25 A Yes.

1 Q Okay. And then you said the word today, I believe
2 you said sperm?

3 A Yes.

4 Q Is there -- is that something else -- you called
5 that something else?

6 A Cum.

7 Q Okay. And is that a term that you used back when
8 this case first started in 2016?

9 A Yes.

10 Q Okay. And the same term that you used when you
11 testified previously, the last time you testified?

12 A Yes.

13 Q Okay. So police were at your house. Think weren't
14 there to investigate any type of sexual abuse, right?

15 A That's correct.

16 Q Okay. And it sounds like the police came and
17 whatever the issue was with the money, that got handled?

18 A Yes.

19 Q Okay. So whatever money that was needed was given
20 back to whoever, right?

21 A Yes.

22 Q Okay. So that was pretty much the end of that
23 incident as far as why they were there?

24 A Yes.

25 Q So they were -- so they were about to leave until

1 you spoke to them?

2 A Yes.

3 Q Right? Okay. So at that point, the situation had
4 been handled, and they were about to leave, and then you
5 called them, and you tell them that something's going on
6 sexually?

7 A Yes.

8 Q Okay. Do you remember which officer you spoke to?

9 A No.

10 Q Okay. Do you remember what he looked like?

11 A No.

12 Q At that point, when you told that officer in front
13 of your house on April 16th of 2016, had you ever discussed
14 being abused with anybody else?

15 A No.

16 Q Okay. No family?

17 A No.

18 Q Okay. No friends?

19 A No.

20 Q Okay.

21 MR. FELICIANO: Court's indulgence.

22 BY MR. FELICIANO:

23 Q Now, your friend that was a boy back when you were
24 in fifth or sixth grade, didn't you talk to him about some of
25 the stuff that was happening to you at home?

1 A No.

2 Q Okay. Let's see.

3 MR. FELICIANO: 48, prelim.

4 May I approach?

5 THE COURT: You may.

6 BY MR. FELICIANO:

7 Q Okay. Guadalupe, I'm approaching you can -- do you

8 remember you came here and testified before?

9 A Yes.

10 Q A few years ago? And you remember you kind of like

11 of this, you gave a statement? Okay.

12 This is your statement from back then. I just want

13 you to read a little part of it to yourself.

14 A Okay.

15 Q Okay? So just start here, line one. And then go

16 down to, let's see, line 15. And just let me know when

17 you're done. All done? Okay.

18 So back when you testified, and you remember you

19 testified in, was it July 12, 2016? Does that sound about

20 right?

21 A Yes.

22 Q Okay. About three months after the police were

23 called?

24 A Yes.

25 Q Okay. So on that day you said that you had been

1 talking to him about what was going on with you; is that
2 right?

3 MR. SWEETIN: And Judge, I think that misstates the
4 -- the transcript.

5 MR. FELICIANO: Okay. I'll read it straight from
6 the transcript.

7 THE COURT: Thank you.

8 MR. SWEETIN: Well, I'd like him to read it all in
9 context, if he's going to read it.

10 MR. FELICIANO: Okay.

11 BY MR. FELICIANO:

12 Q So line 8 to line 11. So you said, Yeah, I
13 remember talking to him about everything what is going on.
14 Right? That's the friend that was a boy.

15 A What was going on with the project.

16 Q The project?

17 A Yes.

18 Q Well, weren't you talking right immediately before
19 that about abuse?

20 A Yes, but we were just talking about school and what
21 was going on between him and his sister.

22 Q Okay. So -- but he's talking about his sister
23 getting abused?

24 A Yes.

25 Q Okay. And then you say -- you -- then you talk to

1 him about what's going on with you, right?

2 A Yes, but I never meant it as I told him that --
3 about what was going on with me.

4 Q Okay. So are you saying that when you said that,
5 you meant that you were not talking about abuse, you were
6 talking about a project?

7 A Yes.

8 Q Okay. Okay so when police were at your house on
9 April 16th of 2016, you told them that Armando had put his
10 penis in your vagina, right?

11 A Yes.

12 Q Okay. And you told them the last week that he put
13 his penis -- or the last time you put his penis in your
14 vagina was a week before the police were called on April 16th
15 of 2016.

16 A No.

17 Q Okay. What did you tell them?

18 A I just told them that he put his penis in my anus.

19 Q Okay. About you -- but you just said you just said
20 also that -- that you told them that he put his penis in your
21 vagina as well?

22 A Yes, but I only told them it went in a little bit.

23 Q I'm sorry?

24 A I told him that it only went in a little bit.

25 Q Okay. So you told the officer that first arrived,

1 that's what you told him?

2 A Yes.

3 Q Oak. And you're saying that you also told him
4 about anal sex?

5 A Yes.

6 Q And that was outside of your home on April 16th?

7 A Yes, I was just talking to them alone. Nobody was
8 around us.

9 Q Okay. So you did specifically say anal -- that he
10 put his penis in your anus?

11 A Yes.

12 Q So after you spoke to police in front of your home,
13 you were -- you eventually ended up at the police station, I
14 guess; is that right?

15 A Yes.

16 Q All right. And there you spoke to a detective?

17 A Yes.

18 Q Same day?

19 A Yes.

20 Q A few hours later; does that sound about right?

21 A Yes.

22 Q And when they asked you while you were there what
23 happened, you said they were -- police were called because of
24 the domestic disturbance, right? Not because of abuse?

25 A Yes.

1 Q Okay. And then you said that you moved -- I
2 believe, you moved to Las Vegas when you were five or six?

3 A Yes.

4 Q Okay. And you're not -- you aren't quite sure when
5 the abuse started?

6 A It just happened during those two apartments that I
7 first move into.

8 Q Okay. So there's first apartment and then the
9 apartment with the --

10 A Pool.

11 Q -- pool?

12 A Yes.

13 Q But you did tell them that you weren't sure what it
14 started?

15 A Yes.

16 Q So did you -- you also told them when you spoke to
17 them the first time at the police station that other than
18 anal sex, you don't remember anything -- anything else
19 happening; is that right?

20 A I believe so.

21 Q Okay. So I'm not wrong?

22 A I believe so.

23 Q Okay. So just so we're clear, you told them that
24 there was -- that he put his penis in your anus when you were
25 five or six, but nothing else happened?

1 A Wrong.

2 Q Sorry?

3 A Wrong.

4 Q Okay. Where am I wrong?

5 A I told them that it happened when I was five or six

6 years old and then continued until that day.

7 Q Okay.

8 A Well, not until that day, but I told them when it

9 stopped.

10 Q Oh, I'm sorry, you know, I asked a really bad

11 question. Let me back up there.

12 So back when you were five or six, you talked -- you

13 told the police that you remember him putting his penis in

14 your anus?

15 A Yes.

16 Q Okay.

17 A And that was between the apartment with the pool

18 and the green house.

19 Q Okay.

20 A That is two bedrooms.

21 Q Okay. So other than -- other than him putting his

22 penis in your anus back when you were five or six, you told

23 them you didn't remember anything else happening?

24 A I don't understand.

25 Q Okay. So you talked today about some stuff where

1 -- that you're recalling happened when you were five or six,
2 correct?

3 A Yes.

4 Q So what type of things are you saying today
5 happened when you were five or six?

6 A He grabbed my breasts.

7 Q Okay.

8 A He grabbed my butt and he grabbed my vagina.

9 Q Okay. So the police asked you if other than anal
10 sex did anything else happen when you were five or six, and
11 you said you didn't remember; does that sound right or am I
12 wrong?

13 A Yes.

14 Q Okay. So you didn't -- you didn't -- when you
15 talked to the police and now we're going to -- we're back to
16 April 16th of 2016. When you spoke to them, you told them
17 you didn't remember, but now it sounds like today you've
18 remembered things that you didn't remember three years ago.
19 Does that sound right?

20 A No.

21 Q Okay. How am I wrong?

22 A Because I never -- they never asked me when it
23 started or when it ended. They just told me what -- what --
24 what rape was.

25 Q Okay.

1 A They never asked me when it started.

2 Q They never asked you the first time it happened?

3 A No.

4 Q And so -- and they never -- so you're saying they

5 never asked you if he did other things other than anal sex?

6 A They did ask me that.

7 Q Okay. And you said you didn't remember?

8 A I --

9 MR. FELICIANO: May I approach?

10 THE COURT: You may.

11 MR. FELICIANO: Page 31.

12 BY MR. FELICIANO:

13 Q Okay. I'm approaching with your statement back in

14 April 2016. If you could just read that question and that

15 down to there. And let me know when you're done. Okay.

16 So they asked you if anything other than anal sex

17 happened, right?

18 A Yes.

19 Q Okay. And you said you didn't remember, right?

20 A Yes.

21 Q And they asked you again same exact question, if

22 you remembered anything else, right?

23 A Yes.

24 Q And you said no, you didn't remember?

25 A That's because I was young, so I never put two and

1 two together.

2 Q Okay. But -- so you remember it now, though,
3 right?

4 A Yes.

5 Q Okay.

6 A Because there isn't a date I do not think of what
7 happened to me in my entire life.

8 Q Okay.

9 MR. FELICIANO: I mean, Judge, how am I on time?

10 THE COURT: It's about a quarter until.

11 MR. FELICIANO: Okay.

12 BY MR. FELICIANO:

13 Q So let's go back to when the police were speaking
14 to you where you went to the police station and spoke to them
15 back on -- back to April 16, 2016.

16 Now, they asked you about the last time that you
17 were touched; do you remember that?

18 A No.

19 Q Okay.

20 MR. FELICIANO: And the Court's indulgence.

21 THE COURT: Sure.

22 MR. FELICIANO: Okay. 22, voluntary.

23 BY MR. FELICIANO:

24 Q Okay. So I'm approaching again with the statement
25 that you gave at the police station back in April 2016.

1 So if you could just from here to there. I know
2 it's a little confusing, but you can kind of make out, I
3 think, what they're saying.

4 Do you remember now them asking you about the last
5 time it happened?

6 A Yes.

7 Q Okay. So about -- or sometime around Thanksgiving
8 possibly?

9 A Yes.

10 Q And it seems like you didn't know how the -- how
11 anything -- how the incident started; is that correct?

12 A Yes.

13 Q Okay. You said that you just kind of noticed
14 something inside of you, right?

15 A Yes.

16 Q Okay. So was that -- so it sounds like leading up
17 to that point you don't remember how it happened, just
18 something was inside of your body?

19 A No. He invited me to the room.

20 Q Okay.

21 A And I remember what was going on.

22 Q Okay.

23 A But I felt something going in me.

24 Q Okay.

25 A So that's -- that's when I started putting two and

1 two together, and that's -- his penis was in me, and I was
2 pushing him off me.

3 Q Okay. So what was going on before you noticed
4 something was inside of you?

5 A Before or after.

6 Q Before? So you said you just kind of noticed
7 something inside your body. What was going on before that?

8 A I don't understand.

9 Q Okay. So if you noticed something was inside of
10 your body, it seems like you didn't know how to get there; is
11 that right?

12 A Yes.

13 Q Okay. So what was going on around that time where
14 you didn't -- where you were in a position to where you
15 didn't know what was going on until something was inside of
16 your body?

17 A What was going on?

18 Q Yeah. What was going on before that?

19 A Nothing. I was just in my room --

20 Q Okay.

21 A -- playing video games.

22 Q So you were in your room, and you just noticed
23 something inside your body; is that --

24 A No.

25 Q -- what happened?

1 A He invited --

2 MR. SWEETIN: You know, Judge, I'm going to object.

3 This completely misstates the transcript.

4 MR. FELICIANO: I don't think so. I mean, I think

5 he can redirect on it. That's what this says.

6 MR. SWEETIN: No, he is -- he is insinuating with

7 this witness -- that the witness just says all of a sudden --

8 MS. HOJJAT: Can we approach, Your Honor?

9 MR. SWEETIN: -- she's on the bed and something --

10 MS. HOJJAT: If we're going to do --

11 THE COURT: All right.

12 (Bench conference begins)

13 THE COURT: Can I see the transcript?

14 MR. SWEETIN: Yeah.

15 THE COURT: So she's now said you've taken her back

16 to her room. She's in her room. I mean -- what?

17 THE COURT RECORDER: Can you [inaudible]?

18 THE COURT: What?

19 THE COURT RECORDER: I just need [inaudible].

20 Sorry.

21 MR. FELICIANO: Oh, sorry.

22 THE COURT: Okay. I mean, this -- isn't this the

23 same time as having a difficult time understanding is when

24 I'm --

25 MR. SWEETIN: Yeah, I think we need to look at the

1 previous pages because she describes, you know, specifically
2 that -- that he got on top of her, that he had took her
3 clothes off, and --

4 MS. HOJJAT: And, Your Honor, if State wants to
5 redirect --

6 MR. FELICIANO: Well, I mean, he can redirect

7 MS. HOJJAT: -- they can redirect. But she's --

8 THE COURT: Yeah, but you just can't misrepresent
9 the transcript.

10 MS. HOJJAT: But, she's not. She's saying that --

11 MR. FELICIANO: That's not what we're doing. This
12 is notice --

13 MR. SWEETIN: That's not what we're doing.

14 THE COURT: I mean, because it's not that hard to
15 get her confused.

16 MR. FELICIANO: Well, I mean, that's --

17 MS. HOJJAT: That's what she --

18 MR. FELICIANO: -- my -- I'm doing what I'm
19 supposed to do here.

20 MS. HOJJAT: -- is saying right now.

21 MR. SWEETIN: No, that's --

22 MR. FELICIANO: It says notice [inaudible].

23 MR. SWEETIN: -- that is completely [inaudible].

24 THE COURT: Okay. Hold on. Let me just let the
25 jury go for the day. Okay?

1 (End of bench conference.)

2 THE COURT: All right. At this time, ladies and
3 gentlemen, we're going to conclude for the day.

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

13 We'll be in recess until tomorrow afternoon at 1:00
14 o'clock. Thank you very much.

15 THE MARSHAL: Thank you. All rise for the exiting
16 jury.

17 (Outside the presence of the jury.)

18 THE COURT: Mr. Feliciano. Yeah, 1:00 o'clock.

19 THE WITNESS: Can I leave?

20 THE COURT: Ms. Alvarez, yeah, can you step down.
21 You can leave, but you know you have to come back tomorrow,
22 right? Yeah, you have to come back tomorrow.

23 THE WITNESS: Okay.

24 THE COURT: Okay? Who brought you here today?

25 THE WITNESS: My mother.

1 THE COURT: Okay. Is your mom still out there?
2 THE WITNESS: Yes.
3 THE COURT: Okay. Yeah, she's going to need to
4 bring you back tomorrow at 1:00 o'clock.
5 THE WITNESS: This courtroom?
6 THE COURT: Pardon me?
7 THE WITNESS: I have to be in here or out in there
8 at 1:00?
9 THE COURT: What's down there?
10 THE CLERK: Probably the victim's advocate, Judge.
11 THE COURT: Oh, the victim's advocate. We're going
12 to start at 1:00 o'clock. So if you're down there by like
13 quarter to 1:00, that's fine. Okay?
14 MR. FELICIANO: And Your Honor, we'd ask for an
15 admonishment at this time just to the witness not to speak
16 anybody about the testimony.
17 THE COURT: Okay. And Ms. Alvarez, don't talk to
18 anybody about your testimony that you've given here or that
19 you will continue to give. Okay?
20 THE WITNESS: Okay.
21 THE COURT: All right? And tomorrow 12:45, and
22 we'll start at 1:00 o'clock and --
23 THE WITNESS: So just some other -- I have to be
24 back here before 1:00 o'clock?
25 THE COURT: Yeah, because we're going to start at

1 1:00 o'clock. Okay?

2 THE WITNESS: Okay.

3 THE COURT: Do you want her to meet you in your
4 office?

5 UNIDENTIFIED SPEAKER: Yes.

6 THE COURT: Okay. So I told her about 12:45.
7 Okay? Thank you.

8 MS. HOJJAT: And Your Honor, for the record, I
9 don't know if we did this early, but we are invoking the
10 exclusionary rule, so --

11 THE COURT: Okay.

12 MS. HOJJAT: -- if there are any witnesses, we
13 don't want them --

14 THE COURT: Okay.

15 MS. HOJJAT: -- present in the courtroom during
16 testimony.

17 THE COURT: All right. There aren't any witnesses
18 in here, right?

19 MR. SWEETIN: And just for the record, there have
20 not been any witnesses --

21 THE COURT: Okay.

22 MR. SWEETIN: -- in the courtroom.

23 THE COURT: I just want to make sure.

24 MR. FELICIANO: Just making sure, yeah.

25 THE COURT: Okay. The record will reflect that the

1 hearing's taking place outside the presence of the jury
2 panel.

3 I don't know if the State wants to say anything
4 else.

5 MR. SWEETIN: Well, Judge, I would -- merely the
6 objection of the State was that the questions that were being
7 asked by defense counsel of the witness completely misstated
8 the transcript, which they were using in attempt to impeach
9 the victim.

10 They made reference to the fact that on a
11 particular incident, which had previously been fully
12 testified to by this victim, that she previously had
13 indicated that she magically was just sort of laying there,
14 and all of a sudden she felt something in her vagina. I
15 think that that's basically the gist of what was put forward
16 by the defense.

17 That in no way is depicted in the transcript, which
18 goes through and has the victim detail specifically step by
19 step what happens in that particular encounter.

20 THE COURT: I mean, I just read that one page. I
21 didn't read the page before, and it seemed to indicate that.

22 MS. HOJJAT: Yeah.

23 THE COURT: But I didn't read the page before.

24 MR. FELICIANO: And they can --

25 MR. SWEETIN: And I can provide that to the Court,

1 if the Court would wish.

2 MR. FELICIANO: And it says noticed. I mean,
3 that's a very bizarre word to use in that circumstance.

4 MS. HOJJAT: And I'm sorry, we're on -- we're on
5 page 21 now. This is the page --

6 MR. FELICIANO: Yeah.

7 MS. HOJJAT: -- that Mr. Sweetin's providing. We
8 can get --

9 MR. SWEETIN: It starts on --

10 MS. HOJJAT: -- line numbers.

11 MR. SWEETIN: -- page 20 and then it goes to page
12 22, and they're asking follow-up questions.

13 MS. HOJJAT: And that's -- page 20 is not in
14 reference to what's going on on page 22. We would completely
15 dispute that.

16 MR. SWEETIN: Yeah, I think it actually starts at
17 page 19, according to my notes.

18 MR. FELICIANO: So now we're three pages off what
19 we were talking about.

20 MR. SWEETIN: No, it's --

21 MS. HOJJAT: It doesn't -- no, it's

22 THE COURT: No, I mean, I reading page 20 puts it
23 in context, because in page 20 she's talking about taking my
24 clothes off, all of this. Are you trying to indicate that
25 this was two separate occasions?

1 MS. HOJJAT: Yes, because they are two separate
2 occasions.

3 THE COURT: Okay. Well, I think I'll let the
4 witness say what they are.

5 MS. HOJJAT: And she was, and that's the point. We
6 were going through cross-examination. If the State disputes
7 that, they're welcome to redirect. But the point is page 20,
8 there's an entire break in page 21 where they're talking
9 about other stuff. The top of page 22 is when he says, all
10 right, now I want to talk to you about the specific incident,
11 walk me through it, then she says the noticed.

12 So this is a new incident that's occurring on page
13 22.

14 THE COURT: But that doesn't seem like a new
15 incident. I mean --

16 MR. FELICIANO: Well, we can question her about it.

17 THE COURT: I mean, you can question her --

18 MS. HOJJAT: And that's for the witness to talk
19 about.

20 THE COURT: -- about it and that the witness --

21 MS. HOJJAT: Yeah.

22 THE COURT: -- you know --

23 MR. FELICIANO: But I think that's --

24 THE COURT: -- and then it's up to the --

25 MR. FELICIANO: -- a stretch to say I'm --

1 THE COURT: -- to the -- no, I -- I saw the page
2 you gave to me. That seemed to be consistent. I didn't see
3 the page before. And, you know, the witness can tell us
4 whether those are two incidents or not.

5 MR. FELICIANO: And they can redirect. I just want
6 to make sure I'm not -- I'm not making misrepresentations, as
7 been stated earlier.

8 THE COURT: Well, that page 20 said what you said
9 it says.

10 MS. HOJJAT: Thank you.

11 MR. FELICIANO: Thank you.

12 THE COURT: Thank you.

13 MR. FELICIANO: What time do you want us here
14 tomorrow?

15 THE COURT: 1:00 o'clock.

16 MR. FELICIANO: Okay.

17 THE COURT: Thank you.

18 MR. SWEETIN: Thank you.

19 (Court recessed at 5:00 P.M., until Thursday,
20 October 10, 2019, at 1:05 P.M.)

* * * * *

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WITNESSES

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

HEARING OUTSIDE THE PRESENCE OF THE JURY:

ROSALBA CARDENAS MORENO*		20		18
DAREY ALVAREZ		24		22
GUADALUPE ALVAREZ	29	28/64		28

****With Spanish Interpreter***

* * * * *

TESTIMONY IN THE PRESENCE OF THE JURY:

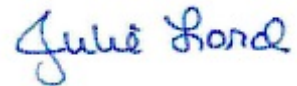
GUADALUPE ALVAREZ	170	233
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EXHIBITS

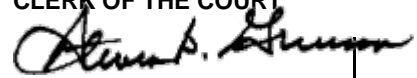
<u>DESCRIPTION</u>	<u>ADMITTED</u>
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(No exhibits admitted)

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



JULIE LORD, TRANSCRIBER
VERBATIM DIGITAL REPORTING, LLC



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

* * * * *

THE STATE OF NEVADA,)	CASE NO. C-16-316382-1
)	
Plaintiff,)	DEPT. NO. XII
v.)	
)	
ARMANDO VASQUEZ-REYES,)	
a/k/a ARMANDO VASQUIEZREYES,)	
)	
Defendant.)	
)	

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

THURSDAY, OCTOBER 10, 2019

RECORDER'S TRANSCRIPT OF HEARING:
JURY TRIAL - DAY 4

APPEARANCES:

FOR THE STATE:	JAMES R. SWEETIN, ESQ. Chief Deputy District Attorney
	WILLIAM C. ROWLES, ESQ. Deputy District Attorney
FOR THE DEFENDANT:	MIKE FELICIANO, ESQ. NADIA HOJJAT, ESQ. Deputy Public Defenders

ALSO PRESENT:

XIMENA FIENE
MARIELLA LOPEZ
MARIA PERALTA de GOMEZ
Spanish Interpreters

RECORDED BY: KRISTINE SANTI, COURT RECORDER
TRANSCRIBED BY: VERBATIM DIGITAL REPORTING, LLC

1 LAS VEGAS, NEVADA, THURSDAY, OCTOBER 10, 2019

2 (Case called at 1:05 p.m.)

3 (Outside the presence of the jury)

4 THE COURT: Hi, good afternoon.

5 MR. FELICIANO: Hello.

6 MS. HOJJAT: Good afternoon.

7 THE COURT: The record will reflect that the
8 hearing is taking place outside the presence of the jury
9 panel. I heard there was something before we bring the jury
10 in?

11 MR. FELICIANO: Yes. I have a couple things.

12 THE COURT: Sure.

13 MR. FELICIANO: The first one is Dr. Harder, our
14 expert witness --

15 THE COURT: Okay.

16 MR. FELICIANO: -- I was keeping him updated on
17 when, you know, he would testify. I learned yesterday late,
18 and I was going back and forth with him, that he's only
19 available, he says, between 2:45 and 4:15 on Monday, and he
20 may request to do this remotely.

21 So I just wanted to let the DA know and let the
22 Court know that's when we intend to call him, and that -- he
23 said that's the only time he can do it. Otherwise, we may
24 have to go into the following week, which I know we don't
25 want to do that.

1 THE COURT: Is he under subpoena because, no, we're
2 not doing that.

3 MR. FELICIANO: Yeah, so we'll -- that's -- he said
4 he could be here at that time, so after -- before the jury
5 comes in, I was just going to send him a quick e-mail and
6 make sure and let him know that that's the time he's
7 scheduled.

8 THE COURT: I don't mind. I'm assuming the State
9 doesn't mind.

10 MR. SWEETIN: No, the State -- the State has no
11 problem with the remote or the scheduling's up to the Court,
12 obviously.

13 THE COURT: Okay. And if we're not there, we can
14 take him out of order, but I can't imagine why Monday we
15 would --

16 MR. FELICIANO: I imagine we should be right --
17 that should be, you know, right around the right time. Okay.

18 The second issue is in -- during the bad acts
19 hearing --

20 THE COURT: Uh-huh.

21 MR. FELICIANO: -- Guadalupe talked about an
22 incident of cunnilingus happening. Believing this -- and
23 that was ruled that that was going to come in at trial.

24 Based on that, that is something we opened on.
25 Okay?

1 THE COURT: That's something we --
2 MR. FELICIANO: We -- in our opening statements --
3 THE COURT: Oh.
4 MR. FELICIANO: -- we addressed it that she was
5 going to -- she made the new allegation of --
6 THE COURT: Uh-huh.
7 MR. FELICIANO: -- cunnilingus. She didn't testify
8 about that on direct examination yesterday. I'm on cross.
9 So now we're in the position where we're going to have to
10 introduce bad acts against our own client because she didn't
11 testify about that on direct. At this point, we're asking
12 for a mistrial.
13 THE COURT: You're asking for a mistrial --
14 MR. FELICIANO: Yes.
15 THE COURT: -- because --
16 MR. FELICIANO: Because we have -- we're in the
17 position now where we have to introduce bad acts against
18 Mr. Vasquez-Reyes.
19 THE COURT: Okay.
20 MR. SWEETIN: Well, there's no basis for a
21 mistrial. I mean, obviously, witnesses testify as they
22 testify. They can be impeached. They can be challenged.
23 But what they say or don't say on the witness stand certainly
24 is not a basis for a mistrial.
25 THE COURT: Anything else?

1 MR. FELICIANO: No, we'll submit it.

2 THE COURT: Okay. The motion for a mistrial is

3 denied. Can we bring this --

4 MR. SWEETIN: Judge, I -- I just had --

5 THE COURT: Oh, okay.

6 MR. SWEETIN: -- two issues. The first is having

7 to do with Dr. Cetl. We discussed earlier whether or not

8 Dr. Cetl would be able to come in as the defense wanted her

9 to be here personally rather than testify remotely.

10 THE COURT: Right.

11 MR. SWEETIN: Dr. Cetl has indicated that she has

12 -- she is completely scheduled out. She's not able to do

13 that. So we have scheduled for her to testify remotely.

14 We've set it up for 4:00 o'clock this afternoon.

15 I know that they -- she has texted us and indicated

16 that there has been a series of, I guess, acts --

17 MR. ROWLES: Her assistant as well as her

18 receptionist both got in car accidents today. So from my

19 understanding --

20 THE COURT: Oh, my God.

21 MR. ROWLES: -- they are not in the office, which

22 has caused a little bit of a storm for her. She's indicated

23 that she's still available for 4:00 o'clock today and will

24 make it work, if necessary, but has requested if the

25 possibility's open, to push it back to 3:00 o'clock or later

1 our time tomorrow, which would be easier for her.

2 If we're not even going to get to at least one of
3 the defense's witnesses number Monday, I don't -- I just
4 wanted to bring that to the Court's attention that we -- he
5 think we have enough witnesses today to fill up most of it
6 even if she doesn't testify.

7 MR. SWEETIN: Well, we have --

8 THE COURT: Okay.

9 MR. SWEETIN: -- we have to finish up Guadalupe.
10 I'm not sure how long she's going to take. We also have a
11 police officer -- first a police officer who arrived, who I
12 think will be fairly quick, and then we have Guadalupe's
13 mother.

14 I would suspect that if we -- if we started -- now,
15 I'm not sure how much cross the defense has, but I would
16 expect that we be able to carry us through probably to about
17 4:00. It might go longer than that. I'm not sure, though.

18 THE COURT: Okay. Well, are we going to be able to
19 get Dr. Cetl today because I heard 4:00 o'clock or, I mean,
20 could she testify today?

21 MR. SWEETIN: She's indicated she can make herself
22 available.

23 MR. ROWLES: Yeah.

24 MR. SWEETIN: She's indicated that there's sort of
25 an emergency in her office, and she asked if we could move it

1 until tomorrow. And we just indicated we would ask the Court
2 and let, you know, the Court make the decision.

3 MR. ROWLES: And maybe a possibility even if the
4 event that Guadalupe's cross-examination doesn't take as long
5 as we expect and our redirect doesn't take as long as we
6 expect, we have enough witnesses lined up that we won't go
7 dark at 2:30, if that makes sense.

8 THE COURT: Yeah, but I don't want to go dark at
9 4:00 o'clock either.

10 MR. ROWLES: Yeah. I think we'll go past 4:00.

11 MR. FELICIANO: We -- I don't -- I don't think we
12 have that much for Guadalupe left, but, you know, depends on
13 how the other witnesses go. Just depends.

14 MR. ROWLES: I could just text her and keep her up
15 to date and let her know that it --

16 THE COURT: Okay.

17 MR. ROWLES: -- comes at 3:30, it doesn't look like
18 we'll get to her. Try to cut her loose.

19 THE COURT: Perfect. Okay.

20 MR. ROWLES: Okay.

21 THE COURT: And I don't know if Mr. Feliciano you
22 want to say anything --

23 MR. FELICIANO: As to Ms. -- Dr. Cetl?

24 THE COURT: Dr. Cetl.

25 MR. FELICIANO: Yeah, I mean, we -- we would ask

1 that she be here considering Mr. Vasquez-Reyes has a right to
2 confront and cross the witnesses against him. The stakes
3 here are pretty high. If he gets convicted, he's going to
4 spend the rest of his life in prison, so we don't think it's
5 too much to ask to have people providing adverse information
6 to come to court.

7 THE COURT: Okay. I don't know if you wanted to
8 add anything.

9 MR. SWEETIN: I just wanted to add -- and I know
10 it's already on the record -- but in this particular case, it
11 had been my understanding that the defense had agreed to the
12 doctor testifying remotely for some time. And we had a
13 discussion on Friday where I verified that was the
14 understanding. That was the Friday before trial started,
15 last Friday. And it was only on Monday that we learned that
16 the defendant actually wanted to have at that witness here,
17 and it was at that time I was instructed by the Court that I
18 contacted her and she attempted to make herself available for
19 that, and was not able because of her schedule.

20 MR. FELICIANO: And I -- prior to Friday, I don't
21 -- I know we talked about the availability of Dr. Cetl. I
22 don't remember ever agreeing to it before Friday. If I did,
23 I don't know why we'd be even talking about it on Friday.
24 But if -- if that was the understanding when we talked about
25 it on Monday, they've had four days to get her here. So, I

1 mean, a Southwest flight isn't that difficult to get and be
2 here in a couple hours, so --

3 THE COURT: Okay. I'm going to allow her to
4 testify remotely.

5 MR. SWEETIN: Thank you, Judge. And I just had one
6 other thing. The State has previously filed a motion in
7 limine essentially to bring in portions of the defendant's
8 statement. A portion of that statement the Court has -- has
9 put off ruling on, and that's the portion that deals with the
10 defendant's reference to his use of alcohol and controlled
11 substance and how that has caused him --

12 THE COURT: Right.

13 MR. SWEETIN: -- to maybe not remember things
14 correctly.

15 I think the Court's concern was whether or not that
16 was going to be relevant based upon what the defendant's
17 defense was going to be. However, I think the defendant's
18 made very clearly in the opening that they gave to the jury
19 in their references to the defendant's memory, and whether he
20 remembered, I can't remember, I can't remember, I can't
21 remember, I think was -- was a mantra in the course of that
22 opening.

23 I think they clearly have placed that at issue, and
24 as a result of that, the State would ask for a ruling that
25 that particular portion of the statement comes in.

1 MR. FELICIANO: And at this point, it's premature.
2 I mean, what we say isn't evidence. I think it's premature
3 to bring this up. If they want to raise it down the road
4 after we hear her statement, I mean, we don't believe it
5 should come in under it at any point, but the time isn't now.

6 THE COURT: I agree it may be a little premature.
7 And so I'll rule on it when I believe the issue has become --
8 if it becomes relevant.

9 (Court/Court Recorder conferring)

10 THE MARSHAL: Are we good to go, ma'am?

11 THE COURT: Yes. Yes. Sorry about that.

12 THE MARSHAL: I didn't know if they had more.

13 THE COURT: Yeah, we're ready.

14 THE MARSHAL: All rise for the entering jury,
15 please.

16 (In the presence of the jury.)

17 THE COURT: Good afternoon. Does the State
18 stipulate to the presence of the jury panel?

19 MR. SWEETIN: Yes, Your Honor.

20 THE COURT: Mr. Feliciano?

21 MR. FELICIANO: Yes, Your Honor.

22 THE COURT: Thank you very much. You can have a
23 seat. And the Marshal is recalling Ms. Alvarez.

24 And Ms. Alvarez, if you just don't mind standing
25 and raising your right hand so the Clerk can administer the

1 oath.

2 GUADALUPE ALVAREZ, STATE'S WITNESS, RESWORN

3 THE CLERK: You may be seated. Please state and
4 spell your first and last name for the record.

5 THE WITNESS: Guadalupe Alvarez, G-u-a-d-a-l-u-p-e.
6 Alvarez, A-l-v-a-r-e-z.

7 THE COURT: Thank you. You may continue with your
8 cross.

9 MR. FELICIANO: Thank you, Your Honor.

10 CROSS-EXAMINATION (RESUMED)

11 BY MR. FELICIANO:

12 Q Good afternoon.

13 A Hi.

14 Q Okay. So when we stopped yesterday, we were -- we
15 were talking about a certain part of your statement that you
16 gave to police in April of 2016. Do you remember that?

17 A Yes.

18 Q Okay. So we were talking -- so -- and I showed you
19 the page, and I asked you to read it. Do you remember that
20 part?

21 A Yes.

22 Q And your word was that you noticed something was
23 inside of you.

24 A Yes.

25 Q Right? Okay. So the word "noticed" was a word

1 that you used?

2 A Yes.

3 Q Okay. Now, I want to talk to you about the last
4 time you say something happened with Armando. And you said
5 that was about five months before police came to your house
6 in April of 2016?

7 A I believe so.

8 Q Okay. Now, and you -- again, you've testified in
9 this case before, right?

10 A Yes.

11 Q And you came to court on July 12th of 2016 and you
12 testified in this case. Right?

13 A I believe so.

14 Q Okay. And when you came to court on that day and
15 testified, you said that the last time that Armando had done
16 anything was maybe last year; is that right? Quote, "maybe
17 last year," end quote. Does that sound right?

18 A I believe so.

19 Q Okay. And then you also said that the last time
20 that he touched you was or two years ago.

21 A I don't remember.

22 Q Okay?

23 MR. FELICIANO: 41. May I approach?

24 THE COURT: You may.

25 BY MR. FELECIANO:

1 Q Okay. So I'm approach being with your statement
2 from your testimony from that day. And I'm going to ask you
3 to read -- okay. Let's see, start at -- please start at line
4 9 and go down to line 14, please. And let me know when
5 you're done.

6 MR. FELICIANO: 41. 41, prelim.

7 BY MR. FELECIANO:

8 Q All done?

9 A Yes.

10 Q Okay. So when you testified on that day a few
11 years ago, you said that -- you said that it could have
12 happened two years ago, right?

13 A Yes.

14 Q Okay. And on that day, I mean, you came to court,
15 it was similar to what we're doing here today, right?

16 A Yes.

17 Q And you raised your hand and you swore to tell the
18 truth and all that stuff?

19 A Yes.

20 Q Okay. Okay. And I just want to clear up something
21 from yesterday. Now, you said, and correct me if I'm wrong,
22 you said that you learned that -- I guess, that what was
23 going on, the sexual stuff was abuse, you learned that a few
24 months before the police -- before you spoke to police in
25 April of 2016?

1 A I don't remember.

2 Q Okay. So you don't remember when you -- when you
3 first learned when what was happening was abuse?

4 A No. Can you repeat the question again, please?

5 Q Okay. So you were talking about some stuff
6 happening to you and you were saying that when it first
7 started happening, you didn't know, I guess, it was wrong; is
8 that right?

9 A Sorry, say it again.

10 Q Okay. So the first time that something sexual
11 happened, that you say that Armando touched you or anything
12 sexual, right, when that happened, you didn't know it was
13 wrong?

14 A Yes.

15 Q Okay. So it wasn't until right before you spoke to
16 police that you realized what was going on was wrong?

17 A No.

18 Q So it was back further?

19 A Yes.

20 Q Okay. So -- just so -- just to make sure we're
21 clear. So it sounds like you -- at some point you learned
22 that what was going on was abuse, but then stuff still
23 happened?

24 A I don't understand.

25 Q Okay. So was there ever a point when you were

1 being -- when you say abused, that you knew it was wrong?

2 A Yes.

3 Q Okay. And that was for several years --

4 A No.

5 Q -- that you knew it was wrong? Okay. So it was a

6 relatively short amount of time?

7 A Yes.

8 Q Okay. So when you realized it was -- what was

9 going on was wrong, is that when you started to fight with

10 Armando?

11 A I started to first avoid him, and then that's when

12 I started getting aggressive and started to fight back.

13 Q All right. And we talked a little bit yesterday

14 about that certain words that you used for body parts, things

15 like that, sometimes they're different in court and when

16 you're out of court; is that right?

17 A Yes.

18 Q So in addition to body parts, is there another word

19 that you used for sex?

20 A I don't -- I don't remember.

21 Q Okay. Did you ever use the word fuck?

22 A I could have, yes.

23 Q Okay. Back in April 2016, when you were at the

24 police station, did you tell them that he fucked me like in

25 my pussy?

1 A Yes.

2 Q So -- and I want to clarify something. We talked
3 about the sleep over that you had with a friend, and it was a
4 girl.

5 A Yes.

6 Q All right? And you said that Armando came and
7 touched you while you were sleeping?

8 A I don't remember.

9 Q Okay.

10 MR. FELICIANO: Court's indulgence.

11 BY MR. FELECIANO:

12 Q You told him to leave?

13 A I don't remember.

14 Q Okay.

15 MR. FELICIANO: May I approach?

16 THE COURT: You may.

17 MR. FELICIANO: 36, voluntary.

18 BY MR. FELECIANO:

19 Q Okay. I'm approaching with the first statement or
20 the statement you gave at the police station back in April of
21 2016. If you could read -- let me have you start there.
22 Page 35, end of 35. Start there, and let me know when you're
23 done. Go down just those few lines.

24 A Okay.

25 Q Okay? And then let's go to the next page. If you

1 could start at the top, and then read down to -- just read
2 that first answer.

3 A Okay.

4 Q Okay? All right. So back when you spoke to police
5 in April of 2016, you said that he was like -- like started
6 like to touch me and all that stuff, right?

7 A Yes.

8 Q Okay. And you also said that you told him to
9 leave?

10 A Yes. And I also said that I believe --

11 Q I'm sorry?

12 A Right there where the statement --

13 Q I'm sorry, what did you say? I'm not clear?

14 A Can you show me, please?

15 Q Sure.

16 MR. FELICIANO: May I approach?

17 THE COURT: You may, of course.

18 THE WITNESS: I was -- I said here, and I noticed
19 well, what I thought I was dreaming it.

20 BY MR. FELECIANO:

21 Q Okay. So you said -- so you said you thought that
22 you were dreaming it, right?

23 A Yes.

24 Q Okay. So -- but then you spoke to your friend
25 about that, right, about -- about him coming in the middle of

1 the night or whatever?

2 A No. She told me that she saw my -- my dad there
3 last night.

4 Q Okay. So you did speak to your friend about him
5 being near you that night?

6 A Yes, but I never talked about him touching me or
7 nothing.

8 Q Okay. Well, she told you that she came to gave you
9 a hug or something, right?

10 A No.

11 MR. FELICIANO: May I approach?

12 THE COURT: You may.

13 MR. FELICIANO: 36, voluntary.

14 BY MR. FELECIANO:

15 Q Okay. If you could just read just that answer
16 right there where it says A, just that -- just three lines.

17 A Okay.

18 Q Okay? So you told your friend that he came to give
19 you a hug or something, right?

20 A No, she said that.

21 Q She said that to you?

22 A Yes.

23 Q And you told the police that she said that to you?

24 A I believe so.

25 Q Okay. And this was a good friend of yours?

1 A Yes.

2 Q Okay. And you don't remember her name?

3 A No, we ended on bad terms.

4 Q Okay.

5 A That's all I remember.

6 Q And you don't know where she is?

7 A No.

8 Q Okay. Did you say that was your best friend --

9 A Yes.

10 Q -- at that time? Okay.

11 Now, I want to talk to you about any pain you might

12 have felt when things were going on. Okay?

13 A Okay.

14 Q I mean, you said when you started -- when the abuse

15 started, you were young, right?

16 A Yes.

17 Q Five or six. It hurt a lot?

18 A Yes.

19 Q All right. You didn't cry or anything like that,

20 right?

21 A Yes.

22 Q You did cry?

23 A Yes.

24 Q Okay. Did you ever tell police that you cried when

25 it happened?

1 A No.

2 Q Okay. Did you ever tell anybody that you cried
3 when it happened?

4 A No.

5 Q Did you scream out or anything like that?

6 A No.

7 Q Did you ever see him put anything on his penis?

8 A No.

9 Q And you never bled at any point? Did you ever
10 bleed?

11 A A little bit from my anus.

12 Q From your anus? Okay.

13 MR. FELICIANO: Court's indulgence.

14 BY MR. FELICIANO:

15 Q Did you bleed from your vagina?

16 A I don't remember.

17 MR. FELICIANO: Court's indulgence.

18 BY MR. FELICIANO:

19 Q Okay. I want to talk to you about a time when you
20 were about nine or ten years old. Was there ever a point
21 where you had a problem going to the bathroom?

22 A Yes.

23 Q Number two?

24 A Yes.

25 Q Okay. And it sounds like at some point you went to

1 the doctor for that?

2 A Yes.

3 Q Okay. And they actually examined your butt?

4 A I don't remember.

5 Q Okay.

6 MR. FELICIANO: 51, prelim.

7 May I approach?

8 THE COURT: You may.

9 BY MR. FELICIANO:

10 Q Okay. So now we're back at the court hearing,
11 okay, from July. If you could read line 21 to line 24. And
12 let me know when you're done.

13 A Okay.

14 Q So when you were asked here three and a half years
15 ago, if they looked at your butt, and you said they did,
16 right?

17 A Yes.

18 Q You also talked about some cutting that -- thing
19 you were going through where you were cutting?

20 A Yes.

21 Q And you would cut to the point where you would
22 bleed.

23 A Yes.

24 Q So you've -- other than yesterday in front of the
25 jury here, you testified yesterday earlier that day, right?

1 A Yes.

2 Q All right. And at that hearing you testified that

3 Armando put his mouth on your vagina, right?

4 A Yes.

5 Q Okay. When the police came to your house on April

6 16th of 2016, you did not tell them that Armando ever put his

7 mouth on your vagina, right?

8 A I believe so.

9 Q You believe you did tell them that?

10 A I believe I did not.

11 Q Okay. When you spoke to police at the police

12 station, are or police headquarters later that day, same day,

13 April 16th, you didn't tell them that Armando put his mouth

14 on your vagina, right?

15 A I don't remember.

16 Q Okay. If I told you that it's not in your

17 statement, would you -- would you take an issue with that?

18 A I don't understand.

19 Q Okay. Well, I mean, do you think -- you don't

20 remember if you said that he put his mouth on your vagina; is

21 that what you're saying?

22 A In my statement of --

23 Q To the police, the detective at the police station.

24 A I don't remember.

25 Q Okay. And when you testified at that court hearing

1 in July -- on July 12th of 2016, you didn't come to court and
2 say that he put his mouth on your vagina?

3 A I don't remember.

4 Q So the first time you remember saying it was
5 yesterday?

6 A I don't remember.

7 Q You don't remember if you said that yesterday?

8 THE COURT: Well, that --

9 MR. FELICIANO: Okay.

10 THE COURT: -- that wasn't the question, so --

11 MR. FELICIANO: I'll -- bad question.

12 BY MR. FELICIANO:

13 Q Did you say yesterday that he put his mouth on your
14 vagina?

15 A I don't remember.

16 MR. FELICIANO: May we approach?

17 THE COURT: Sure. I don't know what's on my
18 screen, Kris, but --

19 THE COURT RECORDER: Oh, I'm sorry, Your Honor.

20 THE COURT: I've never seen that before.

21 THE COURT RECORDER: It was because they were
22 setting up that --

23 THE COURT: Thank you.

24 (Bench conference begins)

25 MR. FELICIANO: So I am asking -- I'm almost done.

1 I'm asking that she be subject to recall and we're asking for
2 a transcript of yesterday's bad acts hearing so we can really
3 impeach her on it.

4 MR. SWEETIN: You know, we'll stipulate that she --
5 she testified to the Court yesterday that she --

6 MR. FELICIANO: That's fine. So --

7 MS. HOJJAT: If the Court will instruct the jury
8 right now that there was a hearing yesterday outside their
9 presence and she did --

10 THE COURT: I'm not going to do that. That's not
11 what the stipulation is.

12 MR. FELICIANO: Well, it's --

13 THE COURT: It's a stipulation that yesterday she
14 testified that he put his -- I mean, what -- tell me what the
15 stipulation is.

16 MR. SWEETIN: The stipulation is that she
17 previously made a statement relating to the fact that he put
18 his mouth on her vagina.

19 MR. FELICIANO: And that the first time was
20 yesterday. And in no statement of any form or any of the
21 prior court testimony did she ever say that.

22 THE COURT: Okay. I'm not doing that. You guys do
23 whatever you want to do. If you want a transcript, she'll be
24 subject to recall.

25 MS. HOJJAT: What does it read right now? What is

1 the stipulation?

2 THE COURT: I don't think we have one because --

3 MR. FELICIANO: Well --

4 THE COURT: -- I mean, I'm not going to --

5 MS. HOJJAT: Well, let's see.

6 MR. SWEETIN: Yeah, that's fine, Judge.

7 MS. HOJJAT: Let's see what --

8 THE COURT: I think it's inappropriate for me to

9 even be saying that.

10 MR. SWEETIN: Yeah, yeah.

11 MS. HOJJAT: But if they're stipulating. I mean,

12 stipulations can [inaudible].

13 THE COURT: Well, there was a stipulation and

14 Mr. Feliciano started --

15 MR. FELICIANO: Well --

16 THE COURT: -- adding more to it.

17 MR. FELICIANO: Okay, well --

18 MS. HOJJAT: Well, we're trying to -- we're trying

19 to work out --

20 MR. FELICIANO: Yeah, we're trying to --

21 MS. HOJJAT: -- the language of the stipulation --

22 MR. FELICIANO: -- meet at a middle ground here.

23 MS. HOJJAT: -- that everybody can agree to.

24 MR. SWEETIN: That's fine. We can make her subject

25 to recall, Judge. That's fine.

1 THE COURT: Okay.

2 MR. FELICIANO: For that one question?

3 MS. HOJJAT: Yeah, so we're --

4 THE COURT: If that's what you want to do.

5 MR. FELICIANO: I do, but --

6 THE COURT: I'm not going to prevent you from doing

7 that.

8 MR. FELICIANO: No, well, then we --

9 MS. HOJJAT: That's why we are trying --

10 MR. FELICIANO: -- we can just get rid of it now,

11 so --

12 MS. HOJJAT: We are trying to facilitate the

13 stipulation. What is the language that Your Honor has

14 written down right now? Well, no, because we're in the

15 middle of cross-examination, it needs to come out right now,

16 if it's going to come out.

17 What is the stipulation that Your Honor has written

18 down right now?

19 THE COURT: You can see if that's okay.

20 MS. HOJJAT: Thank you. She previously made a

21 statement yesterday that the defendant put his mouth on her

22 vagina. Yes, I'm fine with that, Your Honor.

23 MR. SWEETIN: Yeah, that's fine.

24 THE COURT: Everyone's okay with it?

25 MS. HOJJAT: Yes.

1 THE COURT: Okay.

2 MR. FELICIANO: Do you want to do that one? I
3 think I might be done. I just need to check a few notes. Do
4 you want to do this now or when I'm done?

5 MS. HOJJAT: Let's do it right now.

6 THE COURT: Okay.

7 MS. HOJJAT: Let's do it right now.

8 THE COURT: Okay.

9 THE COURT: All right.

10 (Bench conference concluded).

11 THE COURT: Okay. Ladies and gentlemen of the
12 jury, the State of Nevada and the defense have stipulated
13 that she previously made a statement yesterday that defendant
14 put his mouthing on her vagina. Okay?

15 MR. FELICIANO: Thank you.

16 THE COURT: And Mr. Feliciano.

17 MR. FELICIANO: Court's indulgence, please.

18 (Defense counsel conferring)

19 MR. FELICIANO: Thank you. We'll pass the witness.

20 THE COURT: Thank you. Any redirect?

21 MR. SWEETIN: Yes, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. SWEETIN:

24 Q Guadalupe, you've testified to a lot of things that
25 happened to you; is that right?

1 A Yes.

2 Q And those things started, I think, you said when
3 you were five or six years old?

4 A Yes.

5 Q And how old were you when the police came?

6 A 13, 14 years old.

7 Q So we're talking about a span of many years, almost
8 ten years --

9 A Yes.

10 Q -- is that right?

11 Now, over that period of time, you said that things
12 happened to you, you said sometimes three times a week,
13 sometimes one time a week; is that right?

14 A Yes.

15 Q As you sit here now, is there any way for you to
16 describe all those times that things happened to you?

17 A All of them, all of them?

18 Q Yes. Could you even do that in your memory at this
19 point?

20 A A bit, yes.

21 Q Okay. Would you be able to remember every little
22 detail?

23 A Yes.

24 Q Yes? You heard that -- well, let me ask you this,
25 did the defendant ever put his mouth on your vaginal area?

1 A Yes.

2 Q Is how often would he do that?

3 A It wasn't regularly. It was -- the only thing he

4 would do is like just like wet his hands like with his mouth,

5 with his saliva, and he will use his hands on my vagina.

6 Q Okay. And when he didn't do that --

7 A He --

8 Q -- is that when he would use his mouth and put it

9 on your vagina?

10 A Yes.

11 Q Okay. When did that start happening, do you

12 remember?

13 A No.

14 Q Or can --

15 A It was like so many like different things, but they

16 were so similar.

17 Q Okay. Now, when he -- when he did those things

18 like putting -- licking his hands and put it on your vagina

19 or he put his mouth on your vagina, are those the things that

20 hurt you?

21 A No.

22 Q But when he put his penis inside of your anus or

23 butt or put his penis inside your vagina even a little bit,

24 did that hurt you?

25 A Yes.

1 MR. FELICIANO: Objection. Leading.
2 THE COURT: You are leading.
3 MR. FELICIANO: Move to strike.
4 THE COURT: So sustained.
5 BY MR. SWEETIN:
6 Q When he would, as you testified, put his penis in
7 your butt or put his penis in your vagina even a little bit,
8 how did that feel?
9 A It was very painful.
10 Q Okay. That was different than when he would --
11 would lick your vagina or lick his hands and put it on your
12 vagina?
13 A Yes.
14 MR. FELICIANO: Objection. Leading.
15 THE COURT: Sustained. You are leading.
16 BY MR. SWEETIN:
17 Q So I'm wondering the things that you think about
18 the most as you remember all the things that happened, are
19 they the things that hurt you the most or the things that
20 didn't hurt you the most?
21 A Hurt me the most.
22 Q All right. Now, defense counsel talk to you a
23 little about some portions of the transcript. Do you
24 remember that?
25 A I believe so.

1 Q Okay. He brought transcripts up and showed them to
2 you --
3 A Oh, yes.
4 Q -- do you remember that?
5 And there was one time when he talked to you about
6 whether or not you told your friend, who mentioned to you
7 about his -- or her sister having some sort of sexual abuse
8 upon them, that you told that friend that you had been
9 abused. Do you remember that question?
10 A Yes.
11 Q Okay. Did you ever tell him about your abuse at
12 that time?
13 A No.
14 Q Okay. And when you talked to the police, did you
15 make that clear?
16 A No.
17 Q Would it refresh your recollection to look at your
18 statement?
19 MR. FELICIANO: Objection. She didn't say she --
20 she forgot anything, so there's nothing to refresh.
21 THE COURT: All right. I -- I don't know if you
22 want to do something else --
23 MR. SWEETIN: That's fine.
24 THE COURT: -- but that's -- that's correct.
25 BY MR. SWEETIN:

1 Q In fact, isn't it true that in your statements that
2 you indicated that the only thing you talked about --

3 MR. FELICIANO: Objection. Leading.

4 MR. SWEETIN: Well, I have to be able to --

5 THE COURT: I haven't heard the question yet, but
6 it kind of sounded leading.

7 MR. SWEETIN: Yes.

8 BY MR. SWEETIN:

9 Q Isn't it true that in your statement that you were
10 clear that you did not tell him?

11 MR. FELICIANO: Objection. Leading.

12 THE COURT: You are leading.

13 MR. SWEETIN: All right.

14 BY MR. SWEETIN:

15 Q When you talked to him in your statement, do you
16 remember talking to him specifically about what you said to
17 him?

18 A To my friend?

19 Q Yes.

20 A No.

21 Q Would it refresh your recollection to look at your
22 statement?

23 A I don't understand.

24 Q So would it help you remember if you looked at your
25 statement?

1 A Yes.

2 MR. SWEETIN: This is going to be on page 48 of the

3 preliminary hearing transcript.

4 MR. FELICIANO: Okay. So just for foundation,

5 we're not talking about a statement, we're talking about a

6 hearing, I believe. So objection to foundation.

7 THE COURT: Okay. We're talking about a hearing

8 transcript?

9 MR. SWEETIN: I believe we are.

10 THE COURT: Okay.

11 MR. SWEETIN: And it's on page 48.

12 May I approach, Judge?

13 THE COURT: You may.

14 BY MR. SWEETIN:

15 Q You want to take a look at that and let me know

16 when you're done.

17 A Okay.

18 Q And does that refresh your recollection?

19 A Yes.

20 Q Did you -- did you tell them at that point what

21 that conversation was about?

22 A No.

23 Q Okay. Did you, in fact, say that he just told

24 me --

25 MR. FELICIANO: Objection. Leading.

1 MR. SWEETIN: Well, I think she indicated --
2 THE COURT: You are leading. If you want her to --
3 MR. SWEETIN: I think it's -- it's an inconsistent
4 statement and I need to make a -- basically read it into the
5 record.
6 MR. FELICIANO: It's leading, and I mean --
7 THE COURT: Okay. You can have the witness read
8 her testimony.
9 MR. SWEETIN: Okay.
10 BY MR. SWEETIN:
11 Q When you responded to the questioning in regards to
12 your friend, in the middle of page 48 here, what did you say
13 to them?
14 A He just told me what happened to his sister.
15 Q So would it be true that you told the police at
16 that time -- or I'm sorry, you testified that at that time
17 that, in fact, the conversation was that he just told you
18 about his sister?
19 A Yes.
20 Q All right. And you didn't say anything here about
21 you telling him about anything that happened to you, correct?
22 MR. FELICIANO: Objection. Leading.
23 THE COURT: You are leading.
24 BY MR. SWEETIN:
25 Q Did you tell them anything about you talking -- you

1 telling this friend in any way what happened to you?

2 A No.

3 Q Now, remember when you were being some asked some
4 -- asked some questions by the defense in regards to what you
5 put in your statement? That's a statement that you gave to
6 the police? Do you remember being asked about that?

7 A Yes.

8 Q And do you remember him asking you -- defense
9 counsel asking at that time as to whether or not the only
10 thing that you talked about in this statement was anal sex?
11 Do you remember that?

12 A Yes.

13 Q Okay. Did you talk about other things in that
14 statement besides anal sex?

15 A Him putting his penis in my vagina a little bit.

16 Q Okay. Anything else?

17 A Him touching my body with his hands.

18 Q Okay. Anything else? Would it refresh your
19 recollection to look at your statement?

20 A Yes.

21 MR. FELICIANO: Objection. She hasn't said she's
22 forgotten anything.

23 THE COURT: Right, she hasn't so --

24 BY MR. SWEETIN:

25 Q Can you remember? Was there anything else?

1 A I can't remember.

2 Q Okay. Would it refresh your recollection to look
3 at your statement?

4 A Yes.

5 Q Showing you page 15. Take a look at that, and let
6 me know when you're done.

7 A Okay.

8 Q Does that help you remember anything else?

9 A Yes.

10 Q And what would that be?

11 A Him kissing me.

12 Q Did it also talk about anything about the
13 defendant's penis?

14 A Yes.

15 Q And what was that?

16 A Me grabbing his penis.

17 Q Okay. Just as you testified here about it; is that
18 correct or not?

19 A Yes.

20 Q Okay. Now, also, there was some questions about a
21 time when you indicated that you just felt something inside
22 of you; do you remember that?

23 A Yes.

24 Q Now, when you were talk being that, what were you
25 talking about?

1 A The time I was in the room, and I felt something in
2 me.

3 Q Okay. Were you talking about one time when
4 something happened?

5 A I don't understand.

6 Q Sure. When you talked about that one thing, were
7 you talking about a specific time when things happened or
8 not?

9 A I don't understand.

10 Q Sure. When you were talking about that one thing,
11 were you just talking about that one thing or were you
12 talking about other things along with it?

13 MR. FELICIANO: I'm going to object. That's a
14 vague question. It's confusing.

15 THE COURT: Can you answer? Do you understand the
16 question?

17 THE WITNESS: Yes.

18 THE COURT: Okay. Go ahead.

19 THE WITNESS: It was -- it was like leading on. It
20 wasn't a -- it was a specific time.

21 BY MR. SWEETIN:

22 Q Okay. Do you remember which time you were talking
23 about?

24 A The last time.

25 Q Okay. And do you remember when you were talking

1 about you feeling something inside of you, were you talking
2 about and describing other things as well?

3 A I don't understand.

4 Q Sure. When you were talking about that one part of
5 that particular time, were you talking about other things
6 that happened that time also?

7 A Yes.

8 Q Okay. Do you remember what you told the police at
9 that time?

10 A I don't remember.

11 Q Okay. Would it refresh your recollection to look
12 at your statement?

13 A Yes.

14 Q Okay. I'm going to show you page 17 through 22.

15 MR. FELICIANO: Which document?

16 MR. SWEETIN: Of the voluntary statement.

17 BY MR. SWEETIN:

18 Q There you go. 17 through 22.

19 A Oh, sorry.

20 Q Does that refresh your recollection?

21 A Yes.

22 Q Okay. So you -- what is it that you were you
23 talking about on that occasion?

24 A Repeat it again, please.

25 Q Sure. What -- which incident was it? Which time

1 was it that you're talking about on those pages?

2 A It was a long time ago.

3 Q And what happened in that incident?

4 A That incident the ice cream man came, and my mom
5 has this bucket of coins.

6 Q I'm sorry?

7 A My mom has a bucket of coins. And every time the
8 ice cream man would come, and I wanted to buy something, I
9 will -- she would send me to go to the room and be grab
10 whatever money I needed.

11 And at that time, he told me to go to the room to
12 watch a movie, and then he took -- and that time he took off
13 my clothes, and he put his penis in my anus, and he didn't
14 stop until he came in me. And that's when I ran into the
15 bathroom.

16 Q Okay. And besides talking about that, did you talk
17 about -- in that particular portion, did you talk about the
18 last time that he did something to you?

19 A Yes.

20 Q Okay. And did you talk specifically about what
21 happened that last time?

22 A Not very specifically.

23 Q Okay. What did you say about it?

24 A That he put his penis in my anus, and that I was
25 pushing him off.

1 Q Okay. And when you were talking about that, was
2 that when you made this mention of what defense counsel had
3 asked you about?

4 A Yes.

5 MR. FELICIANO: Objection. I'm not sure what --

6 THE COURT: Yeah, I --

7 MR. FELICIANO: -- we're referring to. I asked her
8 about -- I asked her a lot of questions.

9 THE COURT: Yeah, I'm not sure that's clear.

10 MR. SWEETIN: Okay.

11 BY MR. SWEETIN:

12 Q Was what defense counsel asked you about when he
13 asked you, you just feeling something inside of you, was that
14 part of what you just described?

15 A Yes.

16 Q Okay. Now, you said that part of this was you
17 pushing him off; is that right?

18 A Yes.

19 Q And why were you pushing him off?

20 A Because he came in me.

21 Q Okay. Do you remember where he put his penis?

22 A In my anus.

23 Q Okay. Do you remember if he tried to put his penis
24 anywhere else?

25 A He tried to put it in my vagina.

1 Q Okay. And do you recall whether or not you were
2 pushing him off at that time?

3 A Yes, I was.

4 Q Okay. And is that what you're talking about when
5 the defense asked you the question whether you felt anything
6 inside of you or not?

7 A Yes.

8 Q All right. Now, we're still talking about last
9 time. Remember defense counsel asked you when the last time
10 was?

11 A Yes.

12 Q Okay. And do you remember when the last time was?

13 A Yes.

14 Q When was it?

15 A Before Christmas and before Thanksgiving.

16 Q Okay. Do you remember telling the police that?

17 A Yes.

18 Q Okay.

19 A I told them a year ago.

20 Q And do you remember testifying at the preliminary
21 hearing about that as well?

22 A Yes.

23 Q Okay. Do you remember exactly what you said at the
24 preliminary hearing?

25 A Yes. I told them that the last time it was -- it

1 was before Thanksgiving and Christmas.

2 Q Okay. Do you remember them asking you exactly how
3 you remember that date so well?

4 A I don't remember.

5 Q Huh?

6 A I don't remember.

7 Q Would it refresh your recollection if you looked at
8 your statement?

9 A Yes.

10 MR. FELICIANO: Page, please.

11 MR. SWEETIN: Page 41, the bottom.

12 BY MR. SWEETIN:

13 Q Down here.

14 A Okay.

15 Q Does that refresh your recollection?

16 A Yes.

17 Q Okay. So what did you tell them -- or what did you
18 say to them that helped you to remember when it happened?

19 A The house.

20 Q Could you be more specific?

21 A The color of the house.

22 Q So you told them which house it was in?

23 A Yes.

24 Q Okay. And do you remember what house you told them
25 that it was in?

1 A The pale house.

2 Q And that's the same one that you testified here

3 about; is that right?

4 A Yes.

5 Q Okay. Now, you remember defense counsel asked you

6 about something you said previous to that. Do you remember

7 him asking you about whether or not you said that it happened

8 two years ago?

9 A Yes.

10 Q Okay. Do you remember exactly how you responded to

11 that question?

12 A No.

13 Q Would it refresh your recollection to look at your

14 statement?

15 A Yes.

16 MS. HOJJAT: What page?

17 MR. SWEETIN: And it's the middle of 41.

18 BY MR. SWEETIN:

19 Q How did you respond?

20 A Can I read off --

21 Q Sure.

22 A -- of it?

23 Q Well, do you want to take a look at it? Will it

24 help you refresh your memory?

25 A Yes. Okay.

1 Q Okay? And how did you respond?

2 A "I don't understand the question."

3 Q Okay. Now, the part of the transcript that you --

4 you just read where you talked about telling them where the

5 house was that you were living in at the time?

6 A I don't understand.

7 Q Sure. The part of it -- of your testimony where

8 you said that the house that you were living at that time,

9 and that's how you remembered what time it was or when it

10 happened; is that right?

11 A Yes.

12 Q Was that asked of you just after you said you don't

13 remember?

14 A Yes.

15 Q Okay. Now, you mentioned that you went to a

16 doctor; is that correct?

17 A Yes.

18 Q And you said that you were constipated; is that

19 right?

20 A Yes.

21 Q Okay. So when you went to that doctor, do you

22 remember him removing your clothes or anything of that sort?

23 A I don't remember.

24 Q Okay. And just to be clear, when you went to the

25 doctor, did you have any other complaints beside the fact

1 that you were just constipated?

2 A At that day?

3 Q Yes.

4 A It was just being constipated.

5 Q Okay.

6 MR. SWEETIN: Okay. All right. The State has

7 nothing further, Judge.

8 MR. FELICIANO: Briefly.

9 THE COURT: Any recross?

10 RECROSS-EXAMINATION

11 BY MR. FELICIANO:

12 Q So I know we were asking you a lot of questions

13 here and yesterday. Is it a little bit confusing?

14 A I don't understand.

15 Q Okay. Well, we're talking about -- you've been

16 asked a lot about page 22 of the statement that you gave to

17 police when you went to the police station. And that talks

18 about something that happened in November of 2015, some type

19 of sexual abuse, right?

20 A I don't remember.

21 Q Okay.

22 MR. FELICIANO: May I approach?

23 THE COURT: You may.

24 MR. FELICIANO: 22.

25 BY MR. FELICIANO:

1 Q That would be just maybe start there and just the
2 first three lines. Okay.

3 So we're talking about the time around Thanksgiving in
4 2015; does that sound right?

5 A Yes.

6 Q Okay. And at that time, you said that quote,
7 "Because I didn't know what was going on." Is that what you
8 said to police?

9 A Yes.

10 Q Okay. And just before that, that's when you say
11 you noticed something inside of you?

12 A Yes.

13 Q And at this time, you were about 13 years old?

14 A I believe so.

15 Q About to turn 14?

16 A Yes.

17 Q Okay. So -- and there's a little confusion as to
18 when you said that Armando put his mouth on your vagina. You
19 never said that when you spoke to the police on April 16th of
20 2016, right?

21 A I believe so.

22 Q You believe you did?

23 A I don't remember.

24 Q Okay. Well, would you like to see your statement?

25 A Yes.

1 Q Okay.

2 MR. FELICIANO: May I approach?

3 THE COURT: Uh-huh.

4 BY MR. FELICIANO:

5 Q Okay. So here's a copy of your statement from

6 April 16, 2016. If you'd like to look through that and see

7 if you talked about -- find us where you talked about Armando

8 putting his mouth on your vagina.

9 A Okay.

10 THE COURT: How long is the statement?

11 MR. FELICIANO: 50 pages.

12 THE COURT: Okay. We're not going to have her

13 review 50 pages.

14 MR. FELICIANO: Can we approach?

15 THE COURT: Yeah.

16 (Bench conference begins)

17 THE COURT: There's no way -- I would never have a

18 witness sit here and look at 50 pages.

19 MR. FELICIANO: Okay. I mean, we -- we're -- I

20 mean, she says she doesn't remember. I'm asking her to find

21 it. If they'll stipulate --

22 MS. HOJJAT: That it's not in there.

23 MR. FELICIANO: -- that it's not in that statement.

24 I'm going to ask of the prelim. If they stipulate that it's

25 not in there as well.

1 MR. SWEETIN: And we'll stipulate.
2 THE COURT: Okay.
3 MS. HOJJAT: All right. Thank you.
4 (Bench conference concluded).
5 MR. FELICIANO: Okay. May I approach?
6 THE COURT: You may.
7 BY MR. FELICIANO:
8 Q I'm going to grab that back from you. Okay?
9 A Okay.
10 Q You don't need to review it.
11 THE COURT: Okay. You can state your stipulation.
12 MR. FELICIANO: You want me to do it?
13 THE COURT: Sure.
14 MR. FELICIANO: Okay.
15 BY MR. FELICIANO:
16 Q So when you talked to police on April 2016, the
17 statement I just gave you, nowhere in here it says that
18 Armando put his mouth on your vagina, right?
19 THE COURT: Well, I thought there was a stipulation
20 between the parties.
21 MR. FELICIANO: Oh, I figured they'd agree.
22 MR. SWEETIN: Yeah. And, Judge --
23 THE COURT: Right.
24 MR. SWEETIN: -- the State would stipulate that in
25 the statement and in the -- in the preliminary hearing

1 transcript there's not a reference to the defendant placing
2 his --

3 THE COURT: Okay.

4 MR. SWEETIN: -- mouth on the victim's vagina.

5 THE COURT: Thank you.

6 MR. FELICIANO: Thank you. So that's April 16,
7 2016, the statement at the police station and the preliminary
8 hearing on July 12th of 2016.

9 THE COURT: Thank you.

10 MR. FELICIANO: Thank you. Court's indulgence.
11 Thank you. We'll pass the witness.

12 THE COURT: Okay. Anything else for --

13 MR. SWEETIN: No, Your Honor.

14 THE COURT: -- this witness? Okay.

15 Ms. Alvarez, thank you very much for being here.
16 Thank you for the testimony you've provided to this jury
17 panel. You may step down. And you are excused from your
18 subpoena.

19 THE WITNESS: Okay.

20 And you may call your next witness. Sweet.

21 MR. ROWLES: State's next witness will be Thomas
22 Murray.

23 OFFICER THOMAS MURRAY, STATE'S WITNESS, SWORN

24 THE CLERK: You may be seated.

25 Please state and spell your first and last name for

1 the record.

2 THE WITNESS: Thomas Murray, T-h-o-m-a-s,
3 M-u-r-r-a-y.

4 MR. ROWLES: May I proceed, Your Honor?

5 THE COURT: You may.

6 DIRECT EXAMINATION

7 BY MR. ROWLES:

8 Q Sir, how are you currently employed?

9 A I work with the Las Vegas Metropolitan Police
10 Department.

11 Q How long have you worked with the Las Vegas
12 Metropolitan Police Department?

13 A 11 years.

14 Q Turning your attention to April 2016, were you
15 working as a police officer?

16 A Yes.

17 Q Specifically on April 16, 2016, were you working as
18 a patrol officer with the Las Vegas Metropolitan Police
19 Department?

20 A Yes.

21 Q Did you receive a call for service to respond to a
22 Berkley Avenue?

23 A I did, yes.

24 Q What was the nature of the call when you first
25 received it?

1 A It was a family disturbance.

2 Q Did you respond with anyone else?

3 A I was a solo car that day.

4 Q Okay.

5 A Yeah.

6 Q Did any other officer respond to the scene with
7 you?

8 A Yes.

9 Q Who was that?

10 A Officer Theobald.

11 Q So you received a call for a family disturbance.
12 Did you ultimately arrive at that address?

13 A Yes.

14 Q When you first arrived at that address, can you
15 describe the scene to the ladies and gentlemen of the jury?

16 A It was a neighborhood, the yard was fenced in. I
17 arrived and there was already people out front in the yard
18 and on the sidewalk. So I parked a few houses down and
19 approached and made contact with the caller.

20 Q Okay. Do you remember the caller -- who the caller
21 was?

22 A It was the -- the mother of the residence. I don't
23 remember her name off of my head.

24 Q Does Rosalba sound familiar?

25 A I'm sorry?

1 Q Rosalba sound familiar?

2 A Yes.

3 Q Okay. You indicated that there were a lot of

4 people. How many people were out there at that time?

5 A Roughly five or six people.

6 Q Did they all appear involved in what was going on

7 with regards to why you were there?

8 A Yes, I believe they all knew I was going to arrive

9 there, yes.

10 Q Now, when you first made contact at the residence,

11 can you walk the members of the jury through what steps you

12 took?

13 A I made contact with the caller, and I believe she

14 only spoke Spanish, so there was other members of the family

15 that were there that could help me with interpretation as far

16 as trying to figure out and determine what kind of domestic

17 or family incident that was going on.

18 I quickly realized that the details of the call had

19 stated that there was possibly a battery that occurred at the

20 residence between one of the daughter's boyfriends and the

21 mother's husband, who lived at the residence. It was over --

22 over money.

23 But after speaking with the caller through

24 translation from the daughter, they made it apparent that

25 there wasn't a battery that occurred, and it was more or less

1 kind of downplayed.

2 Q Did you come to the conclusion that it was more so
3 an argument that was going on at the time?

4 A Yeah, there was an argument, obviously, about it,
5 but my main concern at that point was whether a battery had
6 occurred between two people, if it was a domestic battery or
7 not that had happened.

8 Q You ultimately came to the conclusion that no
9 battery had occurred, correct?

10 A Correct.

11 Q You indicated that some of the people there,
12 especially the caller, Rosalba, the mother, spoke Spanish.
13 Did you ultimately request the assistance of a Spanish
14 interpreter?

15 A Yes.

16 Q Okay. Did they arrive on scene?

17 A They did.

18 Q While you were going through this, and going
19 through this process, talking with people, were you
20 approached by an individual by the name of Guadalupe?

21 A Yes.

22 Q Was that the lady that just walked outside the
23 courtroom?

24 A Yes.

25 Q When you approached with her, what did she -- what

1 -- walk -- walk us through what happened when you approached.

2 A I was still dealing with trying to determine
3 whether a crime had been committed at the residence or not.

4 Q So when she approached at that particular time, no
5 final determination had been made?

6 A No, no. We were still working through details of
7 why they called and -- and, you know, whether or not there
8 was a battery. She -- I don't recall how -- if she was
9 around from the beginning or when she approached me, but she
10 did approach me and ask me directly can I speak with officers
11 away from the rest of the people that are here.

12 Q When she first approached you, did you agree to
13 speak with her?

14 A I did, yeah.

15 Q And did you agree to speak with her away from
16 everybody else that was involved in what was going on at the
17 time?

18 A Yes.

19 Q When she first approached you or during your
20 interaction with her, can you describe her demeanor to the
21 members of the jury?

22 A She was nervous, but not hysterical.

23 MS. HOJJAT: Object to speculation.

24 MR. ROWLES: I can lay a foundation, I guess.

25 THE COURT: Go ahead.

1 BY MR. ROWLES:

2 Q Sir, at this particular time, how long -- you've
3 been a police officer for eight years, right?

4 A Correct.

5 Q Do you know how many people that you've interacted
6 with during the course of your training -- not your training
7 -- during the course of your employment with the Las Vegas
8 Metropolitan Police Department?

9 A Do I know how many people I've interacted with?

10 Q Yes.

11 A Thousands.

12 Q Have you seen people sad?

13 A Yeah.

14 Q Have you seen people upset?

15 A Yes.

16 Q Have you seen people happy?

17 A Yes.

18 Q Based on your training and your experience, when
19 you made contact with Guadalupe, what was her demeanor like
20 to you?

21 MS. HOJJAT: Objection. Speculation, Your Honor.
22 Is the State trying to pause it that he's an expert in
23 people's demeanors?

24 THE COURT: I think people can describe from their
25 own perspective somebody else's demeanor. Overruled. You

1 may proceed.

2 BY MR. ROWLES:

3 Q Please.

4 A She -- like I said, she -- she seemed nervous. She
5 wasn't hysterical, and she was direct. She seemed very
6 genuine with what she told me.

7 MS. HOJJAT: Objection, Your Honor. Speculation.
8 Improper opinion.

9 THE COURT: Okay. I mean, this is his perspective.
10 Overruled. You may proceed.

11 THE WITNESS: And she -- like I said, she seemed
12 nervous, not hysterical. She was able to talk to me clearly,
13 and she seemed genuine in what she told me.

14 MR. FELICIANO: Objection.

15 MS. HOJJAT: And I'm going to --

16 MR. FELICIANO: Vouching.

17 MS. HOJJAT: Objection, again.

18 THE COURT: Okay.

19 MS. HOJJAT: This is vouching from an eyewitness.

20 THE COURT: Can I just know whose witness this is?

21 MS. HOJJAT: It's my witness, Your Honor.

22 MR. FELICIANO: Sorry.

23 THE COURT: Because you guys are double teaming me.

24 MS. HOJJAT: Sorry. Improper vouching for another
25 witness, Your Honor. This is not a proper opinion.

1 THE COURT: Okay.

2 MS. HOJJAT: If he wants to talk about --

3 THE COURT: The last part will be stricken.

4 MR. ROWLES: Yes, Your Honor.

5 THE COURT: The objection will be sustained.

6 BY MR. ROWLES:

7 Q So she appeared nervous to you?

8 A Yes.

9 Q She wasn't hysterical, though?

10 A Correct.

11 Q But she was able to articulate to you what she

12 wanted to talk about; is that correct?

13 A That's correct.

14 Q During your conversation with Guadalupe, did she

15 disclose to you instance of sexual abuse?

16 A Yes.

17 MS. HOJJAT: Objection. Hearsay.

18 MR. ROWLES: I'm not asking for a specific

19 statement, Your Honor.

20 THE COURT: All right. The yes will be able to

21 remain.

22 BY MR. ROWLES:

23 Q Did she inform you as to whose hands --

24 A Yes.

25 Q -- or who committed those crimes?

1 A Yes.

2 Q Did she identify an individual by the name of

3 Armando Vasquez-Reyes?

4 A Yes.

5 Q Was he also present at the scene at that time?

6 A He was, yes.

7 Q Did you ultimately make contact with

8 Mr. Vasquez-Reyes?

9 A Yes.

10 Q Do you see him here in court today?

11 A Yes.

12 Q Can you please point to him and describe an article

13 of clothing that he's wearing today?

14 A He's got a blue shirt on.

15 MR. ROWLES: Your Honor, may the record reflect

16 identification of the defendant?

17 THE COURT: So reflected.

18 BY MR. ROWLES:

19 Q Now, when you made contact with Mr. Vasquez-Reyes,

20 excuse me, is it fair to say that he also spoke Spanish?

21 A Yes.

22 Q Was your interaction with him thorough?

23 A Not -- not thorough, no.

24 Q Did you have any sort of interaction with him at

25 all?

1 A Nothing more than taking him away from the -- the
2 area that he was in and bringing him away from the other
3 people and -- and basically detaining him at a safe location
4 for us just away from the house.

5 Q Okay. Now, at this particular time, you've been
6 informed of information from Guadalupe, right? Did you reach
7 out to any particular detective or any sort of bureau?

8 A Yeah, I -- I reached out to the sexual assault
9 detectives.

10 Q Now, as a patrol officer with the Las Vegas
11 Metropolitan Police Department, is it your responsibility to
12 fully investigate claims of sexual abuse?

13 A No, not fully.

14 Q Is that why you reached out to detectives to
15 respond at the scene?

16 A Yes.

17 Q Did they ultimately respond?

18 A They did, yes.

19 Q Did you ultimately draft a report in this
20 particular time?

21 A Yes.

22 Q Or for this particular -- your involvement in this
23 particular case?

24 A I did, yes.

25 Q Okay. Have you had an opportunity to review that

1 report?

2 A Yes.

3 Q Okay. Would you agree with me that your report
4 indicates that during your conversation with Guadalupe, you
5 write that --

6 MS. HOJJAT: Objection. Hearsay.

7 MR. ROWLES: May we approach, Your Honor?

8 THE COURT: Sure.

9 (Bench conference begins).

10 MR. ROWLES: Judge, they made a relatively issue of
11 the report and what they've claimed the report to say. I
12 think that allows the State at this particular time to
13 clarify as to what the report actually means because they
14 said in the report that she said the last time there was
15 penis to vaginal intercourse, it was the last -- within a
16 week. That's not our understanding of the report. That's
17 not the officer's understanding of the report. Yeah.

18 And I can't get into specific --

19 THE COURT: Oh, so you want him to --

20 MR. ROWLES: -- statements of Guadalupe, so I just
21 want to asked when you write that, what were you referring to
22 of the last time this occurred?

23 MS. HOJJAT: It's hearsay, Judge. If they -- I
24 mean, it's hearsay.

25 MR. ROWLES: They've opened the door to that. They

1 specifically that in the report --

2 THE COURT: Well, I don't know how that --

3 MS. HOJJAT: Opening statements are not evidence.

4 THE COURT: I mean, everybody opens up the door to
5 hearsay. Both sides do. I mean, what specific question do
6 you want to ask?

7 MR. ROWLES: I want -- my specific question is I
8 want to ask him, is like during your conversations with
9 Guadalupe, did she specifically tell you that the last time
10 they had anus to vaginal intercourse was a week prior because
11 that's what they've claimed that's not true. And that's the
12 reference to the report that they've made. I think they've
13 opened the door to that line of questioning to clarify. I
14 mean, they've -- they continuously said the State can
15 rehabilitate these things --

16 THE COURT: I know.

17 MR. ROWLES: -- and so this is my attempt to
18 rehabilitate.

19 MS. HOJJAT: Opening statement doesn't open the
20 door to anything. Now, if I were to cross on it, that would
21 open the door for redirect. But right now, it's hearsay.

22 THE COURT: I mean, and I think it came out through
23 the -- Ms. Alvarez.

24 MR. ROWLES: That she --

25 THE COURT: I mean, if --

1 MR. ROWLES: -- didn't say that. I understand
2 that.

3 THE COURT: -- if they don't get this testimony out
4 during trial they're not going to --

5 MR. ROWLES: Here I'm close.

6 THE COURT: -- then they're not going to be able to
7 argument it in closing. But I don't know, that's hearsay to
8 me. If you're going to ask him about a specific statement,
9 that's hearsay.

10 MR. ROWLES: Okay.

11 (Bench conference concluded).

12 THE COURT: The objection's sustained.

13 MR. ROWLES: Court's brief indulgence.

14 BY MR. ROWLES:

15 Q Ultimately, sir, did police detectives from the
16 sexual assault bureau respond and take over the
17 investigation?

18 A Yes, sir.

19 MR. ROWLES: Nothing further, Your Honor.

20 THE COURT: Thank you. Cross?

21 MS. HOJJAT: Yes, thank you.

22 CROSS-EXAMINATION

23 BY MS. HOJJAT:

24 Q Good afternoon.

25 A Hi.

1 Q Officer Thomas?
2 A Yes.
3 Q How are you today?
4 A Good, and you?
5 Q Doing good. Thank you.
6 You responded to the Berkley Avenue address in
7 April of 2016?
8 A Yes.
9 Q So that's been approximately three and a half years
10 ago now?
11 A Correct.
12 Q Okay. And as the State was talking to you about on
13 direct examination, you go out to a lot of calls, don't you?
14 A I do.
15 Q Hundreds?
16 A Yes.
17 Q Probably actually thousands of calls?
18 A Yes.
19 Q Okay. You interact with a lot of people?
20 A Yes.
21 Q Hundreds?
22 A Yes.
23 Q Probably thousands?
24 A Yes.
25 Q Probably even tens of thousands by now?

1 A Possibly.

2 Q Okay. Fair to say as time fades our memories fade
3 a little bit?

4 A Yes.

5 Q Okay. And for that reason, you are expected to
6 write a report?

7 A Correct.

8 Q When you respond to an incident?

9 A Correct.

10 Q And in this case, you did write a report?

11 A I did.

12 Q You wrote a report the exact same day?

13 A Yes.

14 Q April 16, 2016?

15 A Yes.

16 Q And, in fact, you wrote your report looks like very
17 soon in time after arriving at the scene.

18 A I don't remember the -- what the time would be, but
19 it would be the same day.

20 Q Okay. If your report said around 5:00 p.m., would
21 that sound right?

22 A At that time of the report?

23 Q Yeah.

24 A Yeah, sure. Yeah.

25 Q Okay. So very soon in time after responding and

1 having these interactions you created your report?

2 A Yes.

3 Q Okay. And you were trained in report writing?

4 A I am.

5 Q You are supposed to be thorough when you write a
6 report?

7 A Yes.

8 Q You are supposed to be accurate when you write a
9 report?

10 A Yes.

11 Q You are supposed to include all of the important
12 details?

13 A Yes.

14 Q Okay. So you're not supposed to leave out big
15 details?

16 A Correct.

17 Q And you're not supposed to just make stuff up and
18 put it in a report?

19 A Of course.

20 Q Okay. And report writing is considered important
21 to Metro?

22 A Yes.

23 Q So important that you guys have a class in the
24 academy for it?

25 A Yes.

1 Q Teaching you go guys the importance of report
2 writing?
3 A Yes.
4 Q And teaching you guys proper report writing?
5 A Yes.
6 Q Okay. And in this case, as you said you wrote a
7 report?
8 A Um-h'm.
9 Q And --
10 THE COURT: Is that a yes?
11 THE WITNESS: Yes.
12 THE COURT: Thank you.
13 BY MS. HOJJAT:
14 Q And in your report, which you created the same day
15 you talked to Guadalupe, you said --
16 MR. ROWLES: Objection. Hearsay.
17 MS. HOJJAT: Impeachment, Your Honor.
18 THE COURT: Sustained. Do you want to approach?
19 (Bench conference begins)
20 THE COURT: Am I missing something or are you
21 trying to do the exact same thing?
22 MS. HOJJAT: We are impeaching the witness, Your
23 Honor. Mr. Feliciano specifically confronted Guadalupe. She
24 made different statements than what she made to this witness.
25 Mr. Feliciano confronted her with it, now this is a true

1 witness impeachment. We have every right to ask this officer
2 what she was told.

3 THE COURT: So I'm sorry, what is it supposed to
4 be?

5 MS. HOJJAT: A true witness --

6 THE COURT: A --

7 MS. HOJJAT: A prior inconsistent statement.

8 THE COURT: Okay. What was the statement that the
9 witness was confronted with?

10 MS. HOJJAT: Guadalupe was confronted with the fact
11 that she told the officer vaginal rather than anal, and she
12 said, no, she said anal, and she was confronted with one week
13 ago versus six months, and she said, no, she said six months
14 ago.

15 MR. ROWLES: That's the exact same thing I was
16 trying to clarify, at this particular time. That's not what
17 the report reflects.

18 MS. HOJJAT: And I'm going to read the report
19 directly so we won't need to -- we won't need to argue about
20 what the report reflects.

21 MR. ROWLES: Well, it's hearsay.

22 MS. HOJJAT: It's prior inconsistent statement.

23 MR. ROWLES: It's not inconsistent --

24 THE COURT: Well --

25 MR. ROWLES: -- because the officer's going to

1 testify that when he says a week prior, that's not specific
2 to penis to vaginal intercourse. That's what I was trying to
3 clarify.

4 MS. HOJJAT: You can redirect on it.

5 THE COURT: Okay. [Inaudible] you can --

6 MR. ROWLES: It's again, it --

7 THE COURT: Let me just read it first. I mean, you
8 want to read that to him? I mean --

9 MR. ROWLES: I have full rein on redirect --

10 THE COURT: Absolutely.

11 MR. ROWLES: -- to clarify.

12 THE COURT: Absolutely. Okay.

13 (Bench conference concluded).

14 BY MS. HOJJAT:

15 Q All right. So let's talk about what your report
16 says.

17 A Okay.

18 Q In your report you wrote that Guadalupe told you,
19 and I'm going to quote, "That Armando Vasquez-Reyes has been
20 sexually assaulting her for many years starting when she was
21 younger. Guadalupe stated, Armando regularly puts his penis
22 inside her vagina and had sex with her unwillingly, the last
23 time being approximately one week ago from today."

24 A Yes.

25 THE COURT: Maybe you want to show him the report,

1 if you want him to --
2 BY MS. HOJJAT:
3 Q Go ahead and take a look, and let me know in I read
4 that correctly.
5 A Yes.
6 Q I read that correctly?
7 A Yes.
8 Q Okay. So you put in your report that Guadalupe
9 told you regularly puts penis inside vagina and has sex with
10 her unwillingly, the last time being --
11 MR. ROWLES: Objection. Asked and answered.
12 BY MS. HOJJAT:
13 Q -- approximately --
14 THE COURT: Well, I mean --
15 BY MS. HOJJAT:
16 Q -- one week ago from today.
17 THE COURT: -- sustained.
18 MS. HOJJAT: I'll pass the witness, Your Honor.
19 THE COURT: Okay. Any redirect?
20 REDIRECT EXAMINATION
21 BY MR. ROWLES:
22 Q Officer, you had the opportunity to review that
23 report; is that correct?
24 A Yes.
25 Q And when you read the report in context, the last

1 sentence you write is the last time being one week ago?

2 A Yes.

3 Q Do you remember your conversation with Guadalupe?

4 A Specifically to that sentence?

5 Q Yes.

6 A I was -- yeah, I remember asking, I'm trying to

7 determine whether this is an ongoing thing that she's telling

8 me or if this is something that happened several years ago or

9 if it's something that happened that day. I need to know the

10 timeframe because there's a lot of different things that I

11 would need to do if it was something that occurred an hour

12 ago versus ten years ago to investigate that for evidence

13 purposes or just a general investigative how we're going to

14 start with that. So all I'm trying to do is establish a

15 timeframe.

16 Q So at this time, you're collecting information from

17 Guadalupe, correct?

18 A Yes, sir.

19 Q And you indicated that you're collecting a

20 timeframe, right?

21 MS. HOJJAT: Objection. Leading.

22 THE WITNESS: Yes, sir.

23 MR. ROWLES: Okay.

24 THE COURT: You are leading.

25 BY MR. ROWLES:

1 Q All right. So when you reference the last time in
2 that report, are you specifically referencing --
3 MS. HOJJAT: Objection. Leading.
4 MR. ROWLES: There's no question yet.
5 THE COURT: Yeah, I haven't heard the question, so.
6 MR. ROWLES: Okay.
7 BY MR. ROWLES:
8 Q What are you specifically referencing the last time
9 in this report?
10 A The last time any type of sexual assault had taken
11 place.
12 Q Okay. And that can mean a variety of type of --
13 MS. HOJJAT: Objection. Leading.
14 THE COURT: You are leading there a little bit.
15 BY MR. ROWLES:
16 Q So the last time, can you rephrase what you said?
17 A So I'm trying to determine when the last time any
18 type of sexual contact -- unlawful sexual contact occurred
19 between the suspect and the victim at this time.
20 Q What does unlawful sexual contact to you mean?
21 MS. HOJJAT: Objection. Relevance. That's not
22 what the report says. It doesn't say unlawful sexual
23 contact.
24 THE COURT: All right. Overruled. I'm going to
25 allow him to answer.

1 THE WITNESS: Can you ask me again? I'm sorry.
2 BY MR. ROWLES:
3 Q So unlawful sexual contact, to you what does that
4 mean?
5 A Any -- any type of sexual assault, groping,
6 kissing, any type of -- any type of sexual contact between
7 the victim and the suspect sexual in nature.
8 Q So when you indicate the last time, any type of
9 contact?
10 A Correct.
11 MR. ROWLES: Nothing further.
12 MS. HOJJAT: Redirect, Your Honor.
13 THE COURT: Anything else? Sure.
14 MS. HOJJAT: Thank you.
15 May I approach, Your Honor?
16 THE COURT: Of course.
17 RE CROSS-EXAMINATION
18 BY MR. FELICIANO:
19 Q Can you show me where in this report you wrote
20 unlawful sexual contact?
21 A I don't believe it's in the report.
22 Q What's the word you use in the report?
23 A Sexual assault.
24 Q What specifically do you describe as sexual
25 assault?

1 MR. ROWLES: Now we're getting into hearsay, Your
2 Honor.

3 MS. HOJJAT: No, Your Honor, this is impeachment.
4 This is inconsistent statement, and this is goes to their
5 redirect. They're trying to frame this report as saying
6 something that it doesn't say.

7 THE COURT: Okay. Those comments will be stricken
8 from the record. If the parties want to approach.

9 (Bench conference begins)

10 THE COURT: Will you get the report from him? I'm
11 sorry, what is the -- the last time being approximately one
12 week ago today.

13 MS. HOJJAT: Right. This is going to say --

14 MR. ROWLES: I'm clarifying his report.

15 MS. HOJJAT: -- sexual assault and penis to vagina
16 intercourse. They're now trying to claim that there's
17 something about unlawful sexual contact, and it's just a
18 general -- a nature of sexual contact. So I get to talk the
19 fact none of that's in the report.

20 THE COURT: Well, I think this is -- I mean, this
21 is kind of ridiculous. This was the patrol officer. I mean,
22 there's one, two, three, four, five, six. I mean, I'll allow
23 you to ask about it, both sides can ask about it --

24 MR. ROWLES: I'd ask that Counsel be admonished
25 again, in front of the jury to accuse us of trying --

1 THE COURT: Yeah, you can't do --
2 MR. SWEETIN: -- to do something when --
3 THE COURT: You can't do that in front of the jury.
4 MR. SWEETIN: -- they're the ones misrepresenting
5 the record.
6 THE COURT: Yeah, you just -- you just can't do
7 that in front of the jury.
8 MS. HOJJAT: Sorry.
9 (Bench conference concluded).
10 BY MS. HOJJAT:
11 Q So let's clarify, Officer. The report says sexual
12 assault, yes?
13 A Yes.
14 Q It does not say unlawful sexual contact, correct?
15 A Correct.
16 Q And the report says penis to vagina sex, correct?
17 A Yes.
18 Q It does not say any sort of touching, correct?
19 A Correct.
20 Q And it says the last time being one week ago,
21 correct?
22 A Yes.
23 Q This is a report you wrote the same day you talked
24 to Guadalupe, correct?
25 A Correct.

1 Q And we are now three and a half years later at
2 trial, correct?

3 A Correct.

4 Q And you are here telling us these new definitions?

5 A No, I'm not --

6 Q Actually, I'll withdraw that question.

7 A -- give -- telling you any in you definitions --

8 Q That's fine.

9 A -- I don't think.

10 MS. HOJJAT: I'll pass the witness, Your Honor.

11 THE COURT: Any recross?

12 MR. ROWLES: Brief.

13 FURTHER REDIRECT EXAMINATION

14 BY MR. ROWLES:

15 Q Sir, you were the patrol officer that responded to
16 the scene, right?

17 A I'm sorry.

18 Q You were one of the patrol officers that responded
19 to the scene?

20 A Yes, sir.

21 Q When you learned of allegations of sexual abuse,
22 you contacted the sexual assault detective; is that correct?

23 A That's correct.

24 Q It was their responsibility to do a detailed full
25 investigation and a full interview of Guadalupe?

1 A Correct, because ever the sensitivity of the -- the
2 victim's age, sensitivity of the type of crime. I'm not
3 going to -- I'm not trained, I'm not in a position to
4 interview the victim and get specific details. I'm being
5 told that there's a crime sexual in nature that's occurring.

6 MS. HOJJAT: Objection. Narrative, Your Honor.

7 MR. ROWLES: He was answering my question.

8 THE COURT: Overruled.

9 THE WITNESS: And --

10 THE COURT: I'll allow you to respond.

11 THE WITNESS: -- once I've determined that, I
12 contact the sexual assault detectives, who will come take
13 over the investigation. I basically will freeze the scene
14 with the victims, the suspect.

15 BY MR. ROWLES:

16 Q General information?

17 A Correct, very general.

18 Q To provide -- to assist in the further
19 investigation?

20 A That's correct.

21 MR. ROWLES: Nothing further.

22 THE COURT: Anything else --

23 MS. HOJJAT: No, Your Honor.

24 THE COURT: -- for the officer? Okay.

25 Officer, thank you very much for your testimony

1 here today. You may step down, and you are excused from your
2 subpoena.

3 THE WITNESS: Thank you.

4 THE COURT: Thank you for being here. And you may
5 call your next witness.

6 MR. SWEETIN: State would call Rosalba Cardenas.

7 (Pause in the proceedings)

8 MR. SWEETIN: Can we approach, Judge?

9 THE COURT: Yes.

10 (Bench conference begins).

11 MR. SWEETIN: They're not up here yet, but they're
12 on their way. So I don't know if you --

13 THE COURT: Oh, okay. And that's the mom, right?

14 MR. SWEETIN: That's the mom.

15 THE COURT: And remind me, does she need an
16 interpreter?

17 MR. SWEETIN: She does.

18 THE COURT: Okay. So we have --

19 UNIDENTIFIED SPEAKER: We have one.

20 MR. SWEETIN: We got --

21 THE COURT: We have two there.

22 MR. SWEETIN: We do, we have --

23 THE COURT: Okay. So we'll take a recess

24 (Bench conference concluded)

25 THE COURT: We're going to take a recess.

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

10 We'll be in recess for 15 minutes. Thank you.

11 THE MARSHAL: Thank you. All rise for the exiting
12 jury.

13 (Court recessed at 2:29 p.m. until 2:33 p.m.)

14 (Outside the presence of the jury.)

15 MR. SWEETIN: Judge, can we just put something on
16 the record before we get started?

17 THE COURT: Sure. The record will reflect the
18 hearing is taking place outside the presence of the panel.

19 MR. SWEETIN: And Judge, the State's just
20 concerned --

21 THE COURT: Just one minute.

22 MR. SWEETIN: -- during the questioning of the last
23 witness, defense counsel essentially made statements to
24 indicate that the State in some way was manipulating the
25 evidence in the course of this --

1 THE COURT: And I --
2 MR. SWEETIN: -- trial.
3 THE COURT: And I -- without even an objection --
4 MR. SWEETIN: Yes.
5 THE COURT: -- I said that those comments would be
6 stricken from the record.
7 MR. SWEETIN: The State's only concern is this,
8 that I would just like defense counsel instructed that's not
9 appropriate conduct in the courtroom, and that that will not
10 be done any further in this trial.
11 THE COURT: Well, I think I did up here at the
12 bench. So, I mean, I -- I instructed the jury immediately
13 upon hearing it, and then said up here at the bench that it
14 was inappropriate to say that.
15 MR. SWEETIN: Thank you, Judge.
16 THE COURT: Uh-huh. You can bring them in.
17 (Pause in the proceedings)
18 THE MARSHAL: All rise for the entering jury,
19 please.
20 THE COURT: Does the State stipulate to the
21 presence of the panel?
22 MR. SWEETIN: Yes, Your Honor.
23 THE COURT: And defense?
24 MR. FELICIANO: Yes, Your Honor.
25 THE COURT: Okay. You may call your next witness.

1 MR. SWEETIN: The State would call Rosalba
2 Cardenas.
3 THE COURT: And the Interpreter please raise your
4 hand so you can be sworn by the Clerk?
5 THE INTERPRETER: Yes, ma'am.
6 MARIA PERALTA DE GOMEZ, COURT INTERPRETER, SWORN
7 THE CLERK: Thank you.
8 THE COURT: Thank you.
9 THE WITNESS: You're welcome.
10 THE CLERK: Can you please state and spell your
11 first and last name for the record?
12 THE INTERPRETER: My name is Maria Beralta de
13 Gomez, B-e-r-a-l-t-a, space, d-e, G-o-m-e-z. Certified
14 Interpreter, Certification No. NDPN 509.
15 THE CLERK: Thank you.
16 THE COURT: Thank you.
17 THE WITNESS: You're welcome.
18 THE CLERK: And can the witness please raise her
19 right hand.
20 ROSALBA CARDENAS, STATE'S WITNESS, SWORN
21 THE CLERK: You both may be seated.
22 Can you please state and spell your first and last
23 name for the record?
24 THE WITNESS: Rosalba Cardenas-Moreno,
25 R-o-s-a-l-b-a, C-a-r-d-e-n-a-s, M-o-r-e-n-o.

1 THE COURT: You may proceed.

2 MR. SWEETIN: Thank you, Judge.

3 DIRECT EXAMINATION

4 BY MR. SWEETIN:

5 Q Ms. Cardenas, do you currently live here in Las
6 Vegas?

7 A Yes.

8 Q And how long have you lived here?

9 A 14 years.

10 Q So that would make you moving here approximately
11 what year?

12 A 2005.

13 Q And where did you move here from?

14 A From Guerrero, Mexico.

15 Q And over that period of time, 2005 to current time,
16 have you always lived here in Las Vegas?

17 A Yes.

18 Q Over the time that you lived in Las Vegas, have you
19 been employed?

20 A Yes.

21 Q Have you been employed pretty steady over that
22 period of time?

23 A Yes.

24 Q And during that employment, did you work any
25 particular shift normally?

1 A More in the evening and in the afternoon.

2 Q Okay. And when you say more, were there times when
3 you always worked during the evening?

4 A Yes.

5 Q Approximately, when would that have been?

6 A How long or --

7 Q Approximately when would that have been?

8 A 2009 or 2010 until 2015.

9 Q And you said on other -- besides that period of
10 time that you normally worked in the evening, would that be
11 accurate?

12 A Yes.

13 Q Do you have any children?

14 A Yes.

15 Q How many children do you have?

16 A Three.

17 Q And can you give us their names and their birth
18 dates?

19 A Mael Alvarez, May 18, 1994. Darey Stephania
20 Alvarez, May 17, '97. And Guadalupe Alvarez, January 20,
21 2002.

22 Q Now, you indicated you're still living here in Las
23 Vegas; is that correct?

24 A Yes.

25 Q And who do you currently live with, if anyone?

1 A With my daughter, Guadalupe, and -- yes.

2 Q Okay. Are you familiar with an individual by the
3 name of Armando Vasquez-Reyes?

4 A Yes.

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

6 A Yes.

7 Q Can you point that person out for the court and
8 identify something he's wearing?

9 A To point at him?

10 Q Point at him and identify something he's wearing
11 today.

12 A It's him, and he's wearing a blue shirt.

13 MR. SWEETIN: May the record reflect the witness
14 identified the defendant?

15 THE COURT: So reflected.

16 BY MR. SWEETIN:

17 Q How are you familiar with the defendant?

18 A He used to be my partner.

19 Q Okay. And when you say your partner, what do you
20 mean by that?

21 A My husband.

22 Q Okay. Were you ever officially married?

23 A No.

24 Q But did you live as husband and wife or live
25 together?

1 A Yes.

2 Q When did you first meet him?

3 A In 2006.

4 Q And did you meet him while you were living here in
5 Las Vegas or somewhere else?

6 A Yes, here in Las Vegas.

7 Q Now, you mentioned you have three children. Were
8 they also with you when you met him?

9 A No.

10 Q Where were they at?

11 A In Mexico, in Guerrero.

12 Q Did there come a point in time when the children
13 did stop living in Mexico?

14 A Yes. They came here.

15 Q And when would that have been?

16 A In 2007, in August.

17 Q Okay. At that time, you indicated that you had met
18 the defendant in 2006; is that correct?

19 A Yes.

20 Q What was your relationship with the defendant in
21 2007, when your children came here to Las Vegas?

22 A We already lived together.

23 Q Okay. Now, how long did you live in the same
24 residence with the defendant?

25 A We lived in many residences.

1 Q Okay.

2 A How many years?

3 Q Okay. Yes, what I'm asking you is over what period

4 of time did you live with the defendant in whatever residence

5 you might have been living?

6 A Okay. Since 2007 until 2015.

7 Q 2007 until 2016?

8 A '16, sorry.

9 Q Okay. I didn't understand.

10 Over that period of time, do you know whether or not he

11 was employed while living here in Las Vegas?

12 A Yes.

13 Q And where was he employed?

14 A He was a welder in a company named Brandon Iron.

15 Q And is that his employment over that entire period

16 of time?

17 A No, he got other ones, but he worked doing the same

18 thing.

19 Q Okay. And when you say doing the same thing, would

20 that be welding?

21 A Welder.

22 Q Did he have a normal shift that he normally worked

23 over that period of time?

24 A Yes.

25 Q And what would that be?

1 A In the morning, like 6:00 or 7:00 a.m. until 2:00
2 p.m.

3 Q Okay. Now, you mentioned that you normally worked
4 at night; is that right?

5 THE INTERPRETER: I'm sorry, Counsel, would you
6 repeat the question for the interpreter.

7 BY MR. SWEETIN:

8 Q You mentioned that you normally work at night; is
9 that right?

10 A I did.

11 Q So would it be fair to say that you guys worked
12 opposite schedules?

13 A Yes.

14 Q Now, while you were living with the defendant over
15 that period of time, did you have discussions with him in
16 regards to any health issues that he might have had?

17 A No.

18 Q Okay. Did you have discussions with him about
19 health issues or he didn't have any health issues?

20 A He didn't have any health issues until like 2014,
21 when he was diagnosed with diabetes.

22 Q Okay. And were you aware of whether he took any
23 medication in regards to that?

24 A When he was diagnosed with diabetes, he was taking
25 one pill every day for the diabetes.

1 Q Okay. And when did he take that pill?
2 A In the morning.
3 Q Okay. That's when he got up?
4 A Yes.
5 Q Are you aware of what doctor that he went to, to
6 seek medical attention?
7 A Yes, because I would accompany him.
8 Q And when you would accompany him on -- were you
9 aware of any other medical issues he had besides the
10 diabetes?
11 A No, it was only the diabetes.
12 Q Did he have any problem with high blood pressure or
13 anything of that sort?
14 A No.
15 Q All right. You weren't aware of him taking any
16 medication or high blood pressure or anything like that?
17 A No, he was not prescribed any of that.
18 Q Did you ever have any trouble communicating with
19 the defendant?
20 A No.
21 Q Now, you lived with the defendant for years; is
22 that right?
23 A Yes.
24 Q Over that period of time, did you see him in
25 stressful situations?

1 A No.

2 Q Did you see him in regular situations?

3 A Yes.

4 Q Anything about your contact with the defendant over
5 the years that caused you any concerns for his physical or
6 mental well-being?

7 MS. HOJJAT: Objection. Improper opinion.

8 THE COURT: I'm sorry?

9 MS. HOJJAT: Improper opinion.

10 THE COURT: Overruled. She can answer.

11 THE WITNESS: No.

12 BY MR. SWEETIN:

13 Q Now, I want to turn your attention to approximately
14 2007. Do you know where you were living at that time?

15 A We lived by Tropicana and Nellis, Mountain Vista
16 and Nellis.

17 Q Okay. And you indicated that you were living with
18 the defendant when your children came here from Mexico; is
19 that right?

20 A Yes.

21 Q And is that where you were living when your
22 children came in from Mexico?

23 A Yes.

24 Q Now, at the time your children came here, what were
25 there ages?

1 A My youngest daughter, Guadalupe, she was five years
2 old. Darey Stephania was 10. And Mael Alvarez was 13.

3 Q I'm showing you what's been mark the as State's
4 Proposed Exhibit 1 and ask if you recognize that?

5 A Yes.

6 Q What is that?

7 A My daughter's photo, Guadalupe.

8 Q Okay. And how old is Guadalupe in that photo?

9 A She's four or five years old.

10 Q Okay. Would this be approximately the same time
11 that she moved to Las Vegas?

12 A Yes.

13 Q Is this a clear and accurate depiction of how she
14 appeared when she moved to Las Vegas?

15 A Yes.

16 MR. SWEETIN: State would move for the admission of
17 State's Proposed Exhibit 1.

18 THE COURT: Any objection?

19 MS. HOJJAT: No objection, Your Honor.

20 THE COURT: Okay. Thank you. It's admitted.

21 (State's Exhibit 1 admitted)

22 MR. SWEETIN: Permission to publish?

23 THE COURT: You may.

24 BY MR. SWEETIN:

25 Q Now, after your children moved into your residence,

1 specifically Stephanie and Guadalupe, did they continue to
2 live at your residence over a period of time?

3 A Yes.

4 Q Were they still living in your residence on April
5 16th of 2016?

6 A Yes.

7 Q Okay. So over the period 2007 to 2016, Guadalupe
8 and Stephanie were living in your household; would that be
9 correct?

10 A Yes.

11 Q Now, you made reference to the first residence that
12 you lived at.

13 A Yes.

14 Q And that was the first residence that you lived at
15 when the children came to Las Vegas; is that right?

16 A Yes.

17 Q Okay. And you made reference that was an
18 apartment?

19 A Yes.

20 Q And how many bedrooms were in that apartment?

21 A One.

22 Q And how long did you live at that apartment?

23 A We lived there for a very short time. More or
24 less, like two or three weeks.

25 Q When you say two or three weeks, would that be two

1 or three weeks after the children arrived?

2 A Yes.

3 Q Okay. And from there, do you recall where you

4 moved to?

5 A From there we moved to an apartment, A two-bedroom

6 apartment by Nellis and Owens.

7 Q Okay. And the same people lived there?

8 A Yes.

9 Q Okay.

10 A My three children and him and I.

11 Q Okay. And how long did you live at that apartment?

12 A Like one year.

13 Q And you indicated that you moved into that

14 apartment approximately when, then?

15 A Like, in 2007 or 2008.

16 Q Okay. And you lived there approximately one year?

17 A One year.

18 Q Do you remember if that apartment complex had a

19 pool or not?

20 A Yes, it had a small pool.

21 Q Okay. And do you remember what the sleeping

22 arrangements were at that apartment?

23 A Yes.

24 Q And what would those be?

25 A He and I slept in one bedroom, and the children

1 slept in another one in bunk beds.

2 Q And from there, where did you move to?

3 A From there, we moved to a small house on Stanford,
4 1920 Stanford.

5 Q Okay. And do you know what color that house was?

6 A Yes, it was like green-ish.

7 Q Okay. Was it close to any businesses or any
8 casinos?

9 A Yes, it was close to Jerry's Nuggets casino.

10 Q And approximately when did you move into that
11 residence?

12 A Like from 2008 -- between 2008 and 2009. When we
13 left the apartment, we went there right away.

14 Q Okay. And how many bedrooms were in that
15 residence?

16 A Two.

17 Q And what were the sleeping arrangements there?

18 A The same. He and I slept in one bedroom and the
19 children slept in another one in bunk beds.

20 Q So approximately how old would the children have
21 been at that residence?

22 A In that residence they were -- Guadalupe was like
23 eight years old. Darey was around 13. And Mael was more or
24 less 15.

25 Q Okay. And I'm showing you what's marked as State's

1 Proposed Exhibit 2. And I ask you if you recognize that?

2 A Yes.

3 Q And what is that?

4 A They're my daughters.

5 Q And when you say your daughters, are you referring
6 to Stephanie and Guadalupe?

7 A Yes.

8 Q Okay. And about how old are your daughters in this
9 picture?

10 A Guadalupe's like eight years old, and Darey's like
11 13.

12 Q So about the same age as they were when they lived
13 at that residence?

14 A Yes.

15 Q Is this a clear and accurate depiction of how they
16 appeared at that time?

17 A Yes.

18 MR. SWEETIN: The State would move for the
19 admission of what's been marked as State's Proposed Exhibit
20 2.

21 THE COURT: Any objection?

22 MS. HOJJAT: No objection, Your Honor.

23 THE COURT: Thank you. It's admitted.

24 (State's Exhibit 2 admitted)

25 MR. SWEETIN: Permission to publish?

1 THE COURT: You may.

2 BY MR. SWEETIN:

3 Q Now, after the house on Stanford, the green-ish
4 house, as you indicated, where did you move next?

5 A To another house. It was close to a school named
6 green beach or I don't remember.

7 Q Okay. Jim Bridger?

8 A Jim Bridger.

9 Q Okay. And what color was that house?

10 A Also green.

11 Q Okay. And approximately when did you move there?

12 A 2009 or 2010, more or less.

13 Q So sometime in that area. You indicated that you
14 moved to the first green-ish house, in I believe, it was 2008
15 or 2009; is that right?

16 A Yes. And from there we moved to the other one.

17 Q And approximately how long did you live at the
18 first green-ish, if you remember?

19 THE INTERPRETER: I'm sorry, Counsel, first --

20 BY MR. SWEETIN:

21 Q About how long did you live at the first green-ish
22 house, if you remember?

23 A The one on Stanford?

24 Q Yes.

25 A Like one year.

1 Q Okay. And in regards to the house, the second
2 green-ish house by Jim Bridger, how many bedrooms did that
3 house have?

4 A Three.

5 Q And what were the sleeping arrangements?

6 A He and I would sleep in one bedroom. The girls
7 would sleep in another one, and my son in another one.

8 Q And about how long did you live at that residence?

9 A One year. About a year.

10 Q And where did you move to next?

11 A Then we moved to a two-story house.

12 Q Okay. And do you remember approximately when it
13 was that you moved into that house?

14 A After that it was like 2011 or 2012.

15 Q Okay. And how many bedrooms were in that house?

16 A Four.

17 Q And what were the sleeping arrangements at that
18 house?

19 A Well, he and I slept in one bedroom. Then each
20 one of my daughters this their own bedroom, and then my son
21 had also his own bedroom because by then he was living
22 together with a girl.

23 Q Okay. And how long did you live at that residence?

24 A Like one year, too.

25 Q Now, is that the -- the first residence in which,

1 just to be clear, Guadalupe had her own bedroom?

2 A Yes.

3 Q And what -- where do you -- do you move to a
4 another residence from that residence?

5 A Yes.

6 Q And where do you move to?

7 A To another house, a three-bedroom house on
8 Ferguson.

9 Q Okay. And approximately what was the date you
10 moved to that house?

11 A Like in 2014.

12 Q And when you moved to that house, you indicated it
13 was a three-bedroom; is that right?

14 A Yes.

15 Q What were the sleeping arrangements in that house?

16 A In that house it was -- we -- it was only me and
17 him, and the two girls.

18 Q Okay. And what were the sleeping arrangements?

19 A He and I would sleep in one bedroom, and each one
20 of the girls had her own bedroom.

21 Q From there, where did you move, if anywhere?

22 A To Berkley.

23 Q And approximately when did you move to that house?

24 A 2015, 2016.

25 Q And how many bedrooms did that house have?

1 A Three.

2 Q And did the same people live in that house the
3 whole time you were there or did different people come and
4 go?

5 A No. When we were there, my son with my
6 daughter-in-law came back, and then my two daughters and me
7 and him.

8 Q Okay. Did there come a point in time when
9 Stephanie got married?

10 A Yes.

11 Q Was that while you were living at that house?

12 A Yes.

13 Q When did she get married?

14 A I don't remember the date she got married.

15 Q Okay. Do you recall if her husband ever lived at
16 that house?

17 A Yes, there, yes. Only a few days.

18 Q Okay. When you say only a few days, what do you
19 mean by that?

20 A Because the lease was going to expire, we each
21 we're going to part our own way, and each one with their own
22 spouse, and he and I and Guadalupe were going to go move --
23 were going to move to another place.

24 Q Okay. Let's talk about that in a minute. In
25 regards to this house, what were the sleeping arrangements

1 while everyone was there?

2 A Mael -- we would sleep -- and Mael and his wife
3 would sleep in one bedroom. And we slept in another one and
4 Guadalupe and Stephanie in another one.

5 Q Okay. And were you at -- living at that residence
6 on April 16th of 2016?

7 A Yes.

8 Q Okay. Now, let me talk a little bit more. You had
9 mentioned that there was some sort of lease on this
10 residence; is that right?

11 A Yes.

12 Q Okay. And you said something about the lease
13 expiring. When was the lease -- when was the lease due to
14 expire?

15 A I don't remember, but there was a -- a short time
16 left, like one or two months. I don't remember.

17 Q And when you say one or two months, would that be
18 one or two months from April of 2016?

19 A Yes.

20 Q Was there talk in the household in regards to what
21 everyone was going to do at the expiration of the lease?

22 A Yes.

23 Q Okay. And be what was that talk?

24 A That each one of us was going to go live with their
25 own boyfriend, girlfriend, and we were all looking for

1 different apartments.

2 Q And when you say we were all, you've made -- you've
3 made reference to your son, Mael, and his wife; is that
4 right?

5 A Yes.

6 Q And then Stephania and her recent husband; is that
7 right?

8 A Yes, um-h'm.

9 Q And then there was you and the defendant; is that
10 right?

11 A And Guadalupe.

12 Q And Guadalupe. So are you saying when we all were
13 looking for different places, who all was looking for
14 different places? Who were going to be living separately?

15 A I didn't understand.

16 Q Sure. So was Mael and his wife going to be
17 planning on moving?

18 A Yes.

19 Q And how about Stephania?

20 A She, too.

21 Q Okay. So as they left, then that would just leave
22 you and the defendant?

23 A And Guadalupe.

24 Q Okay. And so once they left, it would just be the
25 three of you living together?

1 A No, no. We were all going to leave after the 16th.

2 Q Right. And so after everyone separated and went to

3 different residences, you would be living in one residence

4 with the defendant and Guadalupe?

5 A Yes.

6 Q All right. Now, are all these houses that you

7 talked about, are they all here in Las Vegas, Clark County,

8 Nevada?

9 A Yes.

10 Q Now, while you were living in all these houses over

11 this period of time from 2007 to 2016, did you observe how

12 your daughters, Guadalupe and Stephania, related to the

13 defendant?

14 A Yes.

15 Q Could you describe that to the Court?

16 A At first they were really laid back with him, and

17 they would call him dad. And then they were -- as they grew

18 up, they were becoming a little more rebellious, but -- but I

19 thought it was due to their age.

20 Q Now, when you say rebellious, can you be more

21 specific? What did you observe?

22 A Like, if he said something, they would reply in an

23 ugly way.

24 Q Okay. Did you see whether they were close to him

25 or spent time with him or didn't?

1 A We would spend the time all together.

2 Q Okay. Did you see them specifically spending time
3 alone with him?

4 A No.

5 Q In the household, who disciplined the girls
6 normally?

7 A I did.

8 Q So that was your job?

9 A Yes, because they were my daughters.

10 Q Now, you made reference that in the, I believe the
11 two-story house, that that's the first time that Guadalupe and
12 Stephania had their own rooms; is that right?

13 A Yes.

14 Q Did there come a time when there were locks placed
15 on the bedroom doors of the rooms?

16 MS. HOJJAT: Your Honor, I'm going to object to
17 leading. There's been a lot of leading.

18 THE COURT: You are leading a little bit.

19 MR. SWEETIN: Okay. I can reask the question.

20 THE COURT: Go ahead.

21 BY MR. SWEETIN:

22 Q Are you aware of whether or not there was
23 originally locks on the girls' doors at the two-story house?

24 A Yeah, there were locks, but you could put your
25 fingernail there and they would open.

1 Q Okay. Do you recall whether there was ever a
2 discussion with any of the girls in regards to there being
3 locks on their doors or wanting --
4 MS. HOJJAT: Objection. Leading and hearsay.
5 THE COURT: Let me hear the question.
6 MR. SWEETIN: Sure.
7 THE COURT: Could you finish the question and then
8 I'll --
9 BY MR. SWEETIN:
10 Q Are you aware of the time when you had a discussion
11 with your daughters in regards to locks on the doors?
12 A One time I remember that Guadalupe said that she
13 wanted me to buy her --
14 MS. HOJJAT: Objection. Hearsay.
15 THE WITNESS: -- I don't know --
16 BY MR. SWEETIN:
17 Q Was it -- did you have a discussion with your
18 daughter in regards to locks on the front door?
19 MS. HOJJAT: Objection. Hearsay.
20 THE COURT: No, you can answer yes or no.
21 THE WITNESS: Yes.
22 BY MR. SWEETIN:
23 Q And a result of that conversation, what did you do?
24 A I bought the locks.
25 Q Okay. And who was that conversation with

1 specifically?

2 A With Guadalupe.

3 Q Okay. Were you aware that both Guadalupe and

4 Stephania had locks on their doors or whether they had locks

5 on their doors in these residences?

6 A I bought them, and they put them there.

7 Q Okay. Now, we're talking about the two-story

8 house; is that right?

9 A Yes.

10 Q And you indicated that after the two-story house,

11 that you moved to the white house, or the house on Ferguson;

12 is that right?

13 A Yes.

14 Q And you said both the girls had their own rooms

15 there as well; is that right?

16 A Yes.

17 Q Did the girls have locks on their doors at that

18 residence as well?

19 A Yes, I bought them.

20 Q And what caused you to buy locks at that residence?

21 A Well, because by then they were a little more

22 rebellious, so -- so they didn't like if they got in -- if

23 they went in their rooms, they didn't -- they wouldn't like

24 for you to walk in there.

25 Q Okay. Now, do you recall seeing anything unusual

1 in regards to Stephania -- I'm sorry, in regards to Guadalupe
2 as she moved into the two-story house?

3 A Something strange?

4 Q Yeah, anything unusual in her conduct?

5 A No.

6 Q Do you remember when you moved into the house on
7 Ferguson Street seeing anything unusual?

8 A No, there Guadalupe -- well, I worked nights, so
9 she would sleep during the day.

10 Q Okay. And is that something that was sort of new
11 when you moved into the Ferguson house?

12 A Yes.

13 Q Now, when you left for work, did you notice
14 anything different in regards to what Guadalupe was doing
15 when you moved into the Ferguson house?

16 A Yes.

17 Q Could you describe that?

18 A Yes, she -- she -- well, I actually worked nights
19 from 12:00 midnight until 8:00 a.m., and she would sleep
20 during the day.

21 Q Okay.

22 A And she was up during the night.

23 Q Do you recall seeing where she was normally as you
24 left for work?

25 A Yes, in the room.

1 Q While you were home, was the door to her room open
2 or closed?

3 A When I was there, it was open.

4 Q Okay. Did that change as you left for work?

5 A Yes.

6 Q What did you see happen as you left for work?

7 A No, they would just lock themselves in there, and I
8 would say, just lock your doors, and they would lock
9 themselves up in the -- in their rooms.

10 Q Okay. And when you say they, who are you referring
11 to?

12 A Stephanie and Guadalupe.

13 Q Okay. So just to be clear, I'm trying to
14 understand, when you left, what did you see specifically?

15 A What did I see.

16 Q Yeah. So did you see them close their doors as you
17 left for work?

18 MS. HOJJAT: Objection. Leading.

19 THE COURT: Overruled. You can answer.

20 THE WITNESS: No, because they would come out, they
21 would give me a kiss, and they would go back in, and I would
22 leave.

23 BY MR. SWEETIN:

24 Q Okay. And when you left, did the doors remain open
25 or did they -- closed?

1 MS. HOJJAT: Objection. Asked and answered.
2 THE COURT: Overruled. You can answer.
3 THE WITNESS: May I answer?
4 THE COURT: You may.
5 THE WITNESS: Open.
6 BY MR. SWEETIN:
7 Q Were the doors open while you were present at the
8 residence?
9 A Yes.
10 Q And what about when you left?
11 MS. HOJJAT: Objection. Asked and answered.
12 THE COURT: Overruled. You can answer.
13 THE WITNESS: What was the question?
14 BY MR. SWEETIN:
15 Q What about when you left, did the doors remain open
16 or did they close?
17 A Well, when I was leaving, the doors were -- would
18 remain open because they would come out to say goodbye, but
19 then when they went back in, I would tell them to lock
20 themselves in their rooms.
21 Q Okay. Why would you do that?
22 A Well, because I would always say that because since
23 we were by ourselves, I would tell them that he was my
24 husband, but they didn't have to let him in or talk to him or
25 else when I wasn't there.

1 Q Okay. Did you have any discussions with them that
2 caused you to have concern about that?

3 A No.

4 Q You just had some concerns about that?

5 A Yes, I always did, but I never saw anything.

6 Q Okay.

7 A Never.

8 Q Now, fair to say that once you left for work, the
9 defendant remained home; is that correct?

10 A Yes.

11 Q All right. Now, in regards to your daughter,
12 Guadalupe, did you notice changes about her come about at
13 some point while she's living at the residence?

14 A Yes, she became really rebellious.

15 Q Okay. When you say rebellious, what do you mean?

16 A Well, yeah, when you told her something, she would
17 reply, and everything got her upset, and she was very
18 reserved, and she was into those people who dress all in
19 black.

20 Q Okay. So she was dressing in black; is that --

21 A Yes, she would start dressing all in black. She
22 was very reserved and quiet.

23 Q And when you say reserved and quiet, was that
24 unusual for her?

25 A Yes, it was unusual for her.

1 Q Okay. And can you be more specific as to what you
2 saw that caused you to believe that she was reserved and
3 quiet?

4 A She changed a lot. She changed a lot. She didn't
5 used to be like that. She changed to not be talkative. She
6 was not talk to us. She was spend the time locked in just
7 playing video games, and so she had a video game machine, she
8 would play all the time.

9 Q Okay. And when you say locked in, what are you
10 referring to?

11 A She locked herself up, and she would not want to
12 talk to anybody.

13 Q Okay. So she would lock herself in her room?

14 A Yes, but when I was there, she would not lock --
15 lock it.

16 Q Okay.

17 A She would just close -- close the door.

18 Q And you made reference to her sleeping schedule
19 changing as well?

20 A Yes.

21 Q And just one more time, what was -- how did her
22 sleeping schedule change?

23 MS. HOJJAT: Objection. Asked and answered.

24 THE COURT: Overruled. You can answer.

25 THE WITNESS: She would sleep when I was at home.

1 BY MR. SWEETIN:

2 Q Okay. Now, all these changes that you saw in her,
3 when did they happen?

4 A They started to happen when we were living on
5 Ferguson.

6 Q Okay. Now, I want to turn your attention to April
7 16th of 2016. Do you remember having contact with the police
8 on that day?

9 A Yes.

10 Q Okay. And where was the contact with the police?

11 A Why did I call them?

12 Q Where were you at when you had contact with the
13 police?

14 A At home.

15 Q Okay. Would that be the Berkley residence?

16 A Yes.

17 Q Okay. And how did the police come to be there?

18 A Well, I called the police because there --
19 Stephania and her husband were there, and they grabbed a tool
20 that they had to wash the car, and he started saying a lot of
21 things to her --

22 Q And --

23 A -- so I had to call the police.

24 Q Okay. And once you called the police, did they
25 come sometime later?

1 A Yes.

2 Q And what happened after the police got there?

3 A The police came and then -- and he was laying down
4 in the hammock. And the police told him to come out to the
5 gate.

6 Q Okay.

7 A And then Guadalupe started crying, so she spoke
8 with one of the police officers.

9 Q Okay.

10 A And so she -- she talked to the police and she went
11 with the police officer.

12 Q Okay. Now let me stop you there for a moment.
13 When you -- you indicated that the police arrived. Was
14 it -- how long was it after the police arrived that you saw
15 Guadalupe go to speak with the police?

16 A The officer must have been there about three or
17 four minutes.

18 Q Okay. So it was very soon?

19 A Yes.

20 Q Okay. Now, you indicated that you saw Guadalupe go
21 somewhere else and talk to the officer; is that right?

22 A Yes.

23 Q What happened next?

24 A I don't know because the police officer didn't want
25 me to get close.

1 Q Okay. So did Guadalupe remain away from you at
2 that point?

3 A Yes.

4 Q And it's during this time that she's talking with
5 police or not?

6 A When she was talking to the officer.

7 Q Okay. And do you remember watching her demeanor as
8 she was talking to the officer?

9 A Yes.

10 Q And what was her demeanor?

11 A She was crying and she was talking to him, and she
12 was shaking.

13 Q Okay. And what happens next?

14 A When she spoke with him, then the officer called
15 me.

16 Q Okay. And what happened then?

17 A And then a detective arrived, and he told me -- I
18 think he asked me if I knew -- I think he said if I knew what
19 was going on or -- or if I knew that he had been abusing her.
20 I don't remember.

21 Q Let me ask you this, did you have a conversation
22 with that detective when the detective arrived?

23 A No, we had -- we were sent over here to an office.
24 We were taken there.

25 Q Okay. So let me just make sure I understand. So

1 the original officer who arrived, how was that officer
2 addressed?

3 A The first officer who arrived, yes.

4 Q How was he dressed?

5 A He had a red T-shirt and blue shorts, I think.

6 Q Okay. Is that the first police officer that
7 arrived?

8 A I think so.

9 Q Okay. So did the police officer who arrived arrive
10 in a police car?

11 A Many police cars arrived.

12 Q Okay. So the officer that Guadalupe talked to, was
13 he -- how was he dressed initially, the first officer that
14 she talked to?

15 MS. HOJJAT: Objection. Relevance.

16 THE COURT: Overruled. You can answer.

17 THE WITNESS: How was he dressed?

18 BY MR. SWEETIN:

19 Q Yes.

20 A As an officer. A police officer.

21 Q With a uniform on?

22 A Yes.

23 Q Was there somebody else that came at some point to
24 talk to Guadalupe?

25 A I don't recall. There were many people there,

1 and --

2 Q Okay.

3 A -- when --

4 Q So at some point you said that you left that house
5 to go to a police station; is that correct?

6 A Yes.

7 Q And why did you do that?

8 A Because a detective sent us to go there.

9 Q All right. At the time that I left to go to the
10 police station, did you go by yourself or with anyone else?

11 A No, I went with Stephania and Guadalupe and
12 Stephania's husband. He was driving.

13 Q Okay. At the time that you left, did you know what
14 was going on?

15 A No, we were all crying and really tense because
16 Guadalupe was in very bad shape.

17 Q Okay. Did you know why you were going to the
18 police station?

19 A No, the detective told us that we were going to
20 have a talk there.

21 Q Okay. Did you ever talk to Guadalupe specifically
22 about exactly what had happened to her and why she was
23 talking to the police that day?

24 A No.

25 Q And what happens once you get to the police

1 station?

2 A The detective had her go in first, and then he had
3 me go in.

4 Q And when you're saying her, who are you referring
5 to?

6 A Guadalupe.

7 Q And when you're saying going in, what do you mean
8 by that?

9 A To talk to her.

10 Q Talk to the police officer?

11 A With the detective.

12 Q Okay. And you said he also had you go in?

13 A Yes.

14 Q Do you know -- you said Stephania was with you as
15 well; is that right?

16 A Yes.

17 Q Do you know if she talked to the police that day?

18 A No, not that day.

19 Q Okay. What did you do, if anything, as a result of
20 these conversations that you had with the police?

21 A We went to the hospital.

22 Q And why did you go to the hospital?

23 A Because the detective sent us to go there.

24 Q Okay. And what was the purpose of you going to the
25 hospital?

1 A Because she was going to be checked and there were
2 some psychologists that deal with suicide waiting for her
3 there.

4 Q Okay.

5 A Because she told the detective --

6 MS. HOJJAT: Objection.

7 BY MR. SWEETIN:

8 Q Well, and that's fine.

9 A -- that they were --

10 Q And --

11 THE COURT: I'm assuming you're going to withdraw
12 the --

13 MR. SWEETIN: I'll withdraw the question.

14 THE COURT: -- that part. Okay.

15 BY MR. SWEETIN:

16 Q And after the hospital, where did you go at that
17 point?

18 A Home.

19 Q Now, after that date, April 16, 2016, did the
20 defendant remain living at your house after that day?

21 A No.

22 Q Who lived with you after that date at that
23 residence?

24 A Guadalupe, Mael, and his wife, and Stephania and
25 her husband.

1 Q Okay. Now I want to turn your attention to May of
2 2016. Do you remember a time when you brought Guadalupe to
3 the District Attorney's Office?

4 A Yes.

5 Q And did you bring -- when you brought Guadalupe to
6 the DA's Office, did anyone come with you, the two of you?

7 A No. Oh, sorry, the DA's Office is like court?

8 Q Yes, to the District Attorney's Office, yes.

9 A Yes, yes.

10 Q Okay. So who came with you, if anyone?

11 A It was Guadalupe, Stephania, and I.

12 Q Okay. And what happened once you got to the DA's
13 Office?

14 A We got there and Guadalupe went in first. And then
15 I think I went in. And then Stephania told the DA, the
16 female DA, I think it was a woman who was there then, that
17 she also wanted to talk to the DA.

18 Q Okay. What was Stephania's demeanor when she told
19 her that?

20 A She was crying when she told her that she wanted to
21 talk to her.

22 Q And was that unusual for Stephania?

23 A Yes.

24 Q And what happened as a result of Stephania talking
25 to the district attorney?

1 MS. HOJJAT: Objection. Vague.
2 THE COURT: What's the objection?
3 MS. HOJJAT: Vague. I'm not sure what -- what
4 happened?
5 MR. SWEETIN: Yeah.
6 THE COURT: Overruled. You can answer.
7 THE WITNESS: What was the result?
8 BY MR. SWEETIN:
9 Q Yes.
10 MS. HOJJAT: Objection. Hearsay.
11 THE COURT: Well, I understand Spanish so --
12 MS. HOJJAT: We're getting into hearsay, Your
13 Honor.
14 THE COURT: Okay.
15 THE WITNESS: She told the --
16 THE COURT: Don't tell us anything that somebody
17 else --
18 THE WITNESS: -- DA --
19 THE COURT: -- told you. So --
20 THE WITNESS: Okay.
21 THE COURT: -- why don't you ask the question
22 again.
23 MR. SWEETIN: Sure.
24 BY MR. SWEETIN:
25 Q So as a result of that meeting, did you become

1 aware of another investigation that had been opened?

2 A Yes.

3 Q Okay. And did that involve Stephania?

4 A Yes.

5 Q Now, did you ever talk to Stephania or Lupe about

6 specifically what happened to them or -- in regards to this

7 case?

8 A I haven't -- I've never been able to talk to her

9 about that.

10 Q Okay. You just heard that there's been allegations

11 made; would that be accurate or not?

12 A Yes.

13 Q And Rosalba, I wanted to ask you, you mentioned

14 that the lease was running out on that last residence you

15 were at when the police arrived; is that right?

16 A Yes.

17 Q After this incident, who did you live with after

18 this incident?

19 A With Guadalupe.

20 Q Okay. So it was just you and Guadalupe?

21 A Yes.

22 Q Thank you.

23 MR. SWEETIN: Nothing further.

24 THE COURT: Cross-examination.

25 MS. HOJJAT: Your Honor, would it be possible for

1 me to use the lower podium? I can't really see the witness.
2 MR. SWEETIN: Judge, can we approach real quick?
3 THE COURT: Sure.
4 (Bench conference begins)
5 MR. SWEETIN: So Dr. Cetl's scheduled for 4:00
6 o'clock today. Do we want to --
7 THE COURT: I mean, we can take her out of order,
8 if you want. Do you mind?
9 MS. HOJJAT: What time is it?
10 THE COURT: I mean, do you think we'll be able to
11 get done Cetl before the end of the day?
12 MR. SWEETIN: I think we will. I think Dr. Cetl
13 will be like 30 minutes.
14 THE COURT: I mean --
15 MS. HOJJAT: We obviously object to Dr. Cetl, but
16 in terms of the timing of when, if our objection's being
17 overruled, we have no problem with taking her out of order.
18 THE COURT: Okay.
19 MR. ROWLES: How long will your cross be?
20 MR. FELICIANO: It shouldn't be that long.
21 THE COURT: Five minutes, 30 minutes?
22 MR. FELICIANO: It's like -- oh, her? I'm not
23 doing it.
24 MS. HOJJAT: She's going to be a little bit longer.
25 THE COURT: He normally is. Okay.

1 MS. HOJJAT: Okay.

2 THE COURT: Then we'll just have --

3 MR. SWEETIN: Well, I'm wondering now if we're
4 going to have to bring this witness back, maybe it would be
5 better to put Cetl tomorrow. How long is your cross going to
6 be?

7 MR. FELICIANO: Less than 15 minutes.

8 MS. HOJJAT: No, we aren't putting on Cetl.

9 MR. SWEETIN: No, no, your cross on --

10 MR. FELICIANO: Oh.

11 MS. HOJJAT: -- her -- her it's going to be a
12 little bit.

13 MR. SWEETIN: Okay. Well, I can text Cetl. I
14 think it -- I think it might be better that -- what the judge
15 want -- what the Court wants to do, but maybe to finish up
16 with witness and do Cetl tomorrow.

17 THE COURT: I'm sorry, how much time do you think
18 you'll need to finish up with her?

19 MS. HOJJAT: I would say at least a half --
20 probably around half an hour, but at least half an hour. I
21 don't want to underestimate because I know we're trying to do
22 timing.

23 THE COURT: Okay.

24 MS. HOJJAT: So I wouldn't guess less than half an
25 hour.

1 MR. SWEETIN: I can text Cetl and be like are you
2 okay with waiting a half hour or just do it tomorrow.

3 THE COURT: I mean, I get -- I mean, I -- I guess
4 if you just want to do it tomorrow, we can. What time do you
5 want do her tomorrow?

6 MR. ROWLES: She's not available until after 3:00.

7 THE COURT: I'm sorry?

8 MR. ROWLES: She's not available until after 3:00
9 o'clock our time. So anytime after 3:00. But we still have
10 several other witnesses to get through tomorrow.

11 THE COURT: I'm sorry?

12 MR. ROWLES: We still have several other witnesses
13 to get through tomorrow, so we can fill up the day.

14 THE COURT: Okay. Like the whole day, right?

15 MR. ROWLES: Pretty much, yeah.

16 THE COURT: Okay.

17 MR. ROWLES: With a lunch break.

18 THE COURT: That makes me nervous. With the lunch
19 break. Okay. So we'll just finish this witness, and then
20 you can call Cetl tomorrow.

21 (Bench conference concluded)

22 THE COURT: Okay. You may continue with your
23 cross.

24 MS. HOJJAT: Thank you, Your Honor. And can I use
25 the smaller podium? This one kind of --

1 THE COURT: Sure, no problem. Hawkes, do you mind
2 helping with the --

3 MS. HOJJAT: Thank you very much.

4 THE COURT: See, that's even -- that's --

5 MS. HOJJAT: That fantastic.

6 THE COURT: Thank you. Thank you. Thank you.

7 CROSS-EXAMINATION

8 BY MS. HOJJAT:

9 Q Good afternoon, ma'am.

10 A Good afternoon.

11 Q I want to talk to you about some of the behavior
12 changes that the district attorney talked to you about.

13 A Okay.

14 Q Okay? You thought that the behavior changes were
15 due to Guadalupe's age?

16 A What do you mean?

17 Q The changes in behavior that you're talking about
18 observing, you believed it was due to the fact that Guadalupe
19 was becoming a teenager?

20 A Yes.

21 Q All right. The rebelliousness?

22 A Yes, the rebelliousness. I thought that was it.

23 Q Right. Because that's the time that you started
24 seeing that rebelliousness was when she was becoming a
25 teenager?

1 A She was younger than a teenager.

2 Q She was becoming a teenager?

3 A Yes.

4 Q Okay. And so you saw some rebelliousness. And you

5 assumed it was because of her age?

6 A Certain rebelliousness towards him. Not towards

7 us.

8 MS. HOJJAT: Court's indulgence. Court's

9 indulgence.

10 BY MS. HOJJAT:

11 Q Do you remember giving a statement to detectives at

12 the police station?

13 A I don't recall.

14 Q You don't recall talking to a detective at the

15 police station?

16 A Yes.

17 Q Okay. And do you recall telling the detective that

18 she was getting aggressive with the other kids?

19 A No. I don't recall.

20 Q Would it refresh your recollection to see your

21 statement?

22 A Okay.

23 MS. HOJJAT: Page 3.

24 (To Interpreter) Can you read to her from here to

25 here, please.

1 BY MS. HOJJAT:
2 Q Did you have a chance to have that section read to
3 you?
4 A Yes.
5 Q Okay. So you told the detective that she was
6 getting aggressive when you would talk to her and ask her
7 what's going on, and with the other kids. They would tell
8 her any little thing and she would get aggressive with them,
9 correct?
10 A Yes, when they would fight.
11 Q Okay. So you were noticing aggression with the
12 other children in the house?
13 A It wasn't aggression. It was -- I don't know how
14 to say it. She would get upset just -- with anything.
15 Q Okay. Ma'am, you love your daughter?
16 A Of course.
17 Q And you believe your daughter?
18 A Yes.
19 Q Okay. But we can agree that three years ago you
20 said she was getting aggressive with your other children?
21 A Yes.
22 Q Okay. And you chalked that up to age?
23 A Yes.
24 Q Now, I want to talk to you about you and Armando.
25 Okay? You had been with Armando for ten years?

1 A Yes.

2 Q In those ten years, he never hit you?

3 A No.

4 Q In April of 2016, you called the police for a
5 domestic violence?

6 A Not domestic violence.

7 Q You didn't place a domestic violence call that day?

8 A Yes.

9 Q You did?

10 A Yes.

11 Q But Armando had not hit you on that day?

12 A He didn't hit me, but he became really aggressive
13 towards me because I was defending my daughter.

14 Q Okay. It took over an hour for police to show up
15 between the time you placed the first call?

16 A Yes.

17 Q And, in fact, you called three times before police
18 finally came?

19 A Yes.

20 Q And in that time, Armando never hit you?

21 A No, but he took the rent money.

22 Q And that's what you guys were fighting over was
23 that money?

24 A No, we were fighting because he was telling a lot
25 of things to my daughter.

1 Q Okay. So there was a fight over some tools?
2 THE INTERPRETER: I'm sorry, Counsel --
3 BY MS. HOJJAT:
4 Q There was a fight over some tools?
5 A Yes.
6 Q And then he went and he picked up that money?
7 A He grabbed the money.
8 Q And that's when you called police on a domestic
9 violence?
10 A No, when he was fighting with my daughter and I got
11 in the middle, and I said that I would call the police if he
12 would not calm down. And he said he didn't care, and he
13 started fighting with me.
14 Q Okay. So everyone was yelling at each other?
15 A No, he was the only one yelling at me.
16 Q Okay. So you weren't mad?
17 A Yes, I was mad because he was telling my daughter a
18 lot of things just for simple fact that he -- she took
19 something from him to wash her car.
20 Q Okay. And you weren't also yelling?
21 A Yelling, no.
22 Q Okay. You're the one who called 911?
23 A Yes.
24 Q Okay. And while you were on the phone with 911,
25 were you yelling at Armando?

1 A I don't recall.

2 Q Okay. Were you calling him names?

3 A I don't recall.

4 Q Do you recall calling him (speaking Spanish) while

5 you were on the phone with 911?

6 A It could be.

7 Q Okay. Did you tell him to wait and see?

8 A Yeah, because he told me now that I wasn't going to

9 call, and said oh, you're not -- you're not going to call,

10 and I said, well, that's fine, wait and see if I call the

11 police.

12 Q And did you say wait and see when the police show

13 up?

14 THE INTERPRETER: I'm sorry, Counsel, I --

15 BY MS. HOJJAT:

16 Q Did you say wait and see --

17 THE INTERPRETER: -- I'm having a little bit of

18 trouble --

19 BY MS. HOJJAT:

20 Q Did you say wait and see referring to when the

21 police show up?

22 A Yes, when the police arrived.

23 Q Okay. And as we mentioned, it took over an hour

24 for them to actually arrive?

25 A Um-h'm.

1 Q And this that time --

2 THE COURT: Is that a yes?

3 BY MR. FELICIANO:

4 Q -- Armando --

5 A Yes.

6 Q During that time Armando never hit anybody?

7 A No.

8 Q Okay. Now, I want to talk to you briefly about the

9 places you've lived. But I want to start with the Berkley

10 Street address.

11 A Okay.

12 Q That house is approximately 1100 square feet?

13 A I don't know about that.

14 Q Okay. No problem. Let's back up and talk about

15 the places you lived before there.

16 The first place, the very first apartment, that was a

17 one-bedroom apartment?

18 A Yes.

19 Q And it was smaller than the house on Berkley?

20 A Of course, because Berkley had three bedrooms and

21 the apartment only had one.

22 Q Okay. And there were five of you living in that

23 one bedroom apartment?

24 A We lived there for only a few days because he found

25 a bigger apartment, so we moved to the other apartment.

1 Q Okay. But the first apartment there were five of
2 you living in a one-bedroom apartment?

3 A Yes.

4 Q Okay. And you're saying now it was only a few days
5 at that apartment?

6 A Yes.

7 Q Did you say on direct examination it was two to
8 three weeks?

9 A That's -- that's a few days.

10 Q Okay. So around two to three weeks?

11 A I'm assuming it was.

12 Q Okay. Then you moved to, you said, a slightly
13 bigger apartment?

14 A Yes.

15 Q Was that apartment still smaller than the Berkley
16 Avenue house?

17 A Yes.

18 Q Okay. And there were five of you living in that
19 apartment?

20 A Yes.

21 Q In two bedrooms?

22 A Yes.

23 Q Then you moved to a house on Stanford Street?

24 A Yes.

25 Q Okay. And that house was also smaller than the

1 Berkley Avenue house?

2 A Yes.

3 Q Okay. And there were five of you living in that
4 house?

5 A Yes.

6 Q And that house had two bedrooms?

7 A Yes.

8 Q Okay. And then you moved to the house that you
9 said was near Jim Bridger? And that house was would you say
10 smaller than the house on Berkley or about the same size as
11 the house on Berkley?

12 A Same size more or less.

13 Q Okay. So it was three bedrooms?

14 A Yes.

15 Q And at that point, you had six people living in
16 that house?

17 A No.

18 Q So in Jim Bridger -- I'm sorry, no, five people. I
19 apologize.

20 Then you moved to the two-story house?

21 A Yes.

22 Q And then here you had four bedrooms? And at that
23 point, each of the children had their own rooms?

24 A Yes.

25 Q But that is when Mael's girlfriend moved in?

1 A Yes.

2 Q So there were six people living in the house at
3 that time?

4 A Yes.

5 Q And then Ferguson Street, which was three bedrooms?

6 A Yes.

7 Q And Mael's -- no. So --

8 A No.

9 Q -- you and the two girls?

10 A Yes.

11 Q Was Stephania's boyfriend in that house?

12 A No.

13 Q Okay. So there were five of you in that house?

14 A Yes.

15 Q And this was around the same size as the Berkley
16 Street house as well?

17 A Yes.

18 Q So over the years you were in various places?

19 A Yes.

20 Q But all of them were around the same size or
21 smaller than the Berkley address?

22 A No, they were similar.

23 Q Some of -- the apartments were smaller, the houses
24 were similar?

25 A Yes, um-h'm.

1 Q And this -- during these ten years, in all these
2 houses, you never suspected Armando was doing anything
3 inappropriate with either of your daughters?
4 A No.
5 Q Okay. So you never observed either of your
6 daughters acting scared around Armando?
7 A What do you mean around him.
8 Q You never saw them behave in a way around him that
9 made you think he might be doing something to them?
10 A When we were all there?
11 Q Any time you saw him around them?
12 A No.
13 Q Now, I want to talk to you about what you said on
14 direct examination about not being told why you were going to
15 the police station.
16 So you're saying now on the way to the police station
17 you didn't know what was going on?
18 A I don't recall. I don't recall. I was in really
19 bad shape.
20 Q Okay. So it's possible the detective did talk to
21 you and tell you about what was going on when you guys were
22 all at the Berkley Avenue address?
23 A I don't recall.
24 Q Okay. So it's possible?
25 A I don't know. I was in very bad shape.

1 Q Okay. Have you had a chance to review your
2 statement with the detective prior to your testimony today?
3 A No.
4 Q Okay. If I told you that when you walked in, as
5 soon as you started talking to the detective, you seemed to
6 already know what the allegations were, would that sound
7 right?
8 A I don't recall that.
9 Q Would it refresh your recollection to see the first
10 couple pages of your voluntary statement?
11 A Yes.
12 MS. HOJJAT: If I can approach?
13 THE COURT: You may.
14 MS. HOJJAT: All right. So maybe if you just read
15 her through here.
16 THE INTERPRETER: From the beginning to -- oh,
17 no --
18 MS. HOJJAT: From here --
19 THE INTERPRETER: -- from here to here?
20 MS. HOJJAT: No, so this was the first page of
21 this.
22 THE INTERPRETER: Oh.
23 MS. HOJJAT: And then down to here.
24 THE INTERPRETER: Okay.
25 MS. HOJJAT: And the reason it's Q1, Q2 is because

1 there's a Spanish interpreter.

2 THE INTERPRETER: All right.

3 MS. HOJJAT: So they're translating [inaudible].

4 THE INTERPRETER: Oh, okay.

5 MS. HOJJAT: So just from here down to that.

6 THE INTERPRETER: Okay.

7 MS. HOJJAT: Thank you.

8 THE INTERPRETER: You're welcome.

9 (Interpreter reading to witness)

10 BY MS. HOJJAT:

11 Q All right. Ma'am, did you have a chance to review
12 your statement?

13 A Yes.

14 Q So you'd agree with me that as soon as you enter
15 the room and start talking to the detective, he's talking to
16 you about what Guadalupe said, and you seemed to know what
17 Guadalupe said?

18 A I think so.

19 Q Neither of your daughters ever came to you and said
20 that Armando was touching them inappropriately?

21 A No.

22 Q After Guadalupe made the accusations in this case,
23 Stephania never came to you and said I have to tell you he
24 was doing the same thing to me?

25 A No.

1 Q And I want to talk to you about some things that
2 you never saw.

3 THE INTERPRETER: Counsel, I'm sorry, would you
4 raise your voice a little bit, please?

5 MS. HOJJAT: Yes, of course.

6 BY MS. HOJJAT:

7 Q I want to talk to you about some things that you
8 never saw.

9 THE COURT: Things that you never saw?

10 MS. HOJJAT: Yes. I'll -- I'll clarify, Your
11 Honor.

12 THE COURT: Okay.

13 BY MS. HOJJAT:

14 Q You shared --

15 A That I never what?

16 Q You shared a bedroom with Armando?

17 A Yes.

18 Q You shared a bed with Armando?

19 A Yes.

20 Q You never found unexplained bloodstains on that
21 bed?

22 A No.

23 Q You never saw Guadalupe cut her wrists?

24 A I didn't.

25 Q You never noticed scar marks on Guadalupe's wrists?

1 A No. Because she would always wear sweatshirts.

2 Whether it was hot or cold, she would wear sweatshirts.

3 Q Okay. But you never noticed any scar marks?

4 A No.

5 Q You were -- you were not aware of her ever OD'ing
6 on any sort of medication?

7 A No.

8 MS. HOJJAT: Court's indulgence.

9 BY MS. HOJJAT:

10 Q You did your daughters' laundry?

11 A Yes.

12 Q You never noticed inappropriate blood in their
13 underwear when they were younger?

14 A No.

15 MS. HOJJAT: I'll pass the witness, Your Honor.

16 THE COURT: Thank you. Any redirect?

17 MR. SWEETIN: Yes, Judge.

18 REDIRECT EXAMINATION

19 BY MR. SWEETIN:

20 Q Rosalba, you just indicated that you noticed
21 Guadalupe wearing, I think you said sweatshirts, is that
22 correct, all the time?

23 A Yes.

24 Q When did you -- over what periods of time did you
25 see her doing that?

1 A Always. When she was -- she started when she was
2 like ten years old. She would always wear sweatshirts and
3 pants. She was always very covered.

4 Q And that started when she was about ten years old?

5 A Yes.

6 Q Now, you make mention of that. Was that something
7 that was -- appeared to you to be pretty unusual?

8 A Yes.

9 Q Oak. Did you ever talk to her about it?

10 A Yes.

11 Q How did she respond?

12 MS. HOJJAT: Objection. Hearsay.

13 THE COURT: Yeah, don't --

14 MR. SWEETIN: And that's fine.

15 THE COURT: -- don't tell us anything somebody else
16 told you.

17 MR. SWEETIN: And that's fine.

18 BY MR. SWEETIN:

19 Q Did she respond to your questions as to what -- why
20 she was doing what she was doing?

21 A Yes.

22 Q Okay. Did that cause you concern?

23 A No.

24 Q So is the question -- an answer that you accepted?

25 A Yes.

1 Q Knowing all that you know now, does it cause you
2 concern?
3 MS. HOJJAT: Objection. Speculation.
4 THE COURT: Overruled. You can answer.
5 THE WITNESS: Yes.
6 BY MR. SWEETIN:
7 Q Now, I just want to talk very quickly about the 911
8 call.
9 A Yes.
10 Q In that call, did you ever say that anyone hit
11 anybody else?
12 A No.
13 Q Okay. In that call, essentially, what did you
14 describe?
15 A I was telling them that he was really aggressive.
16 Q Okay. And did you tell them what the problem was?
17 A Not on the phone.
18 Q Okay. You just said that there was a disagreement?
19 A Yes.
20 Q Now, after you made that call, you said there's
21 sort of a time lapse while you're there at the house; is that
22 right?
23 A Yes.
24 Q Time lapse before the police arrived?
25 A Yes.

1 Q Okay. Now, over that period of time, did you have
2 any contact with Guadalupe?

3 A No.

4 Q So your focus at that time was the dispute, not
5 Guadalupe?

6 A The dispute, yes.

7 Q Okay. Now, there was questions asked of you as to
8 what you saw in the residence; is that right?

9 A Yes.

10 Q Okay. Now, just to be clear, did the defendant
11 have access to Guadalupe and Stephania when you weren't at
12 home?

13 A What do you mean access?

14 Q Was he alone with them when you were at work?

15 A Yes.

16 Q And was that on a regular basis?

17 A The whole week.

18 Q Okay. And you weren't there to see things, then;
19 is that right?

20 A I was working.

21 MR. SWEETIN: Nothing further.

22 THE COURT: Any recross?

23 MS. HOJJAT: No recross, Your Honor.

24 THE COURT: Okay. Thank you very much for your
25 testimony here today. You may step down, and you are excused

1 from your subpoena.

2 Okay. At this time, ladies and gentlemen, we are
3 going to conclude for the evening.

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

13 We'll start tomorrow morning at 9:00 o'clock.
14 Thank you very much.

15 THE MARSHAL: All rise for the exiting jury,
16 please.

17 THE COURT: Thank you. Thank you very much.

18 (Outside the presence of the jury.)

19 THE COURT: No. Oh, yeah, you're done. Yeah. I
20 don't think they'll have anything. You're not done? Okay.

21 (Pause in the proceedings)

22 THE COURT: Okay. The record will reflect that the
23 hearing is taking place outside the presence of the jury
24 panel.

25 MR. FELICIANO: Oh, yeah, just one thing. Ms.

1 Hojjat had something. I have something first.

2 THE COURT: Okay.

3 MR. FELICIANO: For scheduling, we didn't plan on

4 having anybody here tomorrow for us. Harder --

5 THE COURT: Okay.

6 MR. FELICIANO: Harder --

7 THE COURT: Well, they said they had the whole day.

8 MR. FELICIANO: I just wanted to make sure.

9 THE COURT: They said the whole day.

10 MR. FELICIANO: I just -- before you left, I wanted

11 to make sure that, you know, they finish early, and then, you

12 know, we don't have anybody here. So we're not going to have

13 anybody here tomorrow, and we'll plan to have people here,

14 what, Monday morning or Monday afternoon?

15 THE COURT: No, Monday morning.

16 MR. FELICIANO: Okay.

17 THE COURT: Yeah, by 10:00 o'clock.

18 MR. FELICIANO: Okay.

19 MS. HOJJAT: And the only other thing I wanted to

20 ask the Court, we --

21 THE COURT: Wait. I'll tell you. Go ahead.

22 (Court/Clerk conferring)

23 THE COURT: We'll figure that out.

24 MS. HOJJAT: We just are sometimes on our phones

25 coordinating with our investigator, witnesses, and things

1 like that, and I think the jury has noticed. If we can at
2 some point just explain to the jury that, you know, if you
3 see either side --

4 THE COURT: Oh, sure.

5 MS. HOJJAT: -- the attorneys on the phone or
6 something like that --

7 THE COURT: Sure.

8 MS. HOJJAT: -- they're just --

9 THE COURT: Yeah.

10 MS. HOJJAT: -- working on the case, like, don't
11 think anything of it. They need to --

12 MR. ROWLES: I'm definitely searching the news.

13 THE COURT: Yeah. I mean, I can tell them on --
14 when they come tomorrow, if you'd like.

15 MS. HOJJAT: Thank you very much. We appreciate
16 that.

17 MR. FELICIANO: Thank you.

18 THE COURT: Okay.

19 (Pause in the proceedings)

20 MR. FELICIANO: Judge --

21 MS. HOJJAT: Judge --

22 MR. FELICIANO: -- and I did -- I did -- heard back
23 from Dr. Harder. He's asking to do this remotely, so I'll
24 work on --

25 THE COURT: Okay.

1 MR. FELICIANO: -- setting that up in the morning.

2 THE COURT: Sure.

3 MR. FELICIANO: Okay. Thank you.

4 THE COURT: Sure.

5 (Court recessed at 4:27 P.M., until Friday,

6 October 11, 2019, at 9:24 A.M.)

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INDEX

WITNESSES

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

GUADALUPE ALVAREZ		11	27	45
DET. THOMAS MURRAY	50	62	69/75	72/--
ROSALBA CARDENAS*	81	122	136	--

****With Spanish Interpreter***

* * * * *

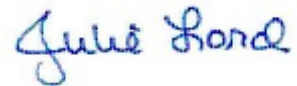
EXHIBITS

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

Exhibit 1..	89
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ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual proceedings in the above-entitled case to the best of my ability.



JULIE LORD, TRANSCRIBER
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ARMANDO VASQUEZ-REYES,) No. 80293
)
 Appellant,)
)
 v.)
)
 THE STATE OF NEVADA,)
)
 Respondent.)
 _____)

DARIN F. IMLAY Clark County Public Defender 309 South Third Street Las Vegas, Nevada 89155-2610 Attorney for Appellant	STEVE WOLFSON Clark County District Attorney 200 Lewis Avenue, 3 rd Floor Las Vegas, Nevada 89155 AARON FORD Attorney General 100 North Carson Street Carson City, Nevada 89701-4717 (702) 687-3538 Counsel for Respondent
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I hereby certify that this document was filed electronically with the Nevada Supreme Court the 27 day of August, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON FORD
ALEXANDER CHEN

AUDREY CONWAY
WILLIAM M. WATERS

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

BY /s/Rachel Howard
Employee, Clark County Public Defender's Office