

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

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3 DEQUINCY BRASS,) No. 81142

4 Appellant,)

5 v.)

6)

7 THE STATE OF NEVADA,)

8 Respondent.)

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10 **APPELLANT'S APPENDIX VOLUME VII PAGES 1463-1610**

11 DARIN IMLAY
12 Clark County Public Defender
13 309 South Third Street
14 Las Vegas, Nevada 89155-2610

15 Attorney for Appellant

STEVE WOLFSON
Clark County District Attorney
200 Lewis Avenue, 3rd 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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1 connected with this trial, read, watch, or listen to any report over
2 commentary on the trial or any person connected with this trial by
3 any medium of information, including, without limitation to social
4 media, text, newspapers, television, internet, radio.

5 Do not visit the scene of any events mentioned during the
6 trial. Do not undertake any investigation. Do not Google anything
7 about the trial. Do not do any posts or communications on any
8 social networking sites. Do not do any independent research,
9 including internet searches.

10 Do not form or express any opinion on any subject
11 connected with the trial until the case is finally submitted to you. See
12 you back in 10 minutes.

13 THE MARSHAL: All rise for the jury.

14 [Jury out at 3:59 p.m.]

15 THE COURT: Have a seat.

16 Okay. So does -- Mr. Brass.

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Good afternoon again.

19 THE DEFENDANT: Good afternoon.

20 THE COURT: Are you going to elect to testify or not, or do
21 you want to talk to Mr. Posin and let us know when we come back
22 outside their presence?

23 MR. POSIN: Yeah, I think he's made a decision, Your
24 Honor.

25 THE COURT: Okay.

1 THE DEFENDANT: Yeah, I'm going to testify.

2 THE COURT: You will testify, okay. Any questions that
3 you have for me about your right to testify and the cross-
4 examination?

5 THE DEFENDANT: No, Your Honor.

6 THE COURT: Okay. Anything further from the State or
7 Mr. Posin?

8 MS. RHOADES: No, Your Honor. Thank you.

9 MR. POSIN: No, Your Honor.

10 THE COURT: Okay. We'll see you back in eight minutes.

11 [Recess taken from 4:00 p.m. to 4:05 p.m.]

12 THE CLERK: We're back on the record, Judge.

13 THE COURT: Okay.

14 THE MARSHAL: All rise for the jury.

15 [Jury in at 4:08 p.m.]

16 THE COURT: Please be seated.

17 Welcome back, ladies and gentlemen. Thank you for your
18 service and patience.

19 The State has rested.

20 Mr. Posin, is the Defense ready?

21 MR. POSIN: Thank you, Your Honor, yes. The Defense
22 would call Dequincy Brass.

23 THE COURT: Okay.

24 THE MARSHAL: Please watch your step and then you'll
25 stand and face the Clerk.

1 THE CLERK: Please raise your hand.

2 DEQUINCY BRASS, DEFENDANT, SWORN

3 THE CLERK: For the record, please state and spell your
4 first and last name.

5 THE WITNESS: Dequincy Brass, D-e-q-u-i-n-c-y. Last
6 name Brass, B-r-a-s-s.

7 THE CLERK: Thank you. You can have a seat.

8 DIRECT EXAMINATION

9 BY MR. POSIN:

10 Q Mr. Brass, where were you born?

11 A Monroe, Louisiana.

12 Q And at what age did you come to Las Vegas?

13 A I'd say maybe about six years old.

14 Q And have you lived in Las Vegas since that time?

15 A I have.

16 Q What kind of education have you had?

17 A I graduated high school, some college at UNOV (phonetic).

18 Q What did you study in college?

19 A Secondary education.

20 Q Did you study any kind of technological computer, phone,
21 anything like that in college?

22 A I did not.

23 Q Did there come a time when you went to work in a phone
24 related business?

25 A Yes.

1 Q And what business was that?

2 A Initially I worked for Sprint.

3 Q Okay. When you started working for Sprint, did they give
4 you any sort of training?

5 A They did.

6 Q What sort of training was that?

7 A It was maybe -- I think it was maybe a four week class.

8 They gave us training on how to support their different devices to
9 work with their service.

10 Q What did you learn in those classes?

11 A Basic. The settings on the phone, the towers, the signals
12 that Sprint has and how the phone would work with the towers.
13 Also, they're international, so people who would travel different
14 countries, helped them use their phones while they were outside of
15 the country.

16 Q And the purpose of this education was to learn how to
17 respond to customers; is that correct?

18 A That's correct.

19 Q And that would be people calling in because they had an
20 issue?

21 A Yes.

22 Q What kind of issues were you dealing with?

23 A Your typical my call won't go out, I can't send texts, I can't
24 receive texts, things of that nature, the internet doesn't work.

25 Q And you would try to help them?

1 A Correct.

2 Q Were you always able to solve people's problems?

3 A No, sir.

4 Q If you couldn't solve their problem, was there something
5 that you would do to raise it to another level?

6 A There was another -- there was support or there was the
7 Sprint store we could refer people to.

8 Q How often did you have to either refer somebody to a
9 higher level of support at the Sprint store?

10 A Maybe 50% of the time I would say.

11 Q And that was because it got to something that was kind of
12 beyond the area of expertise that you had?

13 A Correct.

14 Q And did those people have greater expertise in using the
15 phones?

16 A They did.

17 Q Did you ever learn any way that you could remotely erase
18 text messages on a phone?

19 A No.

20 Q Did you ever learn any way you could remotely erase call
21 history on a phone?

22 A No.

23 Q Did you ever learn any way that you could remotely do
24 anything on someone else's phone?

25 A No.

1 Q To your knowledge is there any way that you can remotely
2 alter somebody else's phone?

3 A Not that I'm aware of.

4 Q Nothing that you ever learned in any of these -- in any of
5 your education with Sprint or with anybody else?

6 A Correct.

7 Q Did there come a time while you were working at Sprint
8 that you met Kimberly, now Garza?

9 A Yes.

10 Q What was she known as then?

11 A Kimberly Madden.

12 Q And what is the difference between the names Madden
13 and Garza to your knowledge?

14 A Madden was her married name.

15 Q When you first met her, did you know she was married?

16 A I did not.

17 Q Did you become friendly with Ms. then Madden, now
18 Garza?

19 A Yes.

20 Q And I'll call her Kim if that's all right with you. When you
21 became friendly, did you start dating her at some point?

22 A I did.

23 Q When did you start dating her?

24 A I would say maybe summer of 2015.

25 Q Did she tell you she was married at that point?

1 A Not at that point.

2 Q Did there come a time that you moved in to her house,
3 what was then her house?

4 A Yes.

5 Q And is that the house that you've heard described and
6 seen photographs of during this trial?

7 A Correct.

8 Q Do you know how she came to own that house?

9 A It was a house her husband bought before he went to
10 prison.

11 Q When you moved in there, did you know anything about
12 her even being married?

13 A I didn't at that point, not until I moved in.

14 Q So you were already in the house when you learned that
15 she was married?

16 A Correct.

17 Q She never told you that?

18 A No.

19 Q How many children does she have?

20 A Two.

21 Q And those are the two children that you've seen testify in
22 this trial?

23 A Correct.

24 Q Was there anybody else living in the house while you were
25 there?

1 A Yes. Well, she had a couple of friends stay with us for
2 short periods of time.

3 Q How about when you moved in, who else was living there,
4 if anyone, when you moved into the house?

5 A Well, she had I believe maybe around July of 2016, maybe,
6 her Aunt Lisa moved in, her Aunt Lisa and her aunt's daughter, who
7 was Trinity.

8 Q When did you move in?

9 A I moved in maybe towards the end of 2015, maybe
10 November, December.

11 Q So they moved in after you were already there?

12 A That's correct.

13 Q How long were they living there?

14 A They lived there maybe -- I'm not sure, actually, when I
15 moved out, August 2016, sometime after my birthday, they still lived
16 there.

17 Q So they moved in while you were there and they were still
18 there when you moved out?

19 A That's correct.

20 Q You've heard described here a series of events involving
21 the two children, those two children, as well as Arianna --

22 MS. EINHORN: Objection, Your Honor, leading.

23 THE COURT: That's sustained. You can rephrase.

24 BY MR. POSIN:

25 Q You're familiar with the three children who testified here?

1 MS. EINHORN: Objection, leading.

2 THE COURT: Overruled.

3 BY MR. POSIN:

4 Q I'd like to --

5 THE COURT: You can answer if you can.

6 THE WITNESS: Yes. I'm familiar with them, yes.

7 BY MR. POSIN:

8 Q I'd like to start with Venice. Have you ever had any kind of
9 sexual contact with Venice?

10 A No.

11 Q Have you ever put your penis into any part of Venice's
12 body?

13 A No.

14 Q Have you ever put your fingers into any part of Venice's
15 body?

16 A No.

17 Q How about RaRa, have you ever hit RaRa?

18 A No.

19 Q Have you hit him on his bottom?

20 A No.

21 Q Have you put your finger into any part of his body?

22 A No, sir.

23 Q Have you put any other part of your body into any part of
24 his body?

25 A No.

1 Q How about Arianna, have you had any kind of sexual
2 relations with Arianna?

3 A No.

4 Q Have you placed your fingers in any part of her sexual
5 organs?

6 A No.

7 Q Have you placed your penis in any part of her sexual
8 organs?

9 A No.

10 Q Have you ever -- I think I may have asked this, but have
11 you ever hit any of those children?

12 A No. Kimberly would normally be the one to discipline
13 them, her children, but no.

14 Q Whether for discipline or for any other purpose, have you
15 ever hit any of those children?

16 A No.

17 Q Did you ever observe any of those children hit each other?

18 A Yeah. I mean Venice and RaRa were brother and sister.
19 They would, you know, of course hit each other all the time.

20 Q In a normal brother sister sort of way?

21 A Correct.

22 Q Nothing unusual?

23 A No, not that I know of.

24 Q Did you ever see anybody else hit either of those children?

25 A No.

1 Q Now, there's been a description of a house on Stober that
2 has been described as your brother's house?

3 A Correct.

4 Q Are you familiar with that residence?

5 A I am. I lived there, as well.

6 Q Okay. And what was that, a house, an apartment, a motel
7 or hotel, what kind of structure was that?

8 A It was an apartment complex.

9 Q And when you say apartment complex, is that the sort of
10 complex that has some sort of gate around it?

11 A There is a gate around it. You have to enter a passcode in
12 order to get in, so a number of different buildings. Maybe 12 to 14
13 buildings, differently colored.

14 Q And they're all within the gated area where you have to
15 enter the passcode to get in?

16 A Correct.

17 Q Is the name of the apartment complex Palm?

18 A It's Woodhaven Apartment Complex.

19 Q So it's not Palm?

20 A No, sir.

21 Q It's not Palms?

22 A No.

23 Q It doesn't start with a P?

24 A No.

25 Q There's no P in front of the complex?

1 A No.

2 Q There's no P displayed anywhere near the complex to your
3 knowledge?

4 A No, sir.

5 Q Is there anything about that complex that resembles a
6 motel?

7 A No.

8 Q Is there anything about that complex that resembles a
9 hotel?

10 A No.

11 Q Have you ever brought any of the children that have
12 testified here in this trial to that residence?

13 A No.

14 Q Have you ever brought them anywhere, other than
15 between the Boys and Girls Club and the house that you've
16 described, Kim's house?

17 A I have not, no.

18 Q Could you explain what the circumstances were when you
19 would bring them from the Boys and Girls Club?

20 A I don't know if it was -- I mean I suppose there wasn't
21 really an agreement between Kimberly and Shante (phonetic), but,
22 you know, she would -- Shante would pick up the kids sometimes
23 and Kimberly would, also. So either both me and Kimberly would
24 pick them up or sometimes she would just send me.

25 Q So while you were living at that house, were you working

1 with Kim?

2 A Yes. We both worked from home for Apple. She had her
3 computer and her equipment set up in her room. My computer and
4 equipment was set up in what would have been RaRa's room at the
5 time. So we worked in separate rooms. Up until her aunt moved in,
6 which is when I moved my equipment into her room, as well, and we
7 just had a partition separating us so that her callers wouldn't hear me
8 and vice versa.

9 Q So when you say you worked for Apple, you were actually
10 working for their phone division, right?

11 A Correct.

12 Q And that was based on the training that you each had had
13 at Sprint?

14 A It was based on the training that we got from Apple.

15 Q Well, you started together with her at Sprint, correct?

16 A Correct.

17 Q That's how you met her?

18 A Right.

19 Q And then you both eventually moved on to Apple?

20 A Right.

21 Q You had some additional training. And, by the way, did
22 that additional training give you any kind of knowledge of how to
23 remotely change anything on anybody's phone?

24 A No.

25 Q Who got the job at Apple first?

1 A Kimberly began working for Apple first, maybe about a
2 month before I did. At that time I was working for Dillard's. And
3 then I began working for Apple, as well. And then actually I kept the
4 job at Dillard's, so once my shift was over at Apple, I would go
5 directly to Dillard's. I worked in the men's department at the Galleria,
6 which was nearby.

7 Q So on a typical day how would that work; who would start
8 work first, you or Kim?

9 A She would normally start first. I believe I started maybe an
10 hour after her. I think she worked ten hour days and I worked eight.
11 And then so she would still be -- when I left Apple to go to Dillard's,
12 she would still be working.

13 Q Okay. So you got up and what time -- who got up first, you
14 or Kim?

15 A Well, I mean we would get up at the same time. She
16 started before me, but I would drive her to maybe McDonald's or
17 Circle K to get coffee, bring her back to the house, and she would
18 start working.

19 Q And so you were both in the house together?

20 A Correct.

21 Q And your shifts were roughly parallel, although hers
22 started about an hour before yours?

23 A Correct.

24 Q And then likewise at the end of the shifts, were those at the
25 same time?

1 A Well, no. Again, she would work maybe another hour
2 more than I would, but again I would leave and go to Dillard's.

3 Q And when you started a shift, how did Apple even know
4 that you were on your shift?

5 A Well, there's a time punch, there's a program used to clock
6 in. And then what we would use is a soft phone. We would sign into
7 the phone. And then you would sign into the phone, make yourself
8 ready to take phone calls.

9 Q And when you got a phone call, you had some sort of
10 headset?

11 A Correct.

12 Q And that was attached to your computer?

13 A Correct.

14 Q And so Apple knew that you were signed in, logged into
15 the system?

16 A Right.

17 Q And were you expected to be at your post at all times
18 during thereafter?

19 A Well, yeah. Well, you know, of course, there's lunches,
20 breaks, but other than that, yeah, we were to be on the phone
21 waiting for a call.

22 Q How long was the lunch break?

23 A It was an hour.

24 Q How long were any other breaks?

25 A Fifteen minutes.

1 Q And how many breaks, other than lunch, did you get a
2 day?

3 A It was a total of three breaks, so one break, lunch, and then
4 a second break after the lunch.

5 Q So three breaks, including lunch?

6 A Including lunch.

7 Q Did you and Kim take lunch at the same time?

8 A No. I mean since our schedules were a little different, our
9 lunches were scheduled different. And then once we began working
10 we were on separate teams, I suppose, so we would have different
11 lunches.

12 Q And at the end of your shift with Apple, you would go off
13 to Dillard's to your other job there?

14 A Correct.

15 Q What time would you get back from Dillard's?

16 A A bit after 9. I believe they close at 9, so I mean it wasn't
17 far away, so a little after 9.

18 Q How often were you ever alone, if ever, in the house with
19 the children and without Kim?

20 A I mean it wasn't often. Again, we both worked from home.
21 We were, you know, home together all day. I mean of course I lived
22 with her maybe almost a year, I suppose, so I mean I'm sure there
23 was some times where I was alone with them, but for the most part
24 she was always there, we were always there together.

25 Q And how big is this house that we're talking about, how

1 many square feet?

2 A Square feet, I'm not sure. It's a three bedroom house.

3 Q Is it sort of a big -- rather, an open plan or more enclosed?

4 A Yeah, it's pretty open.

5 Q We saw pictures of an upstairs railing that there are rooms
6 off that area. Are you able to hear throughout the house if you're
7 anywhere in the house?

8 A Yes.

9 Q If somebody in one part of the house were to yell or make
10 some sort of unusual noise, would that be audible to somebody in
11 any other part of the house?

12 A It would.

13 Q If you came to the railing from the upstairs, how much of
14 the rest of the house would you see?

15 A You could see all of the living room by the front door, you
16 could see the kitchen, you can see -- well, I mean if you're, you know,
17 looking over the railing you could see partly into that second living
18 room where the fireplace is.

19 Q So without even leaving the second floor, you can see
20 most of the first floor, correct?

21 A Correct.

22 Q So if somebody were up on that railing and heard
23 something and came to that railing, they would see, if there were
24 other individuals in the house, they would probably be able to see
25 them, right?

1 A Correct.

2 Q And specifically I'm talking about the allegations that you
3 were doing things with Venice in that area. And, again, did you do
4 any of the things that you heard alleged here?

5 A No.

6 Q You never touched her?

7 A No, never.

8 Q Did there come a time when your relationship with Kim
9 came upon some troubles?

10 A There was. I mean we would go back and forth. She
11 wasn't the most faithful girlfriend, so I mean I would leave her, then I
12 would forgive her, come back, leave, and come back. Ultimately it
13 was, you know, I got to the points where I was tired of doing that and
14 I ended up moving out.

15 Q When did you move out?

16 A It was -- I know it was following my birthday, so again
17 August 2016. I believe the last time -- August 13 was my birthday, so
18 August 13th and 14th we went out together those nights and actually
19 her aunt was at the house. She watched the kids. It was following
20 that, so maybe sometime late August 2016.

21 Q Was that because she kicked you out or was that because
22 you decided to leave?

23 A No. That was because I decided to leave.

24 Q Was there any part of that that had anything to do with her
25 kicking you out?

1 A Not at all. Actually, we were already not together. I just
2 still lived there. I told her that, you know, since I was helping her
3 with rent and bills since I lived there and I worked there, I told her I
4 would continue to do so, that we were just not together. And she
5 agreed, but we had a disagreement to where she didn't -- she
6 thought it was disrespectful for me to talk to other women while in
7 her house. And at that point I knew it wasn't going to work, so that's
8 when I decided to move out.

9 Q And when she felt it was disrespectful for you to talk to
10 other women, was that consistent with the sort of person that she'd
11 been before then?

12 A Yeah. I mean she was -- I mean I don't know if I would
13 describe her as insecure, but I mean she was the type of girlfriend
14 that -- I mean say if it took me ten minutes to go to the store, she
15 would be calling me at like the eleventh minute asking where I am
16 and you know, so on and so forth.

17 Q So she was checking up on you if you went outside the
18 house anywhere?

19 A Of course.

20 Q What about even in the house, was she checking up on
21 you inside the house?

22 A She would. I mean, for example, say if I went in the
23 backyard to smoke a cigarette, she would probably come out there to
24 see if I'm on my phone or, you know, to make sure I'm not talking to
25 any other girls, something like that.

1 Q In fact, did there come a time when she demanded that
2 you show her records from your phone?

3 A Later on she did. She assumed that I was talking to a
4 friend of hers and so I sent her my call log so she can verify that I
5 wasn't.

6 Q And were you talking to the friend of hers?

7 A No.

8 Q Was there anybody else you were talking to that caused
9 her concern?

10 A I was talking to an ex-girlfriend that lived in Chicago and
11 that she was upset about.

12 Q So she was upset about that, but you showed her what she
13 asked you to show her, right?

14 MS. RHOADES: Objection, leading.

15 THE WITNESS: Correct.

16 THE COURT: Overruled.

17 BY MR. POSIN:

18 Q Was there -- did there come a time when you and Kim and
19 Venice were in the living room, in one of the living rooms together,
20 and Venice went upstairs?

21 A Well, there was -- I mean if we're speaking in reference to --
22 -- I went to Kimberly's house the beginning of February. She had a --
23 again, since we both worked for Apple, they still had her address as
24 my address, so my W-2 went to her house. So I did go to her house.
25 I mean I didn't take her to dinner, as she said, but I went from -- at

1 the time I was working for a company called Citel, which is on Sunset
2 and Bermuda. And I left work. I didn't have a car, so I took public
3 transportation. I took the bus to her house. And we hung out at her
4 house.

5 We went upstairs in what would have been RaRa's room,
6 you know. We would open the window, smoke cigarettes or have a
7 drink. We actually, we were intimate with each other at that time.
8 When we were finished, we came downstairs. Venice was
9 downstairs in the living room. We joined her, we sat on the other
10 couch. Venice did end up leaving and going upstairs.

11 That same day -- I had to work the following day and Kim
12 wanted me to spend the night, so I mean there wasn't a point where,
13 you know, she kicked me out. Actually, I took her vehicle. I drove to
14 my house, I gathered some clothes, and I came back. I spent the
15 night at her house that night. And I drove her car to work the next
16 day. And when I got off of work that day, I returned, of course, back
17 to her house in her vehicle.

18 Q Now, the preceding day that you were talking about, was
19 there times that Venice was acting somehow flirtatious with you in
20 any way that you noticed?

21 A No, sir.

22 Q Was there a time when you were staring at Venice?

23 A No.

24 Q Were you making any kind of eye contact with Venice?

25 A No.

1 Q Did there come a time where Kim put her foot onto your
2 lap?

3 A Not that I recall.

4 Q Did there come a time that Kim acted as if you had some
5 sort of erection with her foot in your lap?

6 A No.

7 Q Did she respond in any way about that?

8 A No.

9 Q Did she say anything to you about that?

10 A No. I mean I would think if so I wouldn't have come back
11 the next two days. I mean I was at her house for about three or four
12 days. The last time that I visited her, when she got my W-2, she
13 actually -- she filed my taxes for me. It wasn't until then that I left her
14 house.

15 Q And what day was that, that was in February sometime, I
16 believe?

17 A It was. It was in the beginning of February sometime.

18 Q And was that prior to or after Valentine's Day?

19 A Prior to. She actually -- she asked if I would come back for
20 Valentine's Day, but I declined. I mean after my taxes were filed, I
21 left.

22 Q And what happened after that, what contact did you have
23 with Kim after that?

24 A Well, I was supposed to get a certain amount back on my
25 tax return and she -- I was going to give her some extra money. But

1 they audited my taxes, so that didn't happen. So I mean she did text
2 me after that a few times. She was upset. She said I just, you know,
3 took money and ran.

4 Q So she thought that she had some of your tax return
5 coming to her and she never got it because you never got that
6 money from the IRS; is that correct?

7 A Correct. Correct.

8 Q And was she mad at you about that?

9 A She was.

10 Q What contact did you have after that?

11 A Following that, I mean other than the few text messages,
12 after that I blocked her from my phone and on social media. She
13 would email me with the same messages, you know, you owe me
14 money, using profanity, and, you know, things of that sort, but after a
15 while I just ignored it.

16 Q And when was the last time you heard from her?

17 A I believe that was the last time.

18 Q All right.

19 MR. POSIN: I'll pass the witness, Your Honor.

20 THE COURT: Okay.

21 MS. EINHORN: The Court's indulgence.

22 THE COURT: Sure.

23 MS. EINHORN: Thank you, Your Honor.

24 CROSS-EXAMINATION

25 BY MS. EINHORN:

1 Q Good afternoon, Mr. Brass.

2 A Good afternoon.

3 Q So, Mr. Brass, you stated that you worked for Apple?

4 A Correct.

5 Q And you worked for Sprint?

6 A Yes, ma'am.

7 Q And you had training in Apple and Sprint; is that fair to
8 say?

9 A Correct.

10 Q Okay. And you stated that you had about four weeks of
11 training at Sprint; was that correct?

12 A Yes.

13 Q How many weeks of training did you have with Apple?

14 A Apple, I believe it was a bit longer, maybe six to eight
15 weeks, I believe.

16 Q And you were trained to help people with their phones
17 from your home; is that correct?

18 A Over the phone, correct.

19 Q Right. So you were at your home to help people from a
20 remote location; is that fair to say?

21 A Yes.

22 Q Okay. You weren't actually in a store helping people?

23 A I wasn't. They would give -- when the calls would come in,
24 they would tell me what their issue is and reading a script or
25 documents provided by Apple, I would walk them through the steps

1 to take in order to correct whatever issue they were having.

2 Q Thank you. And you stated that you began -- you began
3 dating Kim in around summer of 2015?

4 A Correct.

5 Q And then shortly thereafter met her children?

6 A Correct.

7 Q And you had a pretty good relationship with Venice and
8 RaRa; is that fair to say?

9 A Yes.

10 Q Never disciplined them?

11 A Correct.

12 Q Never hit them?

13 A Correct.

14 Q Never raised your voice at them?

15 A Right.

16 Q And you testified that it wasn't often that you would watch
17 the kids alone, right?

18 A Correct.

19 Q And do you recall giving a statement to detectives in July
20 2017?

21 A I do.

22 Q Do you recall in that statement that you actually told
23 detectives you would watch the kids more than Kim?

24 A That wouldn't be while we were alone, that would be while
25 we were together, as well. For example, when we would go maybe

1 to The Palms, there was an incident where we were all together at
2 The Palms, me, Kimberly, RaRa, Venice. We were at the pool.
3 Kimberly was inside of the pool and she wasn't watching RaRa, so he
4 almost drowned. I had to jump in and save him.

5 Another occasion, for example, would be we were at the
6 bowling alley. Kim was like let's go bowling as a family, we'll go
7 bowling. So instead of Kim bowling, she would be maybe at the bar
8 having a drink while I'm in the lanes bowling with the kids.

9 Q So, Mr. Brass, going back to my question, you told police
10 that you would watch the kids more than Kim would; is that correct?

11 A That's correct.

12 Q Okay.

13 A Again, because as Ms. Espinoza said, she wasn't --
14 Kimberly wasn't very attentive.

15 Q Thank you, Mr. Brass. And you said your relationship
16 ended in 2016?

17 A Correct.

18 Q And after your relationship did Kim ever accuse you of any
19 allegations of sexual assault; is that fair to say?

20 A That's correct. Actually, Kimberly said that her aunt
21 moved in the next month, which was September 2016, and she says
22 that also her aunt stayed with her maybe two weeks to a month and
23 she kicked her out because of those accusations, which would have
24 been before November of 2016 where the supposed allegations
25 come from. So in essence Venice accused, or accused Trinity of

1 these things before the events in November of 2016 supposedly ever
2 occurred.

3 Q So, Mr. Brass, going back to my question, which asked for
4 a yes or no and Mr. Posin can follow up with you on redirect, Kim
5 never accused you of any types of allegations against her?

6 A No.

7 Q You told police in your statement that you had watched
8 porn with Kim on your X-Box before, correct?

9 A Correct.

10 Q And also in that interview with police, when police asked
11 you about Arianna, you said you don't know who that is?

12 A Right. I didn't know who she was, correct.

13 Q And then until they confronted you with the Convoy of
14 Hope, she's 12 years old, until then you remembered who she finally
15 was?

16 A Right. When they brought up the Convoy of Hope, I knew
17 that that girl that was at the Convoy of Hope was Arianna. Before
18 then I didn't know her name because I didn't have that interaction
19 with her, other than picking her up from the Boys and Girls Club and
20 then that Convoy of Hope. So I didn't know what her name was.

21 Q Okay. And then do you recall having another conversation
22 with police in October of 2017?

23 A I believe so.

24 Q Did you recall in that statement telling police that you
25 couldn't remember her name, referencing Arianna?

1 A Correct.

2 Q Okay. So you told police you don't know who she is?

3 A I didn't know her name.

4 Q Okay. You picked up Venice and Arianna from the Boys
5 and Girls Club, right?

6 A Correct.

7 Q You picked them up multiple times by yourself?

8 A Correct.

9 Q You would take Arianna back to her house?

10 A Sometimes or I would drop her off in the front at the gate,
11 correct.

12 Q So you knew where she lived?

13 A Not what house exactly. I mean, again, I would drop her
14 off in front of the gate or when I would take her to her house, it
15 would be because she would direct me, but I wouldn't remember
16 what house she lived in.

17 Q So she did direct you to her house at one point?

18 A Correct.

19 Q And you stated that when you got your tax return in
20 February 2017 that you were supposed to give Kim money, right?

21 A Correct.

22 Q How much money were you supposed to give her?

23 A It wasn't a set amount.

24 Q Rough estimate how much money you were supposed to
25 give her?

1 A Well, based on my return I would probably give her maybe
2 about 1,000, 1500 to help her with her rent, the bills that she had.

3 Q Now I want to talk about the apartment on Stober.

4 A Okay.

5 Q You lived there with your brother, right?

6 A Correct.

7 Q And that apartment complex is near The Palm's Hotel,
8 right?

9 A Well, it's closer to Spring Mount Indicator. The Palm is on
10 Flamingo, but it's in the area, correct.

11 Q Two or so blocks from The Palm's Hotel?

12 A About that. We saw the map, correct.

13 Q Okay. That you could maybe have to drive by The Palms
14 to get to your apartment?

15 A Possibly.

16 Q And the apartment, the Stober apartment, it's two stories,
17 right?

18 A It is.

19 Q You have to enter from the outside to go into the
20 apartment door; is that fair to say?

21 A As most apartments, yes, you have to -- again, it has a
22 gate. You would enter the code into the gate, enter through the gate,
23 and correct.

24 Q And the carpet was brown?

25 A The carpet was brown, correct.

1 Q Okay.

2 A And there was a black leather couch.

3 Q There was no question, Mr. Brass, thank you.

4 A Okay. No problem.

5 MS. EINHORN: The Court's brief indulgence.

6 THE COURT: Sure.

7 BY MS. EINHORN:

8 Q And, Mr. Brass, just going back to your relationship with
9 the kids, there was never a rule in place that you were not allowed to
10 watch the kids alone, correct?

11 A That's correct.

12 Q Okay. Just a few more questions, Mr. Brass. Going back
13 to that statement that you gave detectives in July of 2017, do you
14 recall a detective asking you, I mean Venice was very convinced that
15 you had inappropriate touching of her parts, you know, her vagina,
16 things like that. Do you remember being asked that?

17 A Not really. I mean it was two years ago, but.

18 Q Would it refresh your recollection if I approached and
19 showed you a copy?

20 A Sure.

21 MS. EINHORN: Your Honor, may I approach the witness?

22 THE COURT: Yes.

23 MS. EINHORN: And just referencing Mr. Brass' statement,
24 page 32, counsel.

25 BY MS. EINHORN:

1 Q Mr. Brass, if you can just take a look at kind of the bottom
2 of page 32 into the top of page 33 and let me know when your
3 recollection is refreshed.

4 A Okay.

5 Q Would you also take a look at the top of page 33.

6 [Witness reviews document]

7 A Okay.

8 Q Has that refreshed your recollection?

9 A Yes.

10 Q Okay. So, Mr. Brass, I'm asking you again, detectives
11 asked you a question, I mean Venice is very convinced that you had
12 inappropriate touching of her parts, you know, her vagina, things like
13 that, correct?

14 A Correct.

15 Q And your answer was uh-huh, correct?

16 A Correct.

17 Q And then they asked you, I mean she didn't -- and it didn't
18 sound -- you know, when I talked to Kim, that she would have any
19 reason to concoct a story to set you up or anything. It sounded like
20 Venice, for the most part, liked you. And you answered, right. Is that
21 correct?

22 A Right. She did like me, correct.

23 Q And you had a good relationship with her?

24 A Correct. With both of Kim's kids I had a good relationship
25 with.

1 Q And detectives also asked you, is there any reason that you
2 would ever think that she, referencing Venice, would lie about you or
3 her mother or anything that happened to her. Do you remember
4 being asked that?

5 A Yes.

6 Q And do you remember answering, I honestly wouldn't be
7 able to say?

8 A Right.

9 Q And then you were also asked, referencing Arianna, would
10 you have any reason to think that Arianna was trying to have
11 anything against you; that she didn't like you or that she would make
12 anything up about you. Do you remember being asked that?

13 A Yes.

14 Q And your answer, I wouldn't, I wouldn't think so. I really
15 don't know her?

16 A Right. Because again I had no -- I didn't know her. I didn't
17 have any relationship with her at all.

18 MS. EINHORN: Your Honor, I have no further questions.

19 MR. POSIN: Thank you, Your Honor.

20 REDIRECT EXAMINATION

21 BY MR. POSIN:

22 Q When you heard about these allegations about Trinity,
23 what did you say to Kim?

24 A Well, when Kim first told me that, she was crying. I told
25 her that if they were my kids, I would report it and have them

1 checked.

2 Q Did she?

3 A She did not.

4 Q When did you have that conversation with her where you
5 learned about the allegations that Trinity in fact had been molesting
6 Venice?

7 A It was sometime in late October, I believe. It was after she
8 had already kicked Trinity and her mother out of the house.

9 Q Okay. So let's go through that again. You left when?

10 A August 2016.

11 Q Then October you learned of these allegations from Kim?

12 A Correct.

13 Q And you told her to get that checked out?

14 A I told her to -- that she should report it and get them
15 checked, correct. She asked me if they were my kids, what would I
16 do. I told her she should get them checked out and report it.

17 Q That was October. And then the Convoy of Hope was
18 when?

19 A That was November.

20 Q Thank you.

21 A So the Convoy of Hope, I mean from the pictures
22 November 19th, Venice says in her statement that she told her mom
23 that it was Trinity for about a week and then she told her that it was
24 me, which, you know, that would have meant that she would have
25 had to tell her mom it was me sometime in October before the

1 Convoy of Hope or again before any of these incidents in November
2 happened, before I went back in February for my tax return, it would
3 have already been stated, I suppose. But, yeah, I think it was late
4 February after I left her house that the call was made to the police
5 about me, I believe the 27th.

6 Q So some many months after the conversation you had
7 with Kim about Trinity?

8 A Correct.

9 Q Thank you.

10 MR. POSIN: Nothing further, Your Honor.

11 RECROSS-EXAMINATION

12 BY MS. EINHORN:

13 Q So both Kim and Venice are lying when they said that they
14 both found out about the allegations that Venice said about Trinity in
15 January 2017?

16 A Well, if we go by their --

17 Q Yes or no?

18 A Yes.

19 Q Okay.

20 MS. EINHORN: Nothing further.

21 MR. POSIN: If I may, Your Honor.

22 FURTHER REDIRECT EXAMINATION

23 BY MR. POSIN:

24 Q You were about to explain something to Ms. Einhorn.
25 What were you going to say?

1 A Well, I was going to say if we go by their statements that
2 they've made on the stand, yes, they're lying. If Kimberly says that
3 her aunt moved in in September for maybe two weeks to a month
4 and she kicked her aunt out because of the allegations and then a
5 week later Venice tells her that it's me, that would mean it would
6 have to have been done in October, maybe even November at the
7 latest. So for them to say it happened in January, that's a lie, correct.

8 Q All right. And other things that they've said that, true or
9 not true. Is it true that you had sexual contact with Venice?

10 A No.

11 Q So if Venice says that --

12 MS. EINHORN: Your Honor, I'm going to object. It's
13 beyond the scope --

14 THE COURT: Sustained.

15 MS. EINHORN: -- and asked and answered.

16 THE COURT: Sustained.

17 MR. POSIN: All right. Then I have nothing further, Your
18 Honor.

19 MS. EINHORN: I have nothing further, Your Honor.

20 MR. POSIN: And the Defense will rest.

21 DEFENSE RESTS

22 THE COURT: Okay. Mr. Brass, you can step down.

23 THE WITNESS: Thank you.

24 THE COURT: Unless we have any questions? No?

25 Okay, you can step down. Thank you.

1 Is this now a good time to break for the day?

2 [WITNESS EXCUSED]

3 MR. POSIN: Yes, Your Honor.

4 MS. EINHORN: Yes, Your Honor.

5 THE COURT: Ladies and gentlemen, we'll begin tomorrow
6 at 10:30. And the hearing calendar, hopefully we'll be done before
7 then, at which time we will have instructions from me and then
8 closing arguments and then deliberation tomorrow.

9 So during this break, during this recess, you are
10 admonished not to talk or converse amongst yourselves or with
11 anyone else on any subject connected with this trial, read, watch, or
12 listen to any report or commentary on this trial or any person
13 connected with this trial by any medium of information, including,
14 without limitation, too, social media, texts, newspapers, television,
15 internet, radio.

16 Do not visit the scene of any of the events mentioned
17 during the trial. Do not undertake any investigation. Do not Google
18 anything about the trial, do not do any posting or communications
19 on any social networking sites. Do not do any independent research,
20 including internet searches. Do not form or express any opinion on
21 any subject connected with the trial until the case is finally submitted
22 to you.

23 We'll see you tomorrow at 10:30.

24 THE MARSHAL: All rise for the jury.

25 [Jury out at 4:49 p.m.]

1 THE COURT: You may be seated. We'll check and see if
2 the instructions are finalized.

3 MS. RHOADES: Okay, thank you. t

4 THE COURT: While she's doing that, anything else we
5 need to talk about?

6 MS. EINHORN: I don't think so.

7 MR. POSIN: Your Honor, with the Court's permission, if
8 that's going to take a couple minutes, maybe I can step back or
9 maybe she's finished.

10 THE CLERK: She's printing them and she'll bring them
11 back in.

12 THE COURT: Okay.

13 MR. POSIN: I was just wondering if I could step back and
14 have a little chat with my client while we're waiting for those to
15 arrive.

16 THE COURT: Oh, sure.

17 MR. POSIN: And then come on back in.

18 THE COURT: Sure.

19 Let's go off the record.

20 [Off the record 4:51 p.m. to 4:56 p.m.)

21 THE COURT: Okay. So we've handed -- the jury's been
22 excused. It's five to five. We've handed both sides a copy of what
23 we propose to be the final instructions. And I'd say take them with
24 you. Presumably, if there is any issue, hopefully there's none, but if
25 there is, let us know first thing tomorrow morning.

1 MS. RHOADES: Your Honor, is the [indiscernible]
2 instruction in here or was that taken out, the one about him
3 testifying?

4 THE CLERK: It's out.

5 MS. RHOADES: It's out?

6 THE COURT: Taken out, or at least should have been, so
7 double-check them. I know you've already see them, but they've
8 been reformatted, they're now numbered, citations taken out, and let
9 us know tomorrow before we bring the jurors in if there's any issue.

10 And see you tomorrow.

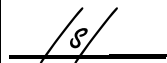
11 MS. RHOADES: Thank you, Your Honor.

12 MR. POSIN: Thank you, Your Honor.

13 [Proceedings adjourned at 4:57 p.m.]

14 * * * * *

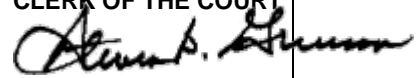
15
16 ATTEST: I do hereby certify that I have truly and correctly transcribed the
17 audio/video proceedings in the above-entitled case to the best of my ability.

18
19
20 

21 Valori Weber

22 Transcriber

23
24
25 Date: June 1, 2020



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	CASE#: C-18-329765-1
)	
Plaintiff,)	DEPT. XV
)	
v.)	
)	
DEQUINCY BRASS,)	
#2707679,)	
)	
Defendant.)	

BEFORE THE HONORABLE JOSEPH P. HARDY,
DISTRICT COURT JUDGE

TUESDAY, MARCH 3, 2020

RECORDER'S TRANSCRIPT OF JURY TRIAL [DAY 6]

APPEARANCES:

For the Plaintiff: KRISTINA A. RHOADES, ESQ.
KELSEY EINHORN, ESQ.

For the Defendant: MITCHELL L. POSIN, ESQ.

RECORDED BY: MATTHEW YARBROUGH, COURT RECORDER

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Las Vegas, Nevada, Tuesday, March 3, 2020

[Hearing began at 12:47 p.m.]

[Outside the presence of the Jury]

THE CLERK: -- 9765, State of Nevada vs. Dequincy Brass.

MS. RHOADES: Good morning, Your Honor. Kristina Rhoades and Kelsey Einhorn for the State.

MR. POSIN: Good morning, Your Honor, Mitchell Posin, bar number 2840, on behalf of Mr. Brass, who is here present and in custody.

THE COURT: Good morning, good morning.
Okay. Hopefully, we have instructions one through 33.
Have you all had a chance to review them?

MR. POSIN: Yes, sir.

MS. RHOADES: Yes, Your Honor.

THE COURT: Any issues, questions, or concerns?

MR. POSIN: No, Your Honor.

MS. RHOADES: No.

THE COURT: Okay. So instructions one through 33 being agreed upon will be given. Are we ready to proceed?

MR. POSIN: Ready.

MS. RHOADES: Ready.

THE COURT: Thank you.

THE MARSHAL: All rise for the jury.

[Jury in at 11:00 am.]

1 THE COURT: Please be seated. Welcome back, Ladies and
2 Gentlemen and thank you for your service and patience with us.

3 With both sides having rested, it's now my duty to instruct
4 you on the law and give you the jury instructions, after which we'll
5 have oral arguments and deliberations.

6 Are both sides ready to proceed?

7 MR. POSIN: Yes, Your Honor.

8 MS. RHOADES: Yes, Your Honor.

9 THE COURT: Okay. So, ladies and gentlemen, and you'll
10 have a copy of these instructions to go back with you in your
11 deliberations, so you'll have a written copy.

12 So instruction number one. Members of the jury, it is now
13 my duty as Judge to instruct you in the law that applies to this case.
14 It is your duty as jurors to follow these instructions and to apply the
15 rules of law to the facts as you find them to be from the evidence.
16 You must not be concerned with the wisdom of any rule of law
17 stated in these instructions.

18 Regardless of any opinion you may have as to what the
19 law ought to be, it would be a violation of your oath to base a verdict
20 upon any other view of the law than that given in the instructions of
21 the Court.

22 2. If, in these instructions any rule, direction, or ideas
23 repeated or stated in different ways, no emphasis thereon, is
24 intended by me and none may be inferred by you. For that reason
25 you are not to single out any certain sentence or any individual point

1 or instruction and ignore the others, but you are to consider all the
2 instructions as a whole and regard each in the light of all the others.
3 The order in which the instructions are given has no significance as
4 to their relative importance.

5 3. An information is but a formal method of accusing a
6 person of a crime and is not of itself any evidence of his guilt. In this
7 case it is charged in a third amended information that on or between
8 May 4, 2015, and February 1, 2017, the Defendant committed the
9 offenses of lewdness with a child under the age of 14, sexual assault
10 with a minor under 14 years of age, child abuse, neglect, or
11 endangerment, first degree kidnapping of a minor, preventing or
12 dissuading witness or victim from reporting crime or commencing
13 prosecution, and battery with intent to commit sexual assault victim
14 under 16.

15 It is the duty of the jury to apply the rules of law contained
16 in these instructions to the facts of this case and determine whether
17 or not Defendant is guilty of one or more of the offenses charged,
18 which are set forth as follows:

19 Count 1. Lewdness with a child under the age of 14. Did,
20 on or between May 4, 2015, and February 1, 2017, willfully, lewdly,
21 unlawfully, and feloniously commit a lewd or lascivious act upon or
22 with the body or any part or member thereof of a child, to wit, V.M., a
23 child under the age of 14 years, by causing V.M. to sit on his lap
24 and/or on top of him while D.M. and/or Defendant were naked and/or
25 by undressing and/or kissing and/or touching the buttocks and/or

1 genital area of V.M. with the intent of arousing, appealing to, or
2 gratifying the lust, passions, or sexual desires of Defendant or V.M.

3 Count 2. Sexual assault with a minor under 14 years of
4 age. Did, on or between May 4, 2015 and February 1, 2017, then and
5 there, willfully, unlawfully, and feloniously commit a sexual
6 penetration upon V.M., a child under the age of 14 years, to wit,
7 sexual intercourse, by placing his penis into the genital opening of
8 V.M., against his or her will, or under conditions in which Defendant
9 knew or should have known that V.M. was mentally or physically
10 incapable of resisting or understanding the nature of Defendant's
11 conduct.

12 Count 3. Sexual assault with a minor under 14 years of
13 age. Did, on or between May 4, 2015 and February 1, 2017, then and
14 there willfully, unlawfully, and feloniously, commit a sexual
15 penetration upon V.M., a child under the age of 14 years, to wit,
16 fellatio, by placing his penis on or in the mouth of V.M., against his
17 or her will or under conditions in which Defendant knew or should
18 have known that V.M. was mentally or physically incapable of
19 resisting or understanding the nature of Defendant's conduct.

20 Count 4. Sexual assault with a minor under 14 years of
21 age. Did, on or between, May 4, 2015 and February 1, 2017, then and
22 there willfully, unlawfully, and feloniously commit a sexual
23 penetration upon V.M., a child under the age of 14 years, to wit,
24 cunnilingus, by placing his mouth and/or tongue on or in the genital
25 opening of V.M., against his or her will, or under conditions in which

1 Defendant knew or should have known that V.M. was mentally or
2 physically incapable of resisting or understanding the nature of
3 Defendant's conduct.

4 Count 5. Lewdness with a child under the age of 14. Did,
5 on or between May 4, 2015 and February 1, 2017, willfully, lewdly,
6 unlawfully, and feloniously commit a lewd or lascivious act upon or
7 with the body or any part or member thereof of a child, to wit, V.M., a
8 child under the age of 14 years, by causing V.M. to sit on his lap
9 and/or on top of him while V.M. and/or Defendant were naked and/or
10 by undressing and/or kissing and/or touching the buttocks or genital
11 area of V.M., with the intent of arousing, appealing to or gratifying
12 the lust, passions, or sexual desires of Defendant or V.M.

13 Count 6. Sexual assault with a minor under 14 years of
14 age. Did, on or between May 4, 2015 and February 1, 2017, then and
15 there willfully, unlawfully, and feloniously commit a sexual
16 penetration upon V.M., a child under the age of 14 years, to wit,
17 digital penetration, by inserting his fingers or finger into the anal
18 opening and/or the genital opening of V.M., against his or her will, or
19 under conditions in which Defendant knew or should have known
20 that V.M. was mentally or physically incapable of resisting or
21 understanding the nature of Defendant's conduct.

22 Count 7. Child abuse, neglect, or endangerment. Did, on
23 or between May 4, 2015 and February 1, 2017, willfully, unlawfully,
24 and feloniously cause a child under the age of 18 years, to wit, V.M.,
25 being approximately nine years of age, to suffer unjustifiable

1 physical pain or mental suffering as a result of abuse or neglect, to
2 wit, sexual exploitation and/or cause V.M. to be placed in a situation
3 where he or she might have suffered unjustifiable physical pain or
4 mental suffering as a result of abuse or neglect, to wit, sexual
5 exploitation, to wit, by Defendant causing or allowing V.M. to view
6 pornographic film.

7 Count 8. First degree kidnapping of a minor. Did on or
8 between May 4, 2015 and February 1, 2017, willfully, unlawfully, and
9 feloniously lead, take, entice, and/or carry away or detain V.M., a
10 minor, with the intent to keep him or her for a protracted period of
11 time or permanently and/or in prison or confined V.M., from his or
12 her parents, guardians, or other person or persons, having lawful
13 custody of V.M., or with the intent to hold V.M. to unlawful service or
14 to perpetrate upon the person of V.M. any unlawful act, to wit,
15 lewdness with a child under the age of 14 and/or sexual assault with
16 a minor under 14 years of age.

17 Count 9. Lewdness with a child under the age of 14. Did,
18 on or between May 4, 2015, and February 1, 2017, willfully, lewdly,
19 unlawfully, and feloniously commit a lewd or lascivious act upon or
20 with the body or any part or member thereof of a child, to wit, V.M., a
21 child under the age of 14 years, by undressing and/or kissing V.M.
22 and/or by touching the buttocks or genital area of V.M., with intent of
23 arousing, appealing to, or gratifying the lust, passions, or sexual
24 desires of Defendant or V.M.

25 Count 10. Sexual assault with a minor under 14 years of

1 age. Did, on or between May 4, 2015, and February 1, 2017, then and
2 there willfully, unlawfully, and feloniously commit a sexual
3 penetration upon V.M., a child under the age of 18 years, to wit,
4 fellatio, by placing his penis on or in the mouth of V.M., against his
5 or her will, or under conditions in which Defendant knew or should
6 have known that V.M. was mentally or physically incapable of
7 resisting or understanding the nature of Defendant's conduct.

8 Count 11. Sexual assault with a minor under 14 years of
9 age. Did, on or between May 4, 2015 and February 1, 2017, then and
10 there willfully, unlawfully, and feloniously commit a sexual
11 penetration upon V.M., a child under the age of 14 years, to wit,
12 sexual intercourse, by placing his penis in the genital opening of
13 V.M., against his or her will or under conditions in which Defendant
14 knew or should have known that V.M. was mentally or physically
15 incapable of resisting or understanding the nature of Defendant's
16 conduct.

17 Count 12. Preventing or dissuading witness or victim from
18 reporting crime or commencing prosecution. Did, on or between
19 May 4, 2015 and February 1, 2017, then and there, willfully,
20 unlawfully, and feloniously, by intimidation or threats, prevent or
21 dissuade or hinder or delay V.M. from reporting a crime to a peace
22 officer by threatening to hurt V.M. and/or V.M.'s brother, if V.M. told.

23 Count 13. First degree kidnapping of a minor. Did, on or
24 between November 1, 2016 and February 1, 2017, willfully,
25 unlawfully, and feloniously, lead, take, entice and/or carry away or

1 detain A.W., a minor, with the intent to keep him or her for a
2 protracted period of time or permanently and/or in prison or confine
3 A.W. from his or her parents, guardians, or other persons or persons
4 -- or other person or persons, having lawful custody of A.W. or with
5 the intent to hold A.W. to unlawful service or to perpetrate upon the
6 person of A.W. any unlawful act, to wit, lewdness with a child under
7 the age of 14 and/or sexual assault with a minor under 14 years of
8 age.

9 Count 14. Sexual assault with a minor under 14 years of
10 age. Did, on or between November 1, 2016 and February 1, 2017,
11 then and there, willfully, unlawfully, and feloniously, commit a sexual
12 penetration upon A.W., a child under the age of 14 years, to wit,
13 sexual intercourse, by placing his penis into the genital opening of
14 A.W.

15 Count 15. First degree kidnapping of a minor. Did, on or
16 between November 1, 2016 and February 1, 2017, willfully,
17 unlawfully, and feloniously, lead, take, entice, and/or carry away or
18 detain A.W., a minor, with the intent to keep him or her for a
19 protracted period of time or permanently and/or in prison or confine
20 A.W. from his or her parents, guardians, or other person or persons,
21 having lawful custody of A.W. or with the intent to hold A.W. to
22 unlawful service or to perpetrate upon the person of A.W. any
23 unlawful act, to wit, lewdness with a child under the age of 14 and/or
24 sexual assault with a minor under 14 years of age.

25 Count 16. Lewdness with a child under the age of 14. Did,

1 on or between November 1, 2016 and February 1, 2017, willfully,
2 lewdly, unlawfully, and feloniously commit a lewd or lascivious act
3 upon or with the body or any part or member thereof of a child, to
4 wit, A.W., a child under the age of 14 years, by undressing and/or
5 touching and/or rubbing the genital area of A.W. with his penis
6 and/or hands with the intent of arousing, appealing to, or gratifying
7 the lust, passions, or sexual desires of Defendant or A.W.

8 Count 17. Battery with intent to commit sexual assault
9 with a victim under 16. Did, on or between November 1, 2016 and/or
10 February 1, 2017, then and there, willfully, unlawfully, and
11 feloniously, use force or violence upon the person of another, to wit,
12 A.W., a child under 16 years of age, with the intent to commit sexual
13 assault by punching A.W.

14 Count 18. Sexual assault with a minor under 14 years of
15 age. Did, on or between November 1, 2016 and February 1, 2017,
16 then and there, willfully, unlawfully, and feloniously commit a sexual
17 penetration upon A.W., a child under the age of 14 years, to wit,
18 sexual intercourse, by placing his penis into the genital opening of
19 A.W.

20 Count 19. Preventing or dissuading witness or victim from
21 reporting crime or commencing prosecution. Did, on or between
22 November 1, 2016, and February 1, 2017, then and there, willfully,
23 unlawfully, and feloniously, by intimidation or threats, prevent or
24 dissuade or hinder or delay A.W. from reporting a crime to a peace
25 officer, by telling A.W. not to tell anyone or else he would harm

1 and/or kill A.W.

2 Count 20. Lewdness with a child under the age of 14. Did,
3 on or between May 4, 2015 and February 1, 2017, willfully, lewdly,
4 unlawfully, and feloniously commit a lewd or lascivious act upon or
5 with the body or any part or member thereof of a child, to wit, R.M., a
6 child under the age of 14 years, by Defendant using his penis and/or
7 hands to touch and/or rub and/or fondle R.M.'s penis and/or buttocks
8 with the intent of arousing, appealing to, or gratifying the lust,
9 passions, or sexual desires of Defendant or R.M.

10 Count 21. Sexual assault with a minor under 14 years of
11 age. Did, on or between May 4, 2015 and February 1, 2017, then and
12 there, willfully, unlawfully, and feloniously, commit a sexual
13 penetration upon R.M., a child under the age of 14 years, to wit, anal
14 intercourse, by placing his penis into the anal opening of R.M.,
15 against his or her will, or under conditions in which Defendant knew
16 or should have known that R.M. was mentally or physically incapable
17 of resisting or understanding the nature of Defendant's conduct.

18 Count 22. Sexual assault with a minor under 14 years of
19 age. Did, on or between May 4, 2015 and February 1, 2017, then and
20 there, willfully, unlawfully, and feloniously, committed sexual
21 penetration upon V.M., a child under the age of 18 years, to wit, anal
22 intercourse by placing his penis into the anal opening of V.M.,
23 against his or her will, or under conditions in which Defendant knew
24 or should have known that V.M. was mentally or physically incapable
25 of resisting or understanding the nature of Defendant's conduct.

1 Each charge and the evidence pertaining to it should be
2 considered separately. The fact that you may find the Defendant
3 guilty or not as to one of the offenses charged should not control
4 your verdict as to any other offense charged.

5 Instruction No. 4. To constitute the crime charged, there
6 must exist a union or joint operation of an act forbidden by law and
7 an intent to do the act. The intent with which an act is done is shown
8 by the facts and circumstances surrounding the case. Do not confuse
9 intent with motive. Motive is what prompts a person to act. Intent
10 refers only to the state of mind with which the act is done.

11 Motive is not an element of the crime charged and the
12 State is not required to prove a motive on the part of the Defendant
13 in order to convict. However, you may consider evidence of motive
14 or lack of motive as a circumstance in the case.

15 Number 5. The Defendant is presumed innocent until the
16 contrary is proved. This presumption places upon the State the
17 burden of proving beyond a reasonable doubt every element of the
18 crime charged and that the Defendant is the person who committed
19 the offense.

20 A reasonable doubt is one based on reason. It is not near
21 possible doubt, but is such a doubt as would govern or control a
22 person in the more weighty affairs of life.

23 If the minds of the jurors, after the entire comparison and
24 consideration of all the evidence are in such a condition that they can
25 say they feel an abiding conviction of the truth of the charge, there is

1 not a reasonable doubt. A doubt to be reasonable must be actual,
2 not mere possibility or speculation. If you have a reasonable doubt
3 as to the guilt of the Defendant, he is entitled to a verdict of not
4 guilty.

5 6. You are here to determine whether the Defendant is
6 guilty or not guilty from the evidence in the case. You are not called
7 upon to return a verdict as to the guilt or innocence of any other
8 person. So, if the evidence in this case convinces you beyond a
9 reasonable doubt of the guilt of the Defendant, you should so find,
10 even though you may believe one or more persons are also guilty.

11 7. The evidence which you are to consider in this case
12 consists of the testimony of the witnesses, the exhibits, and any facts
13 submitted or agreed to by counsel.

14 There are two types of evidence, direct and circumstantial.
15 Direct evidence is the testimony of a person who claims to have
16 personal knowledge of the commission of the crime which has been
17 charged, such as an eye witness. Circumstantial evidence is the
18 proof of a chain of facts and circumstances which tend to show
19 whether the Defendant is guilty or not guilty. The law makes no
20 distinction between the weight to be given to either direct or
21 circumstantial evidence. Therefore, all of the evidence in the case,
22 including the circumstantial evidence, should be considered by you
23 in arriving at your verdict.

24 Statements, arguments, and opinions of counsel are not
25 evidence in the case. However, if the attorneys stipulate to the

1 existence of a fact, you must accept this stipulation as evidence and
2 regard that fact as proved.

3 You must not speculate to be true any insinuations
4 suggested by a question asked of a witness. A question is not
5 evidence and may be considered only as it supplies meaning to the
6 answer.

7 You must disregard any evidence to which an objection
8 was sustained by the Court and any evidence stricken by the Court.
9 Anything you may have seen or heard outside the courtroom is not
10 evidence and must also be disregarded.

11 8. The credibility or believability of a witness should be
12 determined by his or her manner upon the stand, his or her
13 relationship to the parties, his or her fears, motives, interests, or
14 feelings, his or her opportunity to have observed the matter to which
15 he or she testified, the reasonableness of his or her statements, and
16 the strength or weakness of his or her recollections.

17 If you believe that a witness has lied about any material
18 fact in the case, you may disregard the entire testimony of that
19 witness or any portion of his testimony which is not proved by other
20 evidence.

21 9. A witness who has special knowledge, skill, experience,
22 training, or education in a particular science, profession, or
23 occupation, is an expert witness. An expert witness may give his or
24 her opinion as to any matter in which he or she is skilled. You
25 should consider such expert opinion and weight the reasons, if any,

1 given for it. You're not bound, however, by such an opinion. Give it
2 the weight to which you deem it entitled, whether that be great or
3 slight, and you may reject it if, in your judgment, the reasons given
4 for it are unsound.

5 10. Any person who willfully commits any lewd or
6 lascivious act, other than acts constituting the crime of sexual
7 assault, upon or with any part of the body of a child under the age of
8 14 years, with the intent of arousing, appealing to, or gratifying or
9 lust or passions or sexual desires of that person or of that child is
10 guilty of lewdness with a minor.

11 11. The law does not require that the lust, passions, or
12 sexual desires of either of such persons actually be aroused,
13 appealed to, or gratified.

14 12. To constitute a lewd or lascivious act is not necessary
15 that the bare skin be touched. The touching may be through the
16 clothing of the child. Lewdness with a child under the age of 14
17 years requires an act upon or with the body of a child under the age
18 of 14 years, but does not require physical contact between the
19 perpetrator and the victim.

20 13. Consent in fact of a minor child under 14 years of age
21 to sexual activity is not a defense to a charge of lewdness with a
22 child under the age of 14.

23 14. A person who subjects another person to sexual
24 penetration or forces another person to make a sexual penetration on
25 himself or herself or another against the victim's will or under

1 conditions in which the perpetrator knows or should have known that
2 the victim is mentally or physically incapable of resisting or
3 understanding the nature of his or her conduct is guilty of sexual
4 assault.

5 "Sexual penetration" means cunnilingus, fellatio, or any
6 intrusion, however slight, of any part of a person's body or any
7 object manipulated or inserted by a person into the genital or anal
8 openings of the body of another, including sexual intercourse in its
9 ordinary meaning. Evidence of ejaculation is not necessary. Digital
10 penetration is the placing of one or more fingers of the perpetrator
11 into the genital or anal opening of another person. Cunnilingus is a
12 touching of the female sexual organ by the mouth or tongue of
13 another person. Fellatio is a touching of the penis by the mouth or
14 tongue of another person. Fellatio is a touching of the penis by the
15 mouth or tongue of another person. Sexual intercourse is the
16 intrusion, however slight, of the penis into the genital opening of
17 another person. Anal intercourse is the intrusion, however slight, of
18 the penis into the anal opening of another person.

19 15. Physical force is not necessary in the commission of
20 sexual assault. The crucial question is not whether a person was
21 physically forced to engage in the sexual assault, but whether the act
22 was committed without his or her consent, or other conditions in
23 which the Defendant knew or should have known the person was
24 incapable of giving his or her consent or understanding the nature of
25 the act. There is no consent where a person is induced to submit to

1 the sexual act through fear of death or serious bodily injury.

2 16. A person is not required to do more than his, her age,
3 strength, surrounding facts, and intending circumstances make it
4 reasonable for him or her to do to manifest opposition to a sexual
5 assault.

6 17. Submission is not the equivalent of consent. While
7 consent inevitably involves submission, submission does not
8 inevitably involve consent. Lack of protest by a victim is simply one
9 among the totality of circumstances to be considered by the jury.

10 18. Where multiple sexual acts occurred as part of a single
11 criminal encounter, a defendant may be found guilty for each
12 separate or different act of sexual assault of lewdness. Where a
13 defendant commits a specific type of act constituting sexual assault
14 slash lewdness, he may be found guilty of more than one count of
15 that specific type of act of sexual assault slash lewdness if, 1) there is
16 an interruption between the acts which are of the same specific type,
17 2) where the acts of the same specific type are interrupted by a
18 different specific type of sexual assault slash lewdness, or 3) where
19 each separate object manipulated or inserted into the genital or anal
20 opening of another.

21 Only one sexual assault slash lewdness occurs when a
22 defendant's actions were of one specific type of sexual assault slash
23 lewdness and those acts were continuous and did not stop between
24 the acts of that specific type.

25 19. There is no requirement that the testimony of a victim

1 of sexual abuse be corroborated, and his or her testimony standing
2 alone, if believed beyond a reasonable doubt, is sufficient to sustain
3 a verdict of guilty.

4 20. Where a child has been the victim of lewdness or
5 sexual assault and does not remember the exact date of the act, the
6 State is not required to prove a specific date, but may prove a
7 timeframe within which the act took place.

8 21. A person who leads, takes, entices or carries away and
9 or detains any minor, 1) with the intent to keep the minor for a
10 protracted period of time or permanently and or imprisoned or
11 confine the minor from his or her parents, guardians or any other
12 person having lawful custody of the minor or 2) with the intent to
13 hold the minor to unlawful service or 3) to perpetrate upon the
14 person of the minor any unlawful act, is guilty of first degree
15 kidnapping. The intention or purpose for which the victim was led,
16 taken, enticed or carried away and or detained is a question of fact to
17 be determined by your consideration of the evidence and may be
18 inferred from the Defendant's conduct before, after and during the
19 commission of the offense and all other circumstances disclosed by
20 the evidence.

21 While a guilty verdict must be unanimous, you need not be
22 unanimous on the means or the theory of first degree kidnapping in
23 arriving at your verdict.

24 Consent of a minor under the age of 18 is not a defense to
25 first degree kidnapping. Force or threat of force is not an element of

1 first degree kidnapping.

2 22. A person who willfully causes a child who is less than
3 18 years of age to suffer unjustifiable physical pain or mental
4 suffering as a result of abuse or neglect, or to be placed in a situation
5 where the child may suffer physical pain or mental suffering as a
6 result of abuse or neglect, is guilty of child abuse, neglect or
7 endangerment.

8 23. Abuse or neglect means sexual exploitation of a child
9 under the age of 18 years, under circumstances which indicate that
10 the child's health or welfare is harmed or threatened with harm.
11 Sexual exploitation includes forcing, allowing or encouraging a child
12 to view a pornographic film or literature.

13 24. A person who by intimidating or threatening another
14 person prevents or dissuades a victim of a crime, a person acting on
15 behalf of the victim or a witness from A) reporting a crime or
16 possible crime to a 1) judge, 2) peace officer, 3) parole or probation
17 officer, 4) prosecuting attorney, 5) warden or other employee at an
18 institution of the Department of Corrections or 6) superintendent or
19 other employee at a juvenile correctional institution, B)
20 commencing a criminal prosecution or a proceeding for the
21 revocation of a parole or probation or seeking or assisting in such a
22 prosecution or proceeding or, C) causing the arrest of a person in
23 connection with a crime, or who hinders or delays such a victim,
24 agent or witness in an effort to carry out any of those actions, is
25 guilty of preventing or dissuading witness or victim from reporting

1 crime or commencing prosecution.

2 25. Battery means any willful and unlawful use of force or
3 violence upon the person of another. Any person who commits a
4 battery upon another with the specific intent to commit a sexual
5 assault is guilty of the offense of battery with intent to commit sexual
6 assault.

7 26. Evidence that the Defendant may have committed
8 offenses other than that for which he is on trial, if believed, was not
9 received and may not be considered by you to prove that he is a
10 person of bad character or to prove that he has the disposition to
11 commit such crimes -- to commit the crime.

12 27. It is a defense to the charge of sexual assault that the
13 Defendant entertained a reasonable and good faith belief that the
14 alleged victim consented to engage in sexual intercourse. If you find
15 such reasonable, good faith belief, even if mistaken, you must give
16 the Defendant the benefit of the doubt and find him not guilty of
17 sexual assault. A belief that is based upon ambiguous conduct by
18 the alleged victim that is the product of force, violence, duress,
19 menace or fear of immediate and unlawful bodily injury on the
20 person of another, is not a reasonable and good faith belief.

21 28. Although you are to consider only the evidence in the
22 case in reaching your verdict, you must bring to the conclusion of the
23 evidence your every day commonsense and judgment as reasonable
24 men and women. Thus, you are not limited solely to what you see
25 and hear as the witnesses testified. You may draw reasonable

1 inferences from the evidence which you feel are justified in the light
2 of common experience, keeping in mind that such inferences should
3 not be based on speculation or a guess. A verdict may never be
4 influenced by sympathy, prejudice, or public opinion. Your decision
5 should be the product of sincere judgment and sound discretion in
6 accordance with these rules of law.

7 29. In your deliberation, you may not discuss or consider
8 the subject of punishment, as that is a matter which lies solely with
9 the Court. Your duty is confined to the determination of whether the
10 Defendant is guilty or not guilty.

11 30. During the course of this trial and your deliberations,
12 you are not to, 1) communicate with anyone in any way regarding
13 the case or its merits, either by phone, text, internet or other means,
14 2) read, watch or listen to any news or media accounts or
15 commentary about the case, 3) do any research, such as consulting
16 dictionaries, using the internet, or using reference materials, 4) make
17 any investigation, test the theory of the case, recreate any aspect of
18 the case or in any other way investigate or learn about the case on
19 your own.

20 31. When you retire to consider your verdict, you must
21 select one of your members to act as foreperson who will preside
22 over your deliberation and will be your spokesperson here in court.
23 During your deliberation, you will have all of the exhibits which were
24 admitted into evidence, these written instructions and forms of
25 verdict which have been prepared for your convenience. Your

1 verdict must be unanimous. As soon as you have agreed upon a
2 verdict, have it signed and dated by your foreperson and then return
3 with it to this room.

4 32. If during your deliberation, you should desire to be
5 further informed on any point of law or hear again any portions of
6 the testimony, you must reduce your request to writing, signed by
7 the foreperson. The officer will then return you to court where the
8 information sought will be given you in the presence of, and after
9 notice to the district attorney and the Defendant and his or her
10 counsel. Playbacks of testimony are time consuming and are not
11 encouraged unless you deem them a necessity. Should you require a
12 playback, you must carefully describe the testimony to be played
13 back so that the court recorder can arrange his or her notes.
14 Remember the Court is not at liberty to supplement the evidence.

15 33. Now you will listen to the arguments of counsel who
16 will endeavor to aid you to reach a proper verdict by refreshing in
17 your minds the evidence and by showing the application thereof to
18 the law. But whatever counsel may say, you will bear in mind that it
19 is your duty to be governed in your deliberations by the evidence as
20 you understand it and remember it to be and by the law given to you
21 in these instructions with the sole fixed and steadfast purpose of
22 doing equal and exact justice between the Defendant and the State of
23 Nevada.

24 Is the State ready to proceed?

25 MS. EINHORN: Yes, Your Honor.

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THE COURT: Okay.

STATE'S CLOSING ARGUMENT

MS. EINHORN: He said if we told he would hurt our families. He kept saying something bad would happen if I told. He knows where we live, what we do every day, he knows what time we get out of school, like a lion going after his prey, then he attacks.

Ladies and gentlemen, those are the words of two little girls, at the time around eight and the other around 12 years old. Those are the words of two little girls who were threatened by that man, the Defendant, Dequincy Brass, after he sexually assaulted them multiple times. Don't tell or I'm going to kill you, don't tell or I'm going to hurt you, your mom and your brother.

So, as you've heard, Arianna and Venice didn't tell and they didn't tell for quite some time. Why? Because they were afraid. They were scared. As you heard Arianna when you watched her video yesterday, she said he knows where we live, what we do every day, where we go to school. But they finally were able to come forward and talk about what happened to them, talked to you all about what happened to them. And now, the Defendant must be held accountable for his actions.

In every criminal case, the State must always prove to you two things beyond a reasonable doubt, and that's what I like to break up into what we call the what and the who. The what is the State has to prove the crimes that were committed, and the who, that the Defendant is the person who committed these crimes.

1 So, let's start by answering the second question that's not
2 in dispute in this case. We're talking about the Defendant, ladies and
3 gentlemen. This isn't a whodunit case where there's multiple
4 suspects or identities at issue. Venice, Arianna and Rodriguez all
5 identified the Defendant, who they all referred to as Quincy as the
6 man who hurt them. It's undisputed that the individual we're talking
7 about, the individual whose conduct you will assess back in the
8 deliberation room is none other than the Defendant.

9 What you all are really here to determine is the what. The
10 crimes that were committed back during the timeframe of May 4th,
11 2015 and February 1st, 2017. And we have multiple counts charged
12 in this case, multiple counts of lewdness with a child under the age
13 of 14 for Venice, Arianna and RaRa, multiple counts of sexual assault
14 with a minor under the age of 14 for all three, as well, a child abuse,
15 neglect or endangerment count for Venice. Counts of first degree
16 kidnapping of a minor, one count for Venice, two for Arianna. Two
17 counts of preventing or dissuading a witness or a victim from
18 reporting a crime or commencing prosecution. And lastly, battery
19 with intent to commit sexual assault victim under 16 for Arianna.

20 Now, each of the crimes that I just talked about, and I know
21 there's a lot of them, each of those crimes have elements, and it's the
22 State's job to prove each and every element of those crimes beyond
23 a reasonable doubt.

24 So, now I want to spend some time going through all the
25 crimes that the State has charged, breaking down the law, the

1 elements of that law, and then we'll go back to the facts of the case,
2 back to the testimony that you heard, all the evidence that's been
3 presented, the videos et cetera. And then we'll talk about how the
4 facts apply to those laws to show how the State has proven all of the
5 crimes charged.

6 So, let's start with lewdness. Under the law, any person
7 who commits a lewd or lascivious act, upon or with any part of the
8 body of a child under 14 years old, whose intent is to arouse, appeal
9 or gratify the lust or passions or sexual desires of that person or the
10 child is guilty of lewdness of a child.

11 As the Judge just read to you, the law does not require
12 that the passions actually be aroused, appealed to or gratified as
13 long as that was his intent. So, when you're asking yourselves what
14 was the Defendant's intent when he was committing these lewd acts,
15 you look at what he was doing before, during and after the
16 commissions of all the offenses. Consent is not a defense. It's not
17 necessary that the bare skin be touched. Touching over the clothes
18 suffices as a lewd and lascivious act. And while it does require an act
19 upon or with any part of the body, it does not require any actual
20 physical contact between the perpetrator and the victim .

21 A child under 14, as you know multiple -- many of our
22 counts have the element that the child must be under 14. That's not
23 in dispute in this case. During our timeframe all three victims were
24 under the age of 14. Venice told you she was about eight or nine
25 years old, Arianna around 12, 13 and RaRa was around five when the

1 incidents occurred. So again, not in dispute in this case that we're
2 dealing with all kids under the age of 14 at the time the incidents
3 occurred.

4 Now, let's move on to sexual assault. The law requires
5 that a person who subjects another to sexual penetration, or forces
6 another person to make a sexual penetration on himself, either
7 against the victim's will or under conditions in which the perpetrator
8 knows or should have known, that the victim was mentally or
9 physically incapable of resisting or understanding the nature of his
10 conduct. And that's important, ladies and gentlemen. We're dealing
11 with children in this case. Are children able to resist, do children
12 understand the nature of the acts that we've been talking about
13 through the course of this trial and what's been happening to them.

14 Sexual penetration requires intrusion, however slight, of
15 any part of the person's body or any object manipulated or inserted
16 by a person into either the genitalia openings of someone else;
17 evidence of ejaculation not necessary.

18 Now, for sexual penetration, one of our elements of sexual
19 assault, we have multiple kinds of sexual penetration as the Judge
20 read to you and in this case we have just about everyone of them
21 charged in one count or another. Digital penetration, which is fingers
22 of the perpetrator into the genital or anal opening of another,
23 cunnilingus, the touching of the female sexual organ by the mouth or
24 tongue, fellatio, touching of the penis by the mouth or tongue, sexual
25 intercourse, penis into the genital opening of another, and lastly, anal

1 intercourse, penis into the anal opening of another. And as you will
2 see in our information, we have multiple counts of sexual assault in
3 all of these types of sexual penetration charged.

4 Physical force is not necessary in the commission of a
5 sexual assault, but it just goes back to the crucial question of whether
6 or not there was consent and was it under a condition in which the
7 perpetrator knew, or should have known, the victim was incapable of
8 resisting or understanding the nature of the act. Again, we're dealing
9 with kids who were five, eight, 12 years old.

10 And that goes to this, ladies and gentlemen, a person is
11 not required to do more than his or her age, strengths, surrounding
12 facts and attending circumstances make it reasonable to do in
13 opposition to a sexual assault.

14 Another instruction you have when it comes to sexual
15 assault, and this goes for lewdness, as well, where multiple sexual
16 acts occur as part of a single criminal encounter, a Defendant can be
17 found guilty for each separate or different act of sexual assault or
18 lewdness. So, think back briefly to the testimony you heard from
19 Venice, from Arianna. You know, Venice talked about multiple times
20 at the house, one with the living room with the fireplace, without the
21 fireplace, how different sexual acts occurred there. He put his penis
22 in my vagina, then he made me put it in my mouth. Arianna, he put
23 his penis in my vagina, he touched me over my body. Those are
24 separate and distinct acts each. Even though they're part of the
25 same criminal encounter, whether they all occurred at the hotel,

1 whether they occurred at the house, he can be found guilty for each
2 interruption of a different sexual act of sexual assault or lewdness.

3 Let's move on to child abuse, neglect or endangerment.
4 And the law states that a person who willfully causes a child under
5 the age of 18 to suffer unjustifiable physical pain or mental suffering
6 as a result of abuse or neglect, or places that child in a situation
7 where they may suffer physical pain or mental suffering as a result of
8 abuse or neglect, is guilty of child abuse.

9 So, what's abuse or neglect. Well, the definition of abuse
10 or neglect that we have in this case is sexual exploitation, which
11 simply just means allowing or encouraging a child to watch a
12 pornographic film. And we'll get into the facts, but this is what
13 Venice talks about where the Defendant made her watch a
14 pornographic film at their house on Arden Valley.

15 First degree kidnapping of a minor. The law states that a
16 person who leads, takes, entices, detains any minor with either 1) the
17 intent to keep the minor for a protracted period of time or
18 permanently from his or her parents or the intent to hold a minor to
19 unlawful service or to perpetrate upon the minor any unlawful act.
20 So, there's three different theories that you can all use whether or
21 not you find the Defendant guilty of first degree kidnapping.

22 And as the Judge said, while you must be unanimous on
23 whether or not the Defendant is guilty or not of first degree
24 kidnapping, you don't have to be unanimous on the theory of the
25 first degree kidnapping. When you're in the back deliberating, some

1 of you might think well, he kept her for a certain period of time from
2 her mom, others of you might think his intent was to perpetrate upon
3 her a sexual assault, to commit lewd acts upon her. As long as
4 you're unanimous on the count, it doesn't matter if you're
5 unanimous on the theory. And the unlawful acts we're talking about,
6 the sexual assault, the lewdness of a minor.

7 Once again, consent not a defense. No element of force.
8 You know, we all see those movies where we think kidnap means
9 dragging the person out of their house and throwing them in the car
10 and beating them up, that's not what the law for first degree
11 kidnapping requires. And once again, when you're determining
12 intent, it can be inferred from his conduct before, during and after the
13 commission of the offense in question.

14 Preventing or dissuading a witness or victim from
15 reporting a crime or commencing prosecution and that's a mouthful
16 of a charge, ladies and gentlemen. But essentially the law is in the
17 charge itself. That a person who intimidates another, prevents or
18 dissuades a victim from reporting the crime, from commencing the
19 prosecution, from delaying them and causing the arrest of the
20 person, who in any way hinders any of that, is guilty.

21 And our last charge battery with intent to commit sexual
22 assault victim under 16. You can kind of break this up into three
23 elements. Was there a battery. If there was, was the intent behind
24 that battery to commit a sexual assault and is the person under 16,
25 which we already know we've achieved in this case. Arianna was

1 around 12, 13 at the time.

2 Battery is any unlawful use of force or violence upon the
3 person of another. And when you're determining whether or not the
4 Defendant's intent was to commit a sexual assault, you infer from the
5 surrounding facts and circumstances. Once again, what was he
6 doing before, what was he doing during, and what was he doing
7 after the battery.

8 So, ladies and gentlemen, there's a couple other
9 instructions that I just want to touch on before we move back into the
10 facts and the evidence that you've heard over the last week or so.
11 And one talks about how a specific date is not required. Where a
12 child has been a victim of a lewdness or a sexual assault and does
13 not remember the exact date of the act, the State is not required to
14 prove a specific date, but rather can prove a timeframe within the act
15 took place, which is what we did here.

16 We have a date range from May 4th, 2015 through
17 February 1st, 2017. And remember back to jury selection when Ms.
18 Rhoades was talking to you all and asking questions, all of you
19 agreed that children wouldn't remember specific dates. Children
20 remember how old they were, or was it near Christmas, or a major
21 holiday, was it near an event. And that's kind of what Arianna and
22 Venice testified about, remembering the Convoy of Hope event, or it
23 was around this event. They didn't remember to a specific date, they
24 gave you kind of general timeframes. And you all agreed that you
25 would not hold it against a victim if they could not remember a time,

1 a specific date. And that's why it's not required.

2 As Arianna told you, she was in eighth grade from August
3 2016 to June 2017, consistent that the incidents with her occurred
4 around November 2016 to maybe around January 2017, and she
5 remembers that because in January 2017, she went to the mental
6 hospital and everything happened before she went.

7 With Venice, she said he hurt me in third grade, I was
8 around eight or nine. She was in third grade from September 2015
9 to June 2016. And with RaRa, she told you -- she testified she saw
10 him getting hurt around the same time as the incidents were going
11 on against her.

12 What else do we have. You have the Boys and Girls Club
13 records. When Jacquelyn Atha took the stand and she talked to you
14 about the records and how they work, she talked about the girls. It
15 showed the girls going and being checked out at the same time,
16 multiple times, in November of 2016 and December of 2016, showing
17 the Defendant listed as a relative for Venice, consistent with their
18 testimony, as well as the Defendant's testimony, the he would
19 sometimes pick them up from the Boys and Girls Club.

20 Another instruction you have talks about the victim's
21 testimony. There is no requirement that the testimony of a sexual --
22 that the testimony of the victim of sexual abuse be corroborated. In
23 his or her testimony, standing alone, if believed beyond a reasonable
24 doubt, is sufficient to sustain a verdict of guilty.

25 If you believe Venice, if you believe Arianna, if you believe

1 RaRa, that's enough. If you believe these kids beyond a reasonable
2 doubt, no corroboration is required. Now, while corroboration exists
3 in this case and there's other evidence that we have besides just
4 these three victims, their testimony alone is sufficient to find him
5 guilty.

6 As the Judge read to you, you also have a jury instruction
7 that talks about your every day commonsense. What this really
8 means, ladies and gentlemen, is that when you walk in here as
9 jurors, and you sit and listen to the witnesses take the stand, when
10 you go back into the deliberation room, you don't check your
11 commonsense at the door. But rather you bring with you your every
12 day commonsense and judgment in helping you all reach a verdict in
13 this case. It's not limited solely to the testimony that you've heard,
14 but you can draw reasonable inferences, based on the facts and the
15 evidence presented in helping you all to determine your verdict in
16 this case.

17 And the last instruction I'll talk about before I move on to
18 the facts, is one of the most important instructions you'll have in the
19 back with you. It talks about credibility and believability. As the
20 jurors, as the fact finders, it's up to each and every one of you to
21 determine the credibility of each and every witness who took this
22 stand and testified.

23 And you have an instruction that talks about different
24 factors to consider. This is not an exhaustive list. But you can
25 consider their manner upon the stand, their relationship to the

1 parties, their fears, their motives, interest, feelings, the opportunity to
2 have observed the matter to which they're testifying to, the
3 reasonableness of his or her statements, the strength or weakness of
4 his or her recollection and any other factors that you all believe
5 weigh on credibility and believability.

6 And before we get back to the facts, I just want to spend a
7 little time specifically talking about Venice and Arianna. So, let's talk
8 about Venice. Think back to last Friday when she took the stand and
9 sat right here, her manner upon the stand. How soft spoken she was,
10 how it was very tough to hear her. Ms. Rhoades had to keep asking
11 her to please speak up. She's a 12-year-old girl who had to come in
12 and talk to 14 strangers about unwanted sexual acts. Not only in
13 front of 14 strangers, in front of the man who did it. It was clearly
14 uncomfortable for Venice to talk about what happened to her. She
15 didn't want to give very many details at all.

16 What about her relationship to the Defendant; she doesn't
17 have one, right. She testified it's her mom's ex-boyfriend, he moved
18 out awhile ago, he's been out of the house for awhile, you know, we
19 had a pretty good relationship. He helped me with the sight words
20 and it wasn't really until he started hurting her that their relationship
21 changed.

22 What about Venice's fears, motives? Well, she told you
23 she didn't want to tell because he was afraid, that the Defendant told
24 her what would happen if she told anyone what he was doing to her.
25 When it comes to Venice's motive, I want to go back to her forensic

1 interview, which we watched mostly yesterday, part of Friday. And I
2 want you to think back to that video, and you will have that video in
3 the back with you, ladies and gentlemen, and you can re-watch it, if
4 you would like.

5 Think back to that then eight-year-old girl who was in that
6 video. How at the beginning how happy she was when she was
7 talking about making the bracelets, how she loves to go to Chipotle
8 with her mom and her brother, all the things she likes to do. And
9 then when she was asked why did you come to talk to me today, how
10 her demeanor changes. How she can't talk about it, she starts
11 whining, writing things down because it was too difficult for her to
12 say.

13 The interviewers, both Matt and Elizabeth, had to ask her
14 multiple times, what did he do to you, what did he do to you, and
15 she'd have to write it down because she couldn't talk about it. She
16 kept repeating over and over, why is this so hard for me, am I the
17 only kid who has to do this, what are the words do kids use, I don't
18 know the words to use. When Elizabeth would read back her
19 writings, she would put her hands over her ears because she didn't
20 want to hear.

21 There's portions of the video where she's talking to herself
22 and how it's easier when she's talking to herself so she doesn't have
23 to talk to a man. She said multiple times how she'd prefer a woman
24 because a man is the one who assaulted her. Think back to that little
25 girl. What's her motive. What's her motive to come in here and

1 make this whole thing up, to lie. She doesn't have one.

2 She told you the Defendant's out of her life, they had a
3 pretty good relationship until these things started to happen. Why
4 would she come in before 14 strangers and make this whole thing
5 up. If she wanted to make this whole thing up, don't you think from
6 the get go she would have said it was the Defendant. That's not
7 what she did. She first told, when her mom confronted her, that it
8 was her cousin, Trinity, because she was too afraid what would
9 happen if she actually told the truth about what happened. She was
10 too afraid. Again, the demeanor, the behavior of that eight-year-old
11 girl in that video, that 12-year-old girl who took the stand, think about
12 that when you're determining her motive.

13 The reasonableness of her statements, strengths,
14 weaknesses, recollection. The details in description Venice gives in
15 her forensic interview and how she described -- you know, she
16 described his hands, how his hands were differently shaped, that
17 they were kind of curved, which you all saw when the Defendant
18 stood up and showed you his hands. What about the details and
19 descriptions she gives about his penis and what it looked like and
20 she drew it, what it tasted like, what it smelled like. As Elizabeth said,
21 these are not normal gestures that an eight-year-old should know
22 unless they were abused.

23 The strength and weaknesses in her recollection. Does she
24 have some difficulty remembering some of the details when she
25 testified, sure. She was eight when this happened. This happened

1 over more than three years ago. Three years ago was the disclosure.
2 These incidents happened almost four years ago. She's had to talk
3 about it multiple times in a forensic interview, at a prior hearing in
4 2018, the preliminary hearing, and before all of you today.

5 So yes, there's some minor inconsistencies about maybe a
6 date or where an incident occurred. But doesn't that go toward the
7 reasonableness of her statements; that she's not coming in here with
8 some rehearsed story. This is something she's been trying to forget,
9 she doesn't want to talk about. She's still a little kid. She's only 12
10 years old.

11 And what about Arianna. Let's talk about Arianna's
12 manner on the stand. If you remember when Arianna was walking
13 into the courtroom to testify, when she was being escorted in, she
14 put her hand over her face as she walked by the Defendant, and she
15 was crying. She couldn't look at him. When she identified him,
16 when I asked her, do you see Quincy in the courtroom today, she
17 stared right at me and pointed, she never looked him in the eye. She
18 took that stand and she was crying. Coming in here talking to 14
19 strangers, as a now 16-year-old girl, about what happened to her.
20 Again, uncomfortable for her to talk about.

21 Think back to her testimony too, and the details that she
22 would give when I was asking her just general questions about her
23 life, school, things like that, to then when she started going into the
24 incidents, and how her demeanor changed, how she got tears in her
25 eyes. And what about her forensic interview that we watched

1 yesterday. Very little eye contact, soft spoken, the depressed
2 demeanor that she had about her. What's her motive. Did she have
3 a relationship to the Defendant. This is her friend's mom's ex-
4 boyfriend. A guy that she would run into at the house when she'd go
5 over to be playing with her friend. She doesn't have a relationship
6 with the Defendant. What's her motive to come in here and concoct
7 a story, make this whole thing up. As she told you, she's tried to kill
8 herself since this incident. Her mom testified to that, as well. She's
9 ended up in and out of mental hospitals, she ran away from home.
10 Are those the reactions and behaviors of a person who is making this
11 up.

12 The reasonableness of her statements. Arianna's been
13 consistent between her forensic interview, her prior preliminary
14 hearing, and testifying for all of you. She remembers three incidents
15 with the Defendant. The time where she woke up and her pants were
16 unbuttoned, the time where she was at the hotel by herself, and the
17 time at the hotel with Venice.

18 And remember also in her forensic interview, specific
19 details, the specific sounds that she gave in describing the sounds
20 the Defendant was making as he was having sex with her, the details
21 of his penis like Venice gave. They both said that it looked like a
22 banana. Again, think about that when you're thinking about her
23 motive and her reasonableness and her statements.

24 Ladies and gentlemen, you also heard from RaRa, Kim,
25 Shontai, all the other witnesses you heard, and it's up to each and

1 every one of you to determine the credibility and believability of all
2 of those witnesses.

3 And you also heard from the Defendant, Mr. Brass. And
4 similar to all of the other witnesses, it's up to each and every one of
5 you to determine his credibility, his believability. He had the chance
6 to sit through every single other person's testimony before he took
7 the stand. He testified he can't think of a reason why Venice would
8 lie. When I confronted him with his statement to police, that's what
9 he told police, that's what he said on the stand yesterday. He doesn't
10 know why Venice would lie. He doesn't know Arianna that well; he
11 doesn't know why she would make it up, but I didn't do it.

12 What's his motive. Ladies and gentlemen, he's the one
13 standing trial. But again, it's up to each and every one of you to
14 determine the credibility of all of the witnesses.

15 So, let's go back to Venice. Now let's go back to the facts
16 and the evidence that you've heard over the course of this last week.
17 For Venice, we have multiple counts. Counts 1, 5 and 9 are
18 lewdness, Counts 2, 3, 4, 6, 10, 11, 22, sexual assault, Count 7 child
19 abuse, Count 8, first degree kidnapping, Count 12, preventing or
20 dissuading a witness from reporting.

21 And I'm going to break up these counts, go with the
22 incidents. And ladies and gentlemen, you heard from Venice, you
23 have her testimony from trial, but you also have her forensic
24 interview, and you have the transcript of that interview in the video,
25 you also have the transcript of her prior preliminary hearing

1 testimony that she gave in 2018, and all of that is evidence. Her
2 testimony before you all, the interview and the prior preliminary
3 hearing, you can give all equal weight to. Everything is in evidence,
4 everything will be in the back with you.

5 And what is Venice consistent about between all three;
6 Quincy hurt me. That's the word she uses. When she's asked what
7 happened to you, she says Quincy hurt me, Quincy touched me, it
8 happened about three or four times. Not a lot of times as she said in
9 her forensic interview, only about three or four.

10 So, when Venice testified, she kind of talked about a
11 couple different incidents. She talked about two incidents at the
12 Arden Valley home. She remembers an incident occurring in the
13 living room with the fireplace and without the fireplace. So, I'm
14 going to break it out by incident. And I want to first start by talking
15 about what Venice talked about in the living room with the fireplace
16 when she was in about third grade, eight or nine years old. And this
17 is the living room we're talking about.

18 So, how was Venice consistent between all three, her
19 interview, her prior preliminary hearing, and testifying before all of
20 you. She said she was downstairs in that living room watching TV,
21 watching Sponge Bob, and the Defendant comes downstairs. And
22 she says he put his penis inside of me. What did she say in her
23 forensic interview, he put his D in my V. She couldn't even say the
24 words. But Elizabeth clarified what's a D, what does he use that for,
25 what's a V, what do you use that for. She says how her V was

1 bloody and it was burning. And ladies and gentlemen, this is Count
2 2, our sexual assault count, alleges sexual intercourse by placing his
3 penis inside of Venice's vagina. Again, penetration, however slight.
4 She told you in the forensic interview that you watched yesterday
5 that it wasn't all the way in, just kind of partially in, as she was
6 describing it to Elizabeth. Doesn't matter. Penetration, however
7 slight.

8 And then when I told you when we were talking about the
9 law behind sexual assault, she was incapable of understanding the
10 nature of his conduct. She was incapable of resisting. She was
11 eight.

12 He told her to take off her clothes; she didn't know what to
13 do, so she did. And that goes towards Counts 1 and 5, which are two
14 lewdness counts, lewdness under 14. By forcing Venice to undress,
15 that's a lewd act, ladies and gentlemen. Remember, it does not
16 require actual physical contact, just upon or with any part of the
17 body. He's the one who made her undress. And why did he want
18 her to get undressed. Ladies and gentlemen, his intent is clear.
19 There's no other reason if he wants her to take off her clothes, other
20 than to arouse his own sexual gratification and desires so he can
21 have sex with her.

22 You also heard Venice tell you that he touched her bottom
23 and her V with his hands. Once again, going toward Counts 1 and 5,
24 which are lewdness counts, touching the butt with his hands, kissing
25 her all over her body, those are lewd acts, ladies and gentlemen. I

1 don't think that's at issue. And what was his intent. Once again, why
2 is he touching her all over her body, why is he kissing her all over her
3 body, appealing to his own desires.

4 Similarly, for Counts 1 and 5, she told you that he made
5 her sit on his lap while she was naked. She described in her forensic
6 interview how she had her legs wrapped around him while she was
7 naked. She told you that he made her put his private -- that he put
8 his private inside of her butt, that it didn't feel good, that it was
9 burning after. Count 22 is our count of anal intercourse, sexual
10 assault specifically alleging anal intercourse.

11 And then she told you and consistently throughout all
12 three, that he put his fingers inside of her private. He put his fingers
13 inside her bottom. When Elizabeth asked what that means, she said
14 the hole that poop comes out of. And that takes care of Count 6,
15 ladies and gentlemen, sexual assault, digital penetration, and it goes
16 for both the genital and the anal opening.

17 She told you that it stopped because she was crying. She
18 thinks that's why it stopped because she was crying so loudly. And
19 then he told her not to tell. He told her not tell or something bad was
20 going to happen. And as she told you, she didn't because she was
21 scared he would follow through on his threats. And that makes the
22 Defendant guilty of Count 12, which is preventing or dissuading a
23 witness from reporting a crime or commencing prosecution against
24 Venice.

25 She also told you about two other sexual acts that

1 occurred in that living room. That he told her to put his private part
2 in her mouth and she did. He told her to do it, she didn't want to do
3 it. In her forensic interview when Elizabeth is asking her about it, she
4 said I was sucking his D. She writes that on a piece of paper that
5 you'll have in evidence with you, and it tasted disgusting. Count 3,
6 ladies and gentlemen, the Defendant is guilty of, specifically alleging
7 fellatio, oral sex.

8 And that he also used his tongue to lick her V, as she
9 describe in her forensic interview. When she testified at her
10 preliminary hearing she said he kissed me on my private part. She
11 remembered in testifying before all of you, that he kissed her V in the
12 living room. It may have been a different living room, but
13 nonetheless, the Defendant is guilty of Count 4, sexual assault,
14 cunnilingus.

15 She also talked about another incident in the living room
16 without the fireplace at the same home, their Arden Valley home.
17 And once again, she's consistent that he forced her to take off her
18 clothes, was touching her over her -- with his hands on her vagina,
19 made her sit on his lap while they were naked. That goes toward
20 Counts 1 and 5, ladies and gentlemen, which is lewdness with a
21 minor under 14. What was his intent when he was making Venice do
22 all of those things.

23 Once again, his fingers went inside her butt and inside her
24 private, as she told you. Count 6, sexual assault, digital penetration.
25 The Defendant, once again, in the incident in the living room without

1 the fireplace, put his private part in Venice's private part. You know,
2 she referred to it on the stand when she testified as her private. In
3 her forensic interview when she was eight, as her V. That goes
4 toward Count 2.

5 And ladies and gentlemen, as you can see, there's multiple
6 -- there's two incidents that occurred at the house, both the incidents
7 at the house, the living room with the fireplace, without the fireplace.
8 In Counts 1 to 6, the counts alleged against Venice, those are the
9 counts that occurred in the living room with or without the fireplace.
10 So, you have multiple acts you can consider for the same counts in
11 determining whether or not the Defendant is guilty. Overwhelming
12 evidence of these counts, ladies and gentlemen, in how many times
13 Venice told you that these things happened.

14 She said that he told her to put his private in her mouth, so
15 she did. Once again, Count 3, which is our sexual assault count,
16 alleging fellatio, and once again, threatened her and said if you tell,
17 something bad will happen. Preventing her from reporting a crime,
18 causing a delay in his arrest. That takes care of Count 12.

19 You'll have these drawings in the back with you, ladies and
20 gentlemen. I was sucking his D. You'll have this one in the back with
21 you, he said to take off your clothes and I didn't know what to do, so I
22 did. Elizabeth, she asked if she can draw his penis so she didn't have
23 to describe it, and that's what she drew. Eight-year-old girl who's
24 describing these things.

25 Now, think back to when Venice testified. You know, she

1 was asked if she told Elizabeth everything in her forensic interview,
2 and she said she didn't. She said she never talked about the time
3 that she was at the hotel by herself, and she never talked about the
4 time that she was at the hotel with Arianna. She said that she didn't
5 talk about Arianna, because she didn't want to get Arianna in trouble.
6 So, that's why she didn't tell Elizabeth.

7 But she testified at the preliminary hearing about this
8 incident. She testified before you all about this incident, once again,
9 showing her consistencies. And it made sense why she didn't fully
10 disclose to Elizabeth. Elizabeth even told you, she believed that
11 Venice was kind of holding some information back about the
12 disclosure, not giving her all of the details about what happened
13 because she seemed embarrassed and she was afraid, and that's
14 what Venice told you, as well.

15 When the Defendant took Venice to a hotel by herself, she
16 tells you that she doesn't remember the name of the hotel, but she
17 remembers she had to take an elevator to get to the room. It was a
18 different hotel than the one that she was with, with Arianna. She
19 thinks it was by the strip, not sure. Ladies and gentlemen, what hotel
20 it was, doesn't matter. What matters is the Defendant took her to a
21 hotel, the Defendant took her away from her mother. Kim didn't
22 know where she was. There was no testimony that Kim ever gave
23 the Defendant permission to take Venice alone to a hotel. And why
24 did he take her there, so he can commit multiple acts of sexual
25 assault upon her, so he can commit multiple lewd acts upon her.

1 And that makes him guilty of Count 8, first degree kidnapping. Took
2 her away from her parents, mom didn't know where she was, to
3 commit sexual assault and lewd acts.

4 She told you that when they got to the hotel, once again,
5 he put his private inside of her V. That goes toward Count 11, sexual
6 assault, sexual intercourse. His private went inside her butt, Count
7 22, sexual assault, anal intercourse. Once again, he told her to take
8 off her clothes, she didn't want to, but she didn't know what to do.
9 Count 9, lewdness.

10 At the preliminary hearing she testified that he told her to
11 put his private in her mouth so she did while they were at the hotel,
12 which is Count 10, sexual assault. Now, when she testified before all
13 of you last Friday, she didn't mention that. She didn't say that she
14 had to put his -- that she had to put his penis in her mouth. But
15 again, when she was testifying before all of you, it was difficult for
16 her. It was difficult for her to talk to 14 strangers about what
17 happened to her. But that's why you don't only have the testimony
18 to consider, you also have the preliminary hearing transcript and her
19 forensic interview, as well.

20 There's another time that she talked about where she goes
21 to the hotel with Arianna. She said she doesn't remember the hotel,
22 but they had to use elevators to get there, and once again, both
23 incidents at the hotel with Arianna and by herself, takes care of our
24 Count 8, first degree kidnapping. Everyone's clothes came off, didn't
25 want to, but they took them off. Count 9. Putting his penis inside of

1 Venice's private -- or excuse me, inside her butt. Count 22, sexual
2 assault. Putting his private in Venice's private. Count 11, sexual
3 assault. Touching her on her body with his hands, touching her on
4 her vagina, touching her butt. Other acts of lewdness.

5 And think back to Venice's testimony, think back to
6 Arianna's testimony and the corroboration that the two girls give.
7 Venice tells you that she saw his -- that she saw his penis go inside
8 Arianna's private. First he put it in mine, then he put it in hers. And
9 Count 14, which we'll get to when we talk about Arianna as the
10 sexual assault count against Arianna. And once again, told them if
11 you tell -- make sure you don't tell or something bad is going to
12 happen to both of you. Count 12.

13 Ladies and gentlemen, Counts 1 to 6, as we talked about
14 are for the incidents that occurred in the home in the two living
15 rooms and Counts 8 through 11 are the incidents that occurred at the
16 hotel with Arianna and by herself.

17 But we also have Count 7, child abuse, neglect or
18 endangerment. And Venice is consistent between her forensic
19 interview, the preliminary hearing and testimony at trial. The
20 Defendant made her watch a porn, as she called it. A nasty video of
21 girls and a dude, that people were having sex in the video. Not a
22 normal video you would watch with your mom or your sibling. And
23 that makes him guilty of Count 7 because for child abuse, he's
24 placing her in a situation where she may suffer physical pain or
25 mental suffering as a result of abuse or neglect, by allowing her to

1 watch a pornographic film. And that's what the law says and Venice
2 is extremely consistent about that. She also told you how while they
3 were watching the film, he put his private in her butt and her vagina.

4 She also talks about her brother. She talks about how she
5 saw her brother getting hurt. She said that she was downstairs
6 watching TV and heard her brother screaming so she went upstairs.
7 She opened the door and the Defendant was on the bed, she saw
8 him hurting RaRa, his private part was touching RaRa's butt, that
9 they both had their pants off and she saw him put his private in
10 RaRa's butt. And we have two counts for RaRa, ladies and
11 gentlemen, Count 20, lewdness and Count 21, sexual assault for
12 placing his private in RaRa's anal opening and then the touching of
13 RaRa's butt is on the lewdness count. And not only does RaRa give
14 you partially that, but Venice, as well.

15 Ladies and gentlemen, the State has proven beyond a
16 reasonable doubt that the Defendant is guilty of Counts 1, 5 and 9,
17 lewdness of a child under the age of 14 against Venice, all these are
18 against Venice, Counts 2, 3, 4, 6, 10, 11, 12, sexual assault, Count 7,
19 child abuse, neglect or endangerment, Count 8, first degree
20 kidnapping and Count 12, preventing or dissuading a witness or
21 victim from reporting.

22 So, let's briefly talk about RaRa. You all saw RaRa when
23 he took that stand in his little sport jacket, you watched his forensic
24 interview where he was bouncing around, jumping off the walls,
25 playing with all the toys and the recorder, et cetera. But RaRa was

1 consistent. He told you how Quincy touched his butt. He didn't
2 know why he touched his butt. And that goes toward Count 20. His
3 own testimony goes toward the lewdness count. That he didn't want
4 Quincy to touch him on his butt, it was under his clothes. And what
5 was Quincy's intent when he was doing that, well, given all the other
6 testimony you've heard, ladies and gentlemen, and the facts and
7 circumstances surrounding it, his intent was clear.

8 Now, there is a difference between RaRa and Venice's
9 testimony. You know, RaRa never told you that Quincy placed his
10 penis inside of my butt. But again, when it comes back to credibility
11 and believability, you all saw RaRa on the stand, that he had some
12 difficulty answering the questions. You saw how he was in his
13 forensic interview. But it's up to all of you to determine the
14 credibility and believability of each and every witness.

15 But the State has proven between RaRa's, between
16 Venice's and Arianna too, which we'll get to in a second, that the
17 Defendant is guilty of Count 20 and 21, which are lewdness and
18 sexual assault counts against RaRa.

19 So, let's talk about Arianna. Multiple counts alleged
20 against Arianna, Counts 13 and 15, kidnapping, Counts 14 and 18,
21 sexual assault, 16, lewdness, 17, the battery count, and 19,
22 preventing or dissuading a victim from reporting.

23 Now, Arianna gave three statements just like Venice, her
24 forensic interview, her preliminary hearing and testifying before all of
25 you, and what is she consistent about. He raped me, Venice and

1 RaRa. And that there's three incidents that she talked about,
2 consistent throughout. And again, what's Arianna's motive. She has
3 no ties to this Defendant whatsoever.

4 She first talks about an incident at a hotel with Venice. Her
5 mom didn't know where she was going. He took her and Venice
6 somewhere, she can't remember the exact name of the hotel,
7 remembers seeing the lights from the strip, thinks it might have been
8 near the Palms, not sure, had to go through casinos and through an
9 elevator to get up to this hotel, and it was nicer than the one he took
10 her to alone. First degree kidnapping of a minor. Once again, he's
11 taking her somewhere without her mom's permission. As Shontai
12 told you, she never met this man, she never gave this man
13 permission to take her kid anywhere. And not only did he take her
14 without her mother's permission, but he took her for what purpose,
15 to commit sexual and lewd acts upon her.

16 Arianna was also very consistent about the time that she
17 went to the hotel with Venice, when she talks about how they got
18 there, they went to the bathroom, the two of them were talking and
19 she was telling Venice how much she didn't want to do it. Venice
20 was like just go along with it, it's going to be okay, then we get to go
21 home. Extremely consistent about that. That he told them -- that he
22 forced them to take off their clothes before he had sex with them,
23 and that goes to our Count 16, ladies and gentlemen, the lewdness
24 count against Arianna.

25 Now, as I stated earlier how Venice corroborates Arianna,

1 Arianna also corroborates Venice. She told you that she saw the
2 Defendant touching Venice in her private, kissing her all over her
3 body. He then touched Arianna with his hands on her private, going
4 more toward the lewdness count, Count 16. And then she saw the
5 Defendant put his penis inside of Venice. And that takes care of
6 Count 11 that we've already talked about sexual assault against
7 Venice. And then just like Venice told you all, after he had sex with
8 Venice, he went to Arianna and did the same thing to her. And that
9 takes care of Count 14, the sexual assault count. And he told them, if
10 you tell, I'm going to kill you, I'm going to kill your family. Count 19,
11 ladies and gentlemen.

12 Now, you also heard Arianna talk about an incident where
13 she was at Kim's house, and the Defendant gave her some water,
14 and then she woke up and she had some pain on her side and her
15 pants were unbuttoned. Now, this isn't charged in this case, ladies
16 and gentlemen. There's no charges that arise out of this incident.
17 But it just goes to show you the consistency between all of Arianna's
18 statements, how she remembers the acts that the Defendant did. But
19 the other incident she talks about is the incident alone at the hotel,
20 where he took her by herself, remembers it being around December
21 2, 2016 after the Convoy of Hope event, before she went to the
22 hospital in January.

23 She told you that her mom didn't know where she was,
24 she actually had to sneak out of her house in order to go. Never told
25 her mom where she was going. And she described it consistently as

1 a more beat up hotel, have to stay -- you have to be outside in order
2 to get in, there's two stories, more beat up, not super nice, not as
3 nice the one that he took her and Venice to, brown carpet. Thinks it
4 might have been the Palms, remembers seeing the Palm or the
5 Palms. And ladies and gentlemen, when you think about that, think
6 back to the description that you heard about the Defendant's
7 apartment. That it's a couple blocks away from the Palms hotel, that
8 it has brown carpet, that it's two stories, that you have to be outside
9 in order to enter, that it's on the second story, just like Arianna told
10 you the place she went. And that takes care of Count 15, our other
11 count of first degree kidnapping for Arianna. Took her somewhere
12 without her mother's permission for a certain period of time to
13 commit sexual assault and lewd acts upon her.

14 She's also very consistent about how this went down. He
15 was texting her phone, come meet me, come meet me, she was at
16 school. He told her you know what's going to happen if you don't
17 come meet me. Once again, going toward Count 19, the threatening
18 a victim from reporting a crime. She told you he picked her up in a
19 dark colored four door car. She couldn't remember the car. And you
20 have the DMV records in evidence that show you that the Defendant
21 owned two four door cars during that time, to corroborate Arianna's
22 testimony. Forced her to get undressed, going toward Count 16, and
23 then he punched her. He punched her with a closed fist and then
24 took off her clothes, pulled his pants down and had sex with her.
25 Ladies and gentlemen, this is Count 17, the battery with intent to

1 commit sexual assault under 16. We know she's under 16. The
2 battery is the punch. That's the unlawful use of force. And what was
3 his intent. Well, right before he punched her, he told her to take off
4 her clothes, she didn't, he punched her, and then forced her to take
5 off her clothes and immediately had sex with her. It is clear what the
6 Defendant's intent was when he punched her. His intent was to
7 commit a sexual assault. That's Count 17. And then as she told you,
8 he did. His penis went inside her private part, Count 18, sexual
9 assault.

10 Detective Vargason told you that he actually verified that a
11 castle, as she described it, place existed on the corner near her
12 house, and that's the castle that I showed Arianna and she said that's
13 where the Defendant picked her up and dropped her off on this
14 occasion.

15 She also corroborates RaRa getting hurt. Remember what
16 she told you on the stand. She told you that Arianna -- Arianna told
17 you that RaRa told her that Quincy hurt him in his butt hole. That he
18 was crying when he told her, very angry and he kept saying how
19 much he hated Quincy over and over.

20 Ladies and gentlemen, the State has proven beyond a
21 reasonable doubt that the Defendant is guilty of the crimes against
22 Arianna, Counts 13 and 15, first degree kidnapping, Counts 14 and
23 18, sexual assault, Count 16, lewdness, Count 17, battery with intent
24 to commit sexual assault, and Count 19, preventing or dissuading a
25 victim or witness from reporting.

1 Now, let's briefly talk about Kimberly. Kimberly is not the
2 best with dates, not the best with timeframes. The Defendant moved
3 out around August 2016 after they'd been dating for some time.
4 Moved out because they were having disagreements, nothing big,
5 you know, no major drama, she told you. And she told you that
6 sometimes the Defendant would pick up the kids. He picked them
7 up, be alone with them. There was no rule that he couldn't be alone
8 with the children, and he got along with them. No problem with
9 them. Would help around the house, help with their homework.

10 And then there was that incident after New Year's in 2017
11 that he came over to get his tax papers, they're all watching a movie.
12 And then Kim notices that Venice is doing something weird with her
13 legs and swinging them around and the Defendant's staring at her.
14 And she told you when she took the stand, that his penis was hard
15 and that caused her grave concern. Venice testified that that
16 happened that she was moving around, the Defendant noticed and
17 her mom told her to go upstairs. She confronted Venice. Venice
18 didn't say much at that time. She pressed her further, given, as she
19 told you how the Defendant was looking at her daughter, she asked
20 her if someone was hurting you, is someone hurting you. And then
21 Venice finally told her mom what had happened to her. But
22 remember, at first she said it was Trinity because that's how afraid
23 she was of telling what really happened to her. That's how afraid she
24 was given the Defendant's threats against her.

25 She called police and you have the CAD log, ladies and

1 gentlemen, of that call to the police and that's the day that she talked
2 to Detective Vargason, as well, and she took her kids to get
3 interviewed. Kim also testified how she had to take her kids to the
4 Montevista Hospital, that mental health hospital, as they were having
5 difficulty after this incident.

6 So, what's Kim's motive. What's Kim's motive to lie,
7 what's Kim's motive to tell her kids to lie. She already broke up with
8 the Defendant, he was out of the house, they were no longer in a
9 dating relationship, he'd been out for quite some time. Would she
10 just make up the fact that she had to send her kids to a mental health
11 hospital for no apparent reason, if all of this was made up.

12 This isn't a case about Kim, ladies and gentlemen.
13 Regardless of your own opinions on how you feel about Kim, this is
14 not about her, this is not about her relationship with the Defendant,
15 this is about her children and what the Defendant to them.

16 You have Shontai. You know how angry she was when
17 she took the stand. I don't even know this gentleman. And he was
18 taking my daughter places without my permission. Never gave him
19 permission to pick her up, take her home. Take her anywhere.

20 She also testified, like Arianna did, the issues that Arianna
21 has been having. How she didn't know what was going on with her
22 daughter. When she took the stand, she was almost to tears
23 describing what she's been dealing with with her daughter since
24 these incidents occurred. That her daughter was suicidal. She'd run
25 away from home. In and out of mental hospitals. And then she

1 didn't know why until she finally got the call from Kim about what
2 happened to Arianna.

3 And Arianna was still reluctant to tell. She told you she
4 never really had a conversation with her mom about it. She talked to
5 police briefly that day, but not really. And that's corroborated by the
6 911 call that you heard, that you'll have in the back with you in the
7 CAD records.

8 And Chantay told you that when she finally confronted
9 Arianna that she was hysterical and she was crying, and she didn't
10 want to talk about it.

11 You heard from Elizabeth Espinoza. Our forensic interview
12 has interviewed over 2500 kids in her time, who have been abused.
13 She described their all demeanors. And you saw that for yourself,
14 ladies and gentlemen, in the videos.

15 How Venice felt embarrassed when discussing what had
16 happened to her. Wouldn't surprise her if Venice didn't tell her
17 everything that happened, which is what Venice also told you.
18 Arianna was emotionless. This depressed meaning about her.

19 And then she testified that the mannerisms and behaviors
20 that Arianna, Venice, and RaRa all exhibited were consistent with
21 children who have been abused. And why? The gestures. The
22 demeanors. The descriptions that these children were giving. As
23 she said, these are not things that a child of these ages should be
24 aware of unless something happened to them.

25 And lastly, Dr. Sandra Cetl. She talked about how only five

1 percent, five percent of exams have injuries, out of the concerning
2 for abuse injuries or specific findings. And what do we have in
3 Arianna's exam, ladies and gentlemen, the deep hymenal notch. The
4 7:00 position. Which as Dr. Cetl told you, is concerning for abuse or
5 trauma. It's consistent with some type of injury as she was missing
6 most of her hymen. There was only part of it left. It was as close to a
7 transected hymen as you can get, based on what Dr. Cetl told you. A
8 transected hymen would have been a specific finding of abuse.

9 And Arianna's findings fall into the five percent of exams
10 that do have findings. So not only do you have Arianna's testimony,
11 ladies and gentlemen, you have her testimony. The interview. The
12 preliminary hearing. But she had a concerning for abuse finding, the
13 deep hymenal notch. Only five percent of cases.

14 Dr. Cetl told you RaRa's exam was normal. But that that's
15 not surprising as our anal openings heal very quickly, as she said.
16 So she would not expect to always have findings in an anal sexual
17 abuse case.

18 Venice also had nonspecific findings. She had the urethra
19 to her vaginal opening and labia minora. Multiple causes of that, as
20 Dr. Cetl said, she believes it was a hygiene issue, most likely, but
21 that's what the case was in Venice's case.

22 And that there's literature about kids who have been
23 sexually assaulted who have those issues. Who don't wipe correctly.
24 Don't really care about it given the fact that they have been abused.

25 She also talked about the same normal -- to be normal.

1 And just because an exam is normal does not exclude the possibility
2 that some type of abuse occurred.

3 Ladies and gentlemen, what this case really comes down
4 to is this instruction, credibility and believability of all the witnesses,
5 the kids. And when you're in the back in the deliberation room
6 talking about all these different factors, you know, think back to
7 Arianna, Venice. Their manner on the stand. Their demeanors. How
8 difficult it was for them to come in and talk to 14 strangers about
9 unwanted sexual abuse. Things that they've been trying to forget.
10 Things that they don't want to remember. The description and the
11 details they all gave in their forensic interviews to Elizabeth. Think
12 about all that when you're determining credibility and believability in
13 this case.

14 Ladies and gentlemen, over the course of this last week,
15 you've heard from three kids. You've heard from their moms.
16 You've heard from officers. The doctor. The forensic interviewer.
17 And what did these kids tell you? Quincy hurt me. Quincy touched
18 me multiple times. He told me not to tell. I didn't know what to do,
19 so I didn't. And I was scared.

20 Now the Defendant must be held accountable for his
21 actions.

22 So I ask that you'll all go back into the deliberation room.
23 You'll have all the evidence in the back with you. Discuss the crimes
24 amongst one another. Talk about the law. The facts. The evidence
25 that you've heard. And then come back in here and look that man in

1 the eye and tell him that what he did is wrong and that you will not
2 accept it. And he must now be held accountable for his actions.

3 The Defendant is guilty of all of the counts in this case.
4 Counts, 1, 2, 3, 4, 5, and 6 are all for Venice at the Arden Valley home.
5 Count 7 for Venice for child abuse. Count 8, 9, 10 and 11 for Venice.
6 Count 12 for Venice. Counts 13, 14, 15, 16, 17, 18, and 19 against
7 Arianna. Counts 20 and 21 for RaRa. And Count 22 for Venice. Find
8 him guilty of all 22 counts. Hold him accountable for what he did to
9 these kids. Thank you.

10 THE COURT: Thank you, Ms. Einhorn.

11 DEFENSE'S CLOSING ARGUMENT

12 MR. POSIN: Good afternoon, ladies and gentlemen.

13 He didn't do it. He told you he didn't do it. He didn't have
14 to come and tell you he didn't do it.

15 In our system of justice, the State has to prove beyond a
16 reasonable doubt that he did do it. They have to prove every
17 element, and the State has said that. They've admitted that they
18 have to prove every element beyond a reasonable doubt. And
19 you've heard that in the instruction from the Judge. They have to
20 prove it. And how do they prove it? They prove it with evidence.

21 There are two types of evidence you've heard. There's
22 direct and circumstantial evidence. The Judge has instructed you on
23 that. And he said that direct evidence -- and direct evidence is when
24 you hear somebody say something. I saw it. I witnessed it. I
25 experienced it myself.

1 Then there's another type of evidence which is
2 circumstantial evidence. And the Judge has told you that
3 circumstantial evidence can be just as compelling as direct evidence.
4 And circumstantial evidence has to do with if there are other facts
5 that you can look at and determine what happened from those other
6 facts, and that can be the lack of facts as well, you can determine
7 something that is different from what the direct evidence says.

8 Now there's an example that I actually first heard from the
9 DA's Office in the closing argument, but I'm going to use it here
10 today because I think it fits.

11 Imagine, if you will, it's the old Wild West. And there is a
12 robbery, a bank robbery. And the bandits ride up into the hills. And
13 there's snow falling in the hills. And they get up to a fork in the road,
14 and there's an old miner standing there. And the sheriff says, which
15 way did they go? And the sheriff says -- I'm sorry, the miner says,
16 they went that way. The sheriff's about to take off after the banditos
17 that away. But then he looks down into the freshly fallen snow and
18 he notices, you know what? There are no hoof prints that go that
19 away. All the hoof prints continue that away. Well, which way is the
20 sheriff going to go? Is he going to go where the direct evidence says
21 or is he going to think, well, you know what, maybe this old miner is
22 lying, is incorrect, is mistaken. Maybe I shouldn't listen to him.
23 Maybe I should go somewhere else. Because what he says is the
24 evidence is not corroborated.

25 Now the State does not have to prove -- they've said, they

1 do not have to prove that there is corroboration. But that is
2 something that, again, the Judge told you, use your commonsense.
3 Use your commonsense. And you don't leave that at the door. I'll
4 totally agree with the State about that. And where there is no
5 corroboration that is something that you can consider as to whether
6 there is a reasonable doubt.

7 Now, let's look at the witnesses we have. We have three
8 witnesses. We have a lot of witnesses here. But we have three
9 witnesses who are making direct accusations against Dequincy
10 Brass. Let's look at each one of them.

11 Has any of them lied? Well, let's start with Venice. We
12 know Venice lied. She lied about Trinity (phonetic). She told her
13 mom it was Trinity.

14 Now the State has come up with a reason why. Well, it's
15 because she didn't want to get in trouble. She didn't want -- she was
16 scared. There's all kinds of reasons why her story changed. But the
17 fact remains that when she went to her mom and she said Trinity
18 molested me. Trinity did it. That was a lie. It was not only a lie. It
19 wasn't just a minor lie. It wasn't a lie like oh, I -- you know, like, the
20 dog ate my homework. It was a lie about the very thing that Mr.
21 Brass is on trial here for today. So we know that Venice is willing not
22 only to lie, but to lie about whether somebody molested her. And
23 she lied about Trinity.

24 What about RaRa? Did RaRa lie about sexual assault?
25 Yeah, he would. He just told you he would because he made an

1 accusation that he said wasn't true. It was a bus driver. A counselor
2 at this facility he was going to. And we asked him, did you accuse
3 that person of molesting you, and was that true? And he said, yes, it
4 was -- he did make the accusation. And no, it wasn't true. It was not
5 true. It was a lie. It was a lie about whether somebody had
6 performed any act of molestation on him. So we know that RaRa
7 would lie about it.

8 What about Venice? Go listen to that -- I'm sorry, what
9 about Arianna? Go listen to that recording of the 911 call. Arianna
10 has mental illness.

11 Now the State is talking about it as if that is all caused by
12 something that they alleged happened at the hands of Mr. Brass. But
13 guess what, if you listen to that 911 call and you'll hear, you'll hear
14 Arianna's mom tell them that she has mental illness. That she's
15 bipolar. That she would lie.

16 So we already know that these -- all three, all three of these
17 children are capable of lying. Not only capable of lying, but mom
18 suspects from the get-go, Arianna's mom suspects that she may be
19 lying about this very thing. Why does she think that? We don't
20 know, but that was her thought is Arianna may be lying.

21 The two Madden children. Each of them have lied about
22 this very thing. They've done it before. And I would submit that they
23 did it again with Mr. Brass.

24 Now the State has spent a long time going through all of
25 the areas where there were consistencies between the stories at the

1 end. And when I say, "At the end," I'm saying starting with the
2 forensic interviews or at least starting with Arianna's forensic
3 interview. Then through the preliminary hearing, and then through
4 the trial. And you know what? They've had a lot of time to practice
5 those stories to think them through, to get them straight since then.

6 Now, let's go back to the beginning.

7 Were they consistent with each other then? No. No.
8 When Venice was interviewed in the forensic interview, what did she
9 say? She said, there were three incidents. Where did they happen?
10 They happened all in the home. And she was given multiple
11 opportunities. You know, when you go back, especially around
12 pages 50, 51, 52 of the transcripts, there are multiple times where
13 Venice had an opportunity to say, yeah, there was another time. I
14 went to some hotel. But every time, she was consistent. If there was
15 a consistency, it was in that interview, in that forensic interview. It
16 always happened at the house. And now -- okay, well, now we're
17 saying, well, that's because she was protecting Arianna. Well, let's
18 explore that.

19 Okay. So she was protecting Arianna. And in order to
20 protect Arianna, she was willing to lie at that forensic interview. Is
21 that what the State is saying? That's what it sounds like to me. So if
22 she was willing to lie at that forensic interview, is she willing to lie
23 here today to keep that story consistent? Because yeah, you bet.
24 Those stories have become very consistent in this later phase. But
25 were they consistent at the beginning? No.

1 First it was Trinity. Then it was Dequincy. Dequincy, but
2 only in the house. Nowhere else. And it wasn't until Arianna came
3 into the picture that something -- oh, yeah. Oh, by the way, yeah, I
4 had something that happened with Arianna. But that's not the story
5 they initially had.

6 And then remember, when I asked you, when you were
7 doing jury selection, I asked you about this. Is there a problem, and I
8 submit to you, I didn't answer that question. And I just asked you.
9 But I would submit to you that when you have people who right
10 around the time of an incident have very different stories, there's a
11 problem. There's a problem with that. And the fact that those
12 stories grow together, once they've had a chance to get their stories
13 straight, that doesn't make it any more credible when they were not
14 consistent at the beginning. Just because they said it happened does
15 not make it true. Just because that miner at the fork said they went
16 that away, that does not make it true.

17 And you'll hear in the -- when you read those jury
18 instructions again, and you've heard them from the Judge, but go
19 back and look at them again. And the Judge will talk to you about --
20 or has spoken to you about that in defining whether somebody is
21 credible or not, one of the factors here to look at is reasonableness.

22 Now again, I want to explore the snow that had no hoof
23 prints. Let's talk about that.

24 Sure. If you believe somebody beyond a reasonable doubt
25 that can be enough. But can we believe -- first of all, can we believe

1 people beyond a reasonable doubt, ever, that we know have lied
2 about something?

3 Another instruction that you'll read says the Judge has told
4 you that if you find that somebody has lied about one thing, then you
5 can disbelieve them about every single other thing they say. Take a
6 look at that instruction. That's what it says. And why should you
7 consider that here? And that's because we go back to this proof
8 beyond a reasonable doubt.

9 I started out by saying, he didn't do it. That's because he
10 says he didn't do it. But you don't have to acquit him. You don't
11 have to believe him. You just have to have a reasonable doubt. A
12 doubt that in the instructions will tell you is a doubt that is based on
13 reason.

14 And based on reason, wouldn't you think that if in fact this
15 happened at -- these events happened in part at what has been
16 described at Dequincy's house, it's actually his brother's house
17 originally, wouldn't you think there would be some reference to that
18 at all? They've got all of these pictures and they've spent all this
19 time. And this is a case that the District Attorneys' hypothesis had all
20 this time to work out. Wouldn't you have a picture of that hotel here?
21 Wouldn't that be consistent in some way with the testimony that this
22 was a place that was called The Palm or The Palms.

23 And now, you know, at this late point it's well, maybe, it
24 was just some hotel somewhere around there. But at the time, go
25 back through those records. Go back through those preliminary

1 hearing transcripts. The Palm. The Palms. The Palm. The Palms.
2 The Palm. The Palms. Where would -- it had a P on it. Where is
3 that? Where is that? Where is the evidence that this -- this place that
4 was actually beyond a gate that you had to punch a number into that
5 is clearly an apartment building, where is the evidence that it looked
6 in anyway like a motel? Where is that picture?

7 And you might think, well, but Venice was living at a house
8 not an apartment building when this all occurred. But you know
9 what -- and so was Arianna. But today, today, Venice doesn't live in
10 a house. Venice lives in an apartment building herself. She told you
11 that. And Arianna is now certainly old enough to know the difference
12 between a hotel, a motel, or an apartment complex. And they both
13 have two stories. But those are just not similar enough to make it
14 credible that that's the place that we're talking about. And if it's not
15 that place, that it was the Palm or the Palms, or there was a reference
16 to the MGM.

17 And the [indiscernible]. Talk about the snow that has no
18 tracks. Where are the records? Where are the records that show that
19 at or around this time Mr. Brass was in any such hotel? The State
20 has said, well, it really doesn't matter which hotel. I mean, now the
21 girls are a little bit -- well, maybe, it was some hotel or something.

22 But again, go back and look at those original transcripts
23 and see how consistent they were. MGM. The Palm. The Palms.
24 Where is that today?

25 What about Arianna talking about he was blowing up my

1 phone. He was blowing up my phone. And now, well, he somehow
2 remotely erased all that information. It's just not there. Use your
3 commonsense. Does that happen? Can that happen? Can that
4 happen with somebody who actually works for a phone company?
5 In this case, Apple. It had been Sprint, but now it's Apple. Maybe he
6 has some super secrete information about how to do that. But guess
7 what? He was, essentially, in a position of a telemarketer. This is not
8 a man who has advanced degrees. This is not a man who has
9 advanced training. It is a man who got a job. A job where they gave
10 him training and the training consisted of giving him scripts. And
11 when a customer called in and had problems, he would recite this is
12 what we do. This is what you do to solve that problem. And if it
13 went beyond that, yeah, they'd send him up to tier two or level two,
14 or somebody who actually had some technical training that would
15 understand how to do that.

16 And again, as the Judge told you, we do not leave our
17 commonsense and our experience out the door when we go into that
18 jury room to deliberate. We've all been there. At least I have. We've
19 all called tech support and gotten somebody who gave a preliminary
20 answer that sometimes works, that sometimes it doesn't work. But I
21 think we know that the people who get those jobs are not people
22 who are going to have the kind of extra special training that's going
23 to give them some ability to wave a magic wand and remotely just
24 erase all kinds of information from somebody else's phone. It just
25 doesn't make sense. And if it did make sense, where are those

1 records? Why is there no evidence that he was blowing up her
2 phone? Why is there no evidence from phone records? Why is there
3 no evidence from the phones itself? We've seen none of that.

4 Now the State has talked about, well, it doesn't really
5 matter if children don't get dates exactly right. And you know what,
6 they're absolutely right. Even adults aren't going to get dates exactly
7 right all the time or remember exactly how things happened. But
8 let's look at some of the discrepancies that we have here in the
9 timeline that supposedly took place.

10 And you heard from Mr. Brass about the timeline of when
11 he moved in. When he moved out. What those circumstances were.
12 I'm going to ask you to believe him. But I'm going to put that aside
13 for the moment and say, let's just talk about what the other
14 witnesses say. What Kim says and what the children say.

15 Kim said that her mom, Kim's mom, moved into the house
16 in approximately September of 2016. You know, I'm not going to
17 quibble the date. It was, you know, a week off here or there.

18 Mr. Brass moved in in August of 2016.

19 Kim says that she kicked him out, which she of course
20 denies, but let's just go with her timeline. She kicked him out in
21 approximately October of 2016. And so therefore, by the time we get
22 to the convoy of hope that's after. Because the convoy of hope is
23 November of 2016.

24 Well, Arianna, cites the convoy of hope as the first time
25 that anything happened. So does that make sense? It doesn't. The

1 reports were made in February. Approximately, February of 2017.
2 An exact date. We're not asking for an exact date, but we're looking
3 for a timeline that makes sense. And here, we just don't have one.

4 When you look at these inconsistencies, when you look at
5 the evidence that is not there, when you look at the fact that all three
6 children either have lied, or in once case has been suspected by her
7 mother of lying, when her mother would say to the 911 people that
8 she was bipolar, is that the doubt? What kind of doubt is that? Is
9 that some sort of theoretical doubt? Or is that a doubt based on a
10 reason? Is that a doubt where you're looking at the facts, looking at
11 the reason why that is a doubt? And I would submit to you that that
12 is a doubt based on reason. And a doubt based on reason is a
13 reasonable doubt.

14 Because I'd like to ask you to believe everything that Mr.
15 Brass has said to you when he testified. But we don't even have to
16 get there for you to find him not guilty. All you have to do is find that
17 you have the reasonable doubt. The reasonable doubt.

18 Let's talk about say, the discrepancy between Detective
19 Vargason saying that the couch at Quincy's brother's house was
20 black, and Arianna describing it as beige. Let's talk about all of these
21 discrepancies that I've told you. And let's talk about the fact that
22 once -- the State has said, you don't need a motive. But we don't
23 know what happened after Mr. Brass moved out. But we know that
24 there was somebody else who seems to have gotten into the picture.
25 We know that from RaRa. Because RaRa said, well, he's not my

1 uncle anymore. Angel is my uncle now.

2 So who is being projected? We know that these are
3 children who are willing to lie about -- at least Venice is willing to lie
4 however you cut it. Even if you believe the State's version. You have
5 to accept that she's willing to lie about sexual assault to protect
6 somebody.

7 So is there somebody that they're protecting? We don't
8 know. Do you have a reasonable doubt about that? I would suggest
9 that you have to.

10 So when you go back there, I'm going to ask you to look at
11 those instructions, the reasonable doubt instruction, the
12 circumstantial evidence instruction, the commonsense instruction,
13 and when you look at those and when you look at the evidence, I'm
14 going to ask you to come back and find Mr. Brass not guilty. Thank
15 you.

16 STATE'S REBUTTAL CLOSING ARGUMENT

17 MR. RHOADES: For what purpose? Ask yourselves back
18 there. Ask yourselves over and over again, for what purpose are
19 these girls lying? For what purpose? Why?

20 Everything that Mr. Posin has asked you to do is
21 speculation. This whole thing about Angel and RaRa saying that
22 Angel is his uncle, and that they're protecting Angel in some way,
23 that's ridiculous. That is all speculation. You are strictly prohibited
24 from doing that in the jury instructions. You cannot even -- I don't
25 even know where that came from.

1 Also, when you go back to the deliberation room, look
2 through the jury instructions and try to find an instruction that says
3 when a victim of child abuse, child sexual abuse, comes in and talks
4 about it, they have to talk about it the exact same every time.

5 Look for the instruction that says that when a perpetrator
6 chooses to abuse more than one victim at a time that those two
7 victims have to talk about it the same way every time. They're not in
8 there because that is not the law.

9 I do want to put the reasonable doubt instruction up there.
10 It is based on reason. I'm just going to read it to you because I can't
11 get it to clarify. I'm not going to read you the whole thing. You're
12 going to have it back there. It's based on reason. It is not mere
13 possible doubt, which is what Mr. Posin is asking you to do.

14 "Doubt to be reasonable must be actual, not mere
15 possibility or speculation."

16 Again, you have that word "possible." You have that word
17 "speculation." It's not just a possibility. It's not just speculation.

18 If you have a reasonable doubt, one based on reason, one
19 that is actual that he did not do these things, you have to find him
20 not guilty.

21 If you do not have an actual reasonable doubt that he did
22 these things, you must find him guilty. And I submit to you, there's
23 no actual doubt, no reasonable, real doubt that he did these things to
24 these victims.

25 Mr. Posin said the State came up with a reason why Venice

1 said that it was Trinity. No, the State didn't come up with that.
2 Venice told you why she said it was her 13-, 14-year-old cousin. Is
3 that reasonable? Is it more reasonable to think that, yeah, that's why
4 she said that in the first place because she was terrified of this man,
5 or that she's making up a story to get this man in trouble. And she
6 also said that Trinity did it too. That doesn't make any sense. If she's
7 making up a story to get him in trouble, she's going to come right
8 out and say, Quincy did this to me. Quincy did it to me. I want to get
9 him in trouble. For why? Who knows. All speculation. There's not a
10 single reason.

11 The only thing that came out is that Kim was mad at the
12 Defendant for not giving her \$1500 -- we'll go with the high end -- the
13 \$1500 that he was going to give her from the tax return, so she's mad
14 about that. So she enlists her children to talk about sexual abuse and
15 to disclose sexual abuse and to go through years of court hearings,
16 years of having to come to court and face this and talk about this,
17 because she's mad about that? That was the one thing that could
18 have possibly been a motive for them to make this up.

19 Not only did Kim get mad for this \$1500 and enlist her
20 children to talk about him sexually abusing them, she also enlisted
21 Shantai, you know, and Shantai went along with that Kim and they
22 agreed to do this. And then she told Arianna, you have to say these
23 things too. For \$1500. That's unreasonable. That is unreasonable to
24 ask you to believe that. It's more reasonable that this really
25 happened and they came in here and they told you the truth.

1 RaRa regarding the Montevista Hospital. You know, all I
2 can say about that is the Montevista Hospital worker is not on trial
3 here. RaRa told you, no, that didn't happen. And RaRa has
4 consistently told you that Quincy touched his butt. I mean, he's been
5 consistent with that.

6 If these kids were making it up at Kim's behest, wouldn't
7 RaRa and Venice's story match up exactly? Or is it more reasonable
8 to think that RaRa doesn't want to talk about what happened in the
9 bedroom with Quincy when Quincy was putting his penis in his butt.
10 If they were making it up, this would all add up.

11 And Mr. Posin kind of talks on both sides, right. It's like,
12 okay, this story has evolved and now the kids know all these things
13 and now everything matches up. But also, there's all these
14 inconsistencies and all these things wrong with the stories. I mean,
15 that doesn't match up.

16 When you're looking at the credibility, when you're
17 assessing each witness's credibility, look through the lens of the
18 person that's telling what they're telling at the time they're telling it.
19 So how old is that person? What's going on in their lives? Have they
20 been to mental health hospital? Have they been in and out of a
21 mental health hospital? What's going on with their family? How
22 many years have gone by since they first told about what they told
23 about?

24 What is their motive to lie? That is a huge thing when
25 you're looking back there and you're trying to determine why

1 anybody is lying in this case. All of those things also go to the
2 Defendant testifying. He's got the motive to lie. He's the one that sat
3 here and watched every single witness testify, and then he goes and
4 he says something about a different date about when he's heard
5 about Trinity from Kim, which doesn't match up to anything, which
6 wasn't asked to him or anything like that.

7 Nobody asked him, you know, was it in 2016 that this
8 happened and that Trinity said that? Nobody asked her, because he
9 waited until everybody testified, and he came up here and told you
10 that. What's his motive to lie? He has every motive in the world to
11 lie.

12 Look through the lens of the person that is telling you
13 what's going on at the time that they tell you what's going on.

14 I really didn't understand the mental illness, and that
15 means that Arianna's capable of lying. That's not true that people
16 who suffer from mental illness are more prone to lie. That's not true
17 at all.

18 Ask yourselves, they had -- this is the -- a quote from the
19 Defense closing: A lot of time to get their stories straight and to
20 grow together. Really? Is that really what happened? Wouldn't they
21 know the hotel? Again, wouldn't RaRa and Venice come in here and
22 say the exact same thing?

23 We ask that you use your common sense. The whole -- I
24 mean, he worked at Sprint, and Mr. Posin tried to make it into the
25 same phone company, but I'm pretty sure **1:04:18 Mr. Brause was

1 clear on that, that it was two different phone companies, and he
2 received training from two different phone companies, both Sprint
3 and Apple. If anybody could do what Arianna's saying that he did,
4 it's probably him.

5 And also, why would the kids say that if he didn't really do
6 it if they know that they're not going to be able to find it on their
7 phone? Arianna asked multiple times during her forensic interview,
8 look through my phone. Look through it. Didn't you guys find it in
9 there? Why would they say that if they're lying and they're
10 concocting this story to get the Defendant in trouble? For what
11 reason? There's none. There's just none that has been given to you,
12 nothing that you have heard in this courtroom would be a reason for
13 them to make this up.

14 The whole willing to lie in the forensic interview with
15 Venice, I urge you to look through that interview. If you want to re-
16 watch it and play every single minute of it with you, look through the
17 transcript. She is asked at the end -- I believe Elizabeth's exact
18 words, "Is there anything else you want to tell me about?" After
19 being in there for three to four hours, she says no. She doesn't lie.
20 She doesn't say nothing never happened with Arianna. She's not
21 specifically asked that question. She says, "No, I don't want to talk
22 about anything else," which wasn't a lie.

23 She told you why she said Trinity. She told you why she
24 eventually told her mom that it was Quincy. In her forensic
25 interview, I believe -- or, I'm sorry -- in her preliminary transcript,

1 you'll see in there, there's a specific page where I ask her, "Why did
2 you say that? Why was it that you were able to finally tell your
3 mom?" She says, "I felt guilty. I felt guilty that my mom didn't know
4 what was going on," and that's why she told her mom about Quincy.

5 Why don't we have a picture of the Defendant's
6 apartment? Well, because Detective Vargason didn't take one. I
7 submit to you, Arianna's description was pretty spot on. It matched
8 pretty well. That's probably where he took her when he took her to
9 the nasty motel.

10 So for what purpose? They -- when they were 9 and 13
11 years old, they got together to make up this story, for what? So that
12 they could go to the Children's assessment Center and sit for hours
13 in an interview room with someone that they didn't know and talk
14 about all these details about how someone sexually abused them?
15 For that? Is that what they wanted to do?

16 Or is it so that they could sexual abuse exams at the
17 Children's Assessment Center and be poked and prodded by doctors
18 there, who are very nice, but an uncomfortable situation for any
19 kiddo to go through. Is that why they made it up? So that they could
20 come in at a preliminary hearing in front of the Defendant and be
21 asked questions about this and talk about it in front of a judge? Or so
22 that they could come here to you and talk about this, because that's
23 clearly what they both wanted to do. That's clearly what they wanted
24 to do.

25 In order to believe the Defendant, you have to believe that

1 the children are lying. You have to believe that Venice, Arianna,
2 RaRa are lying. In order to believe that Arianna's lying, you have to
3 believe that she made every single gesture, every single movement
4 up as you were seeing her do that. You have to believe that when
5 she had to be walked into this courtroom, when she stood there and
6 didn't want to take the stand, that she was lying and putting on a
7 show for you guys. That is what you have to believe. You have to
8 believe that that real, raw, organic, you know, sadness, energy, all of
9 those tears, that that is something that she was making up. For what
10 purpose?

11 Venice wasn't -- you know, she did not want to come in
12 here and talk about it. It's not someone that comes and tells
13 everybody that she comes into contact with, hey, guess what
14 happened to me? Quincy did this, Quincy did that.

15 They have nothing to gain. They were subpoenaed to
16 come to court. They were sworn to tell the truth, and that's exactly
17 what they did. They didn't have a choice in the matter. The only
18 person that had a choice was the Defendant when he chose these
19 victims, when he chose to do what he did to them. That's the only
20 person that had the choice.

21 Again, going back to the reasonableness of these
22 witnesses' statements. I mean, Kim's lying for what reason, we don't
23 know. She would have said, yeah, he was alone with them all the
24 time. I was asleep all the time, and he was alone with them all the
25 time. I was always at work, and he was always there. I always went

1 to the store, and he was always there.

2 But she didn't. She said, no, I was generally up with him.
3 Sometimes I would go to bed. Sometimes, you know, I would go to
4 bed and he would still be up.

5 The point of this is, he absolutely had the opportunity to
6 do what he did to these kids. But also, think about the
7 reasonableness of her statements. Is that what she's going to say if
8 she's going to come in here and lie to you, to make all this up?

9 Ask yourselves what is more reasonable. That they're
10 coming in here and making it up or that they're telling you the truth,
11 that three years have passed since they talked about this. What's
12 more reasonable?

13 Ask what your common sense tells you. Do these 12- and
14 16-year-old girls have rehearsed stories to cover up for it, to cover up
15 for each other? To -- there's no reason, first of all, but are these
16 rehearsed stories that they've made up to come in here and tell you?
17 No. It is a product of these people being sexually abused, and
18 coming in here after years of going through adolescence, after years
19 of going in and out of hospitals, after years of trying to
20 compartmentalize this and live with it, that they come in here and
21 they tell you what happened to them, and they tell you as best as
22 they can. And that's what they did.

23 I mean, Arianna, again, looking through the lens of the
24 timing of when things are being told. She's 13 years old when the
25 police come to her house. She's 13 years old when she gives a

1 forensic interview. In her preliminary hearing, she's 14 years old and
2 she comes here and she's 16 years old. If they're making it up, why
3 does she talk about this convoy of hope? Why does she talk about
4 her side hurting? What part does that have to play? Why not say,
5 yeah, he touched me that time too if she's making it all up?

6 Why does she say when they went to the hotel in her
7 forensic interview that Venice was moaning? She said she loved him
8 and that Arianna told Venice, no, that's not normal. At what point in
9 time did they agree that they were going to include that detail in
10 there if they were making it up?

11 With regard to Venice, her forensic interview, she's
12 covering her ears. She's covering her paper. She wants to make this
13 go away. She wants to act like it didn't happen. You can see all of
14 that. She's ill-equipped to talk about this stuff. She is a nine-year-old
15 child who's talking to the chair in front of her trying to make sense of
16 this while she's writing stuff down and telling what he did to her.

17 Again, with regard to Venice. When she tells mom about
18 Trinity. When she tells mom about Quincy. How old is she at the
19 hearing? How old is she during her forensic interview? Think of all
20 that as you're assessing her credibility.

21 In opening, Mr. Posin told you that you'd hear from girls
22 claiming -- claiming to be the victims of sexual abuse. For what
23 purpose? There's no pot of gold in this for them. None at all. For
24 what purpose?

25 How do you explain the deep hymenal notch, the almost

1 transected hymen of Arianna's that completely corroborates what
2 she says the Defendant did to her? Where does that fall in the snow?
3 Ask yourselves that.

4 While you do need to determine who was telling the truth
5 in this case, this is not a he-said/she-said. This is a he-said/they-said.
6 This is a he-said/they-said where he has a motive to lie. And there
7 has been no motive shown to you that these kids want to come in
8 here and lie. This is a he-said, the medical evidence said.

9 Venice, Ra-Ra, and Arianna know what he did to them. He
10 knows what he did to them. We ask that you tell him that you know
11 what he did to them too. We ask that you hold him responsible, and
12 that you find him guilty of every single count. Thank you.

13 THE COURT: Thank you.

14 The clerk will now swear in the officers to take charge of
15 the jurors and alternate jurors.

16 THE CLERK: Please raise your right hands.

17 You do solemnly swear that you will keep this jury
18 together in some private and convenient place, that you will not
19 permit any person to speak to them, nor speak to them yourself,
20 unless it be by order of the Court, except to ask them whether they
21 have agreed upon a verdict, and that you will return them into court
22 when they have so agreed, so help you God?

23 THE OFFICER: I do.

24 THE COURT: Next you'll be swearing in the Marshall,
25 please.

1 THE CLERK: You do solemnly swear that you will keep this
2 jury together in some private and convenient place, that you will not
3 permit any person to speak to them, nor speak to them yourself,
4 unless it be by order of the Court, except to ask them whether they
5 have agreed upon a verdict, and that you will return them into court
6 when they have so agreed, so help you God?

7 THE MARSHAL: I do.

8 THE CLERK: Thank you.

9 THE COURT: Ladies and gentlemen, as you know, a
10 criminal trial is composed of 12 members, and there's 14 of you that
11 are in the box. Two of you are alternate jurors. Our alternate jurors
12 are not -- I repeat, not excused from jury service. Your service may
13 still be needed if one of the other jurors is no longer able to
14 participate in the deliberations.

15 In this case, our alternate jurors are Ms. Gibson and
16 Mr. Jones. Please leave your names and numbers. You'll
17 accompany Ms. Rivera [phonetic], my judicial executive assistant,
18 and give her your contact information so you can be contacted if we
19 need you in the deliberations. Thank you.

20 [Alternate jurors excused at 1:16 p.m.]

21 THE COURT: The rest of you are our jurors, and you will
22 accompany Marshal Rivers to the jury room to deliberate.

23 THE BAILIFF: All rise for the exit of the jury.

24 Right this way. Take everything with you. Follow me.

25 [Jury excused at 1:16 p.m. to deliberate]

1 THE COURT: Please be seated.

2 Is there anything we need to discuss?

3 MS. RHOADES: I don't believe so. Not from the State,
4 Your Honor. Thank you.

5 MR. POSIN: Not from the Defense.

6 THE COURT: Okay. I say this every time, and I assume it
7 won't apply with either side in this case at all, but it's happened a
8 couple times in trials and deliberations.

9 Don't go very far. I had a case, or a couple, where people
10 went to Summerlin and that caused a lot of issues. So stay in the
11 courthouse, stay nearby. Five, ten minutes is fine, but don't go to
12 some -- not that you would, but that's happened.

13 MR. POSIN: I would.

14 MS. RHOADES: Thank you.

15 MR. POSIN: Thank you.

16 [Recess taken from 1:18 p.m. to 2:23 p.m.]

17 THE CLERK: We're on the record.

18 THE COURT: Okay. We got a question from the jurors. I'll
19 read it to you, and you can look at it if you want.

20 Can the jury have a copy of the Prosecution's closing
21 argument (PowerPoint presentation)? Juror number 12, signed as
22 foreperson.

23 You're welcome to see it if you want.

24 MR. POSIN: I don't need to look at it.

25 THE COURT: Okay.

1 MR. POSIN: It's clear. I'd object, Your Honor.

2 THE COURT: And not surprised.

3 MS. RHOADES: [Indiscernible].

4 THE COURT: Yeah. So the answer will be no.

5 MS. RHOADES: Maybe -- maybe, no, the Court cannot
6 supplement the evidence, something like that. Maybe soften the
7 "no."

8 THE COURT: No, the Court -- well, let's see. Are you okay
9 with that suggestion, or do you just want a no?

10 MR. POSIN: I think I'd rather go with just a no without an
11 explanation. Because as soon as you start any explanation, you go
12 down -- how far do you go and --

13 THE COURT: Sure. So let's do what we instruct witnesses,
14 I suppose, and answer a yes or no question with a yes or a no. And
15 we'll say no. And I forget, we tape it to the sheet, or?

16 THE CLERK: Yeah. So we'll tape it to the sheet. You'll
17 sign it and then we'll give a copy back to them.

18 THE COURT: Okay. Okay.

19 Anything else?

20 MR. POSIN: No, Your Honor.

21 MS. RHOADES: No. Thank you.

22 THE COURT: Thank you all. That's why I said, don't go to
23 Summerlin.

24 [Recess taken from 2:25 p.m. to 4:11 p.m.]

25 THE CLERK: We're on the record.

1 THE COURT: Okay. Question, I'll read to you, and you can
2 look at it if you want.

3 May we see the police arrest reports when the Henderson
4 and Las Vegas PD arrested Dequincy? Juror number 3, foreperson,
5 with an illegible signature of juror number 12.

6 MS. RHOADES: Can I look at that?

7 THE COURT: Yeah, sure. You can even show it to
8 Mr. Posin if he wants to see it.

9 MR. POSIN: I think I heard enough, Your Honor, to say, no,
10 I don't think it's appropriate for any particular evidence to be -- I
11 mean, not that that even was --

12 THE COURT: Was it --

13 MR. POSIN: -- as I recall, introduced into evidence anyway.

14 MS. RHOADES: No.

15 MR. POSIN: But even it was, I'd say no particular bit of
16 evidence should be sent back there.

17 MS. RHOADES: I think at this point, we can respond, no,
18 the Court cannot supplement the evidence.

19 THE COURT: I think that's fair. So, yeah, the arrest reports
20 weren't admitted, right?

21 MS. RHOADES: No.

22 THE COURT: Okay. Any objection to that?

23 MR. POSIN: Sounds good, Your Honor.

24 THE COURT: Okay. All right, thank you.

25 MS. RHOADES: Thank you.

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[Recess taken from 4:11 p.m. to 4:40 p.m.]

THE CLERK: We're on the record.

THE COURT: Okay. All right.

[Jury in at 4:42 p.m.]

THE BAILIFF: All rise for the entry of the jury.

THE COURT: Please be seated.

Ladies and gentlemen of the jury, have you selected a foreperson?

JURY FOREPERSON: Yes.

THE COURT: And who is the foreperson?

[No audible response.]

THE COURT: Please hand the verdict to Marshal Rivers.

And, Mr. Foreperson, have all 12 members of the jury reached a unanimous verdict?

JURY FOREPERSON: Yes, Your Honor.

THE COURT: Will Defendant Brass and his attorney please stand.

The clerk will now read the verdict out loud.

THE CLERK: District Court Clark County Nevada, the State of Nevada, Plaintiff, vs. Dequincy Brass, Defendant, case number C-18-329765-1 Department Number 15, verdict.

We, the jury in the above-entitled case, find the Defendant Dequincy Brass, as followed:

Count 1, lewdness with a child under the age of 14. Guilty of lewdness with a child under the age 14.

Count 2, sexual assault with a minor under 14 years of age.
Guilty of sexual assault with a minor under 14 years of age.

Count 3, sexual assault with a minor under 14 years of age.
Guilty of sexual assault with a minor under 14 years of age.

Count 4, sexual assault with a minor under 14 years of age.
Guilty of sexual assault with a minor under 14 years of age.

Count 5, lewdness with a child under the age of 14. Guilty
of lewdness with a child under the age 14.

Count 6, sexual assault with a minor under 14 years of age.
Guilty of sexual assault with a minor under 14 years of age.

Count 7, child abuse, neglect, or endangerment. Guilty of
child abuse, neglect, or endangerment.

Count 8, first degree kidnapping. Guilty of first degree
kidnapping.

Count 9, lewdness with a child under the age of 14. Guilty
of lewdness with a child under the age 14.

Count 10, sexual assault with a minor under 14 years of
age. Guilty of sexual assault with a minor under 14 years of age.

Count 11, sexual assault with a minor under 14 years of
age. Guilty of sexual assault with a minor under 14 years of age.

Count 12, preventing or dissuading witness or victim from
reporting crime or commencing prosecution. Guilty of preventing or
dissuading witness or victim from reporting crime or commencing
prosecution.

Count 13, first degree kidnapping. Guilty of first degree

1 kidnapping.

2 Count 14, sexual assault with a minor under 14 years of
3 age. Guilty of sexual assault with a minor under 14 years of age.

4 Count 15, first degree kidnapping. Guilty of first degree
5 kidnapping.

6 Count 16, lewdness with a child under the age of 14.
7 Guilty of lewdness with a child under the age 14.

8 Count 17, battery with intent to commit sexual assault
9 victim under 16. Guilty of battery with intent to commit sexual
10 assault victim under 16.

11 Count 18, sexual assault with a minor under 14 years of
12 age. Guilty of sexual assault with a minor under 14 years of age.

13 Count 19, preventing or dissuading witness or victim from
14 reporting crime or commencing prosecution. Guilty of preventing or
15 dissuading witness or victim from reporting crime or commencing
16 prosecution.

17 Count 20, lewdness with a child under the age of 14. Not
18 guilty.

19 Count 21, sexual assault with a minor under 14 years of
20 age. Not guilty.

21 Count 22, sexual assault with a minor under 14 years of
22 age. Guilty of sexual assault with a minor under 14 years of age.

23 Dated this 3rd day of March 2020. Signed Foreperson,
24 Carlos Morales.

25 Ladies and gentlemen of the jury, are these your verdicts

1 as read?

2 JURORS COLLECTIVELY: Yes.

3 THE COURT: Does either party wish to have the jury
4 individually polled?

5 MR. POSIN: No, Your Honor.

6 MS. RHOADES: Not by the State, Your Honor.

7 THE COURT: The verdict of the jury shall now be recorded
8 in the minutes of the Court.

9 Ladies and gentlemen, thank you for your service. You are
10 now released. If you are willing and able to, I would like to meet
11 briefly with you to thank you for your service. And if you're willing
12 and able to, the attorneys may like to talk to you about how the trial
13 went.

14 Is the jury room free back there?

15 THE BAILIFF: Yes, Your Honor.

16 THE COURT: Okay. Let's go back there and --

17 THE BAILIFF: All rise for the exit of the jury.

18 [Jury exits at 4:49 p.m.]

19 THE COURT: Please be seated.

20 I believe we need an in-custody sentencing date; is that
21 right?

22 MS. RHOADES: That's right, Your Honor. And at this
23 point, I would ask that he be remanded without bail.

24 THE COURT: Have Defendant remanded without bail, and
25 pre-sentence investigation report, and an in-custody sentencing date.

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THE CLERK: April 21st of 2020 at 8:30 a.m.

MS. RHOADES: Thank you very much.

THE COURT: I'll go talk to them briefly and we'll send someone in to see if anyone wants to talk to you.

MS. RHOADES: Okay. And then when we do talk to them, do we just talk to them while they're in they jury room? Is that okay?

THE COURT: Yeah. We can change it if you --

MR. POSIN: Your Honor, I have a 9:00 that I think is going to be a bit of a conflict. If we could have any other day that week?

THE COURT: Sure.

MS. RHOADES: We can do April 23rd.

THE CLERK: April 23rd, 2020, at 8:30 a.m.

MR. POSIN: Thank you.

THE COURT: Does that one work?

MR. POSIN: Yes.

THE COURT: Okay.

MS. RHOADES: Thank you.

[Proceedings adjourned at 4:50 p.m.]

* * * * *

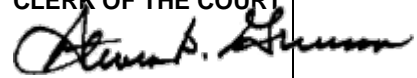
1 ATTEST: I do hereby certify that I have truly and correctly transcribed the
2 audio/video proceedings in the above-entitled case to the best of my ability.
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6 Valori Weber

7 Transcriber
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10 Date: June 1, 2020
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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	CASE#: C-18-329765-1
)	
Plaintiff,)	DEPT. XV
)	
v.)	
)	
DEQUINCY BRASS,)	
#2707679,)	
)	
Defendant.)	

BEFORE THE HONORABLE JOSEPH P. HARDY,
DISTRICT COURT JUDGE

THURSDAY, APRIL 23, 2020

RECORDER'S TRANSCRIPT OF SENTENCING

APPEARANCES:

For the Plaintiff: KRISTINA A. RHOADES, ESQ.

For the Defendant: MITCHELL L. POSIN, ESQ.

RECORDED BY: MATTHEW YARBROUGH, COURT RECORDER

1 Las Vegas, Nevada, Thursday, April 23, 2020

2
3 [Hearing began at 12:47 p.m.]

4 THE CLERK: -- 765-1.

5 THE COURT: Okay. Who do we have? Go ahead and state
6 your appearances. -

7 MR. POSIN: Good afternoon, Your Honor. Mitchell Posin
8 appearing for Defendant Quincy Brass.

9 MS. RHOADES: Good morning, Your Honor. Kristina
10 Rhoades on behalf of the State.

11 THE COURT: And, Mr. Brass, present. Good afternoon.
12 Are we ready for sentencing?

13 MS. RHOADES: I believe so --

14 MR. POSIN: Yes, Your Honor.

15 MS. RHOADES: -- Your Honor, but I do have a victim
16 speaker that hopefully should be appearing via BlueJeans.

17 THE COURT: Do we have somebody other than Mr. Posin
18 on BlueJeans?

19 MS. RHOADES: We have Ms. Einhorn, who's also here for
20 the State.

21 THE COURT: Okay.

22 MS. RHOADES: And I know that --

23 MS. ELKHORN: We did just receive an email back. Our
24 victim speaker is having trouble connecting to BlueJeans.

25 THE COURT: Okay.

1 MS. RHOADES: If maybe we could trail, and I can contact
2 the --

3 THE CLERK: Ms. Rhoades, would you like to have her
4 appear by phone or by BlueJeans?

5 MS. RHOADES: I can call and ask her what she prefers.
6 But if she doesn't have that and she can appear by phone, that would
7 be great.

8 THE COURT: That'd be -- it's fine by me.

9 MS. RHOADES: Okay.

10 THE CLERK: Yeah, you can just dial the number on here
11 and --

12 MS. RHOADES: Oh, her number?

13 THE CLERK: Yeah.

14 MS. RHOADES: Okay.

15 THE COURT: Do we want to trail it then, or --

16 MS. RHOADES: If I --

17 THE COURT: -- do we want to go forward right now?

18 MS. RHOADES: If I could contact my victim advocate,
19 who's in contact with them, and just make sure that they know that
20 we're going to call them. I think email is how we do the BlueJeans.

21 THE COURT: So let's trail it then, I guess.

22 MS. RHOADES: Okay, thank you.

23 THE COURT: Can you hear us okay, Mr. Posin?

24 MR. POSIN: Yes, just fine, Your Honor. Thanks.

25 THE COURT: Okay, okay.

1 MS. RHOADES: Oh, I have her number right here, Your
2 Honor. I'm sorry. I have text messages from my victim advocate
3 saying this is her phone number and that BlueJeans is working, so
4 we can call.

5 THE CLERK: Do you want to go ahead and enter that
6 number in?

7 MS. RHOADES: Yes.

8 THE CLERK: And then we'll put her on speaker.

9 MS. RHOADES: Just press 9?

10 THE CLERK: Yes. 9-720 -- or whatever the number is. You
11 don't have to have it on speaker right away if you don't want to.

12 MS. SHONTAI WHATLEY: Hello.

13 MS. RHOADES: Hi, Shontai. This is Kristina Rhoades
14 calling from the DA's office. How are you?

15 MS. SHONTAI WHATLEY: I'm not good.

16 MS. RHOADES: Okay. Are you and Arianna okay to speak
17 at sentencing over the phone?

18 MS. SHONTAI WHATLEY: Of course.

19 MS. RHOADES: Okay. Well, I'm going to put you on --
20 well, I'll just leave you on speaker, if that's okay with the Court. Is
21 that okay?

22 So just until you're prompted to speak, just sit tight, and
23 you'll be here for the sentencing on the telephone, okay?

24 MS. SHONTAI WHATLEY: Okay, thanks.

25 MS. RHOADES: Okay, thank you.

1 THE COURT: Okay. So let's go through the appearances
2 again now that she's on the phone.

3 MS. RHOADES: Thank you, Your Honor.

4 Kristina Rhoades and Kelsey Einhorn for the State.

5 THE COURT: And via BlueJeans, we have also Mr. Posin.

6 MR. POSIN: Yes. Thank you, Your Honor. Mr. Posin
7 appearing on behalf of the Defendant.

8 THE COURT: Thank you.

9 And Mr. Brass here present in custody.

10 And so is the State ready to argue?

11 MS. RHOADES: Yes, Your Honor.

12 You know, we're here on 20 counts after a jury verdict for
13 sentencing. And I'm not going to go into the specific facts because I
14 know Your Honor sat through the entire trial and heard these girls
15 come up here and talk about what this person did to them.

16 Thirteen-year-old, Venice Madden, came in here and
17 testified about what he did to her when she was 8 and 9 years old.
18 You saw her demeanor. You saw how difficult it was for her to come
19 in here and talk about that.

20 You saw Arianna's demeanor. She's now 16 years old and
21 still terrified. She did not want to come up to that stand. She was
22 crying and she tried to turn out of the courtroom when she was
23 coming up to the stand. But she got here. They both got up there,
24 and they both were brave enough to tell you in a courtroom full of
25 people what he did to them when they were -- when Arianna was 13

1 years old and when Venice was 8 and 9 years old.

2 We have more counts for Venice because the Defendant
3 lived with her and her family, and so he had more of an opportunity
4 to sexually assault her.

5 For Arianna, we have the two separate times that he took
6 her to a hotel: once with Venice, and then once by herself. So we
7 have the kidnapping charges and also the sexual assault with a
8 minor charges for her as well.

9 They are both going to have to live with this every single
10 day of their lives. I think that you saw that firsthand by them coming
11 in here and telling you what happened to them and describing how
12 he raped these children. There's not a day that's going to by in their
13 lives that this doesn't go through their mind that they don't have to
14 live with this.

15 I don't prescribe the punishment; the legislature prescribes
16 the punishment, and that is 35 to life for one incident. So I think that,
17 while it sounds like a very high number, and it is a high number,
18 rightfully so, I don't think that that should give way to the fact that
19 these things happened multiple times. And that those separate times
20 should each be run consecutively in the State's position. I think the
21 Court is well within its discretion to run several of these counts
22 consecutive, more than what P&P recommends.

23 P&P recommends two of the counts -- I don't think they
24 differentiate between Venice and Arianna -- they recommend two of
25 the sexual assault with a minor under 14 to run consecutive, and

1 then one lewdness with a minor to run consecutive, for an aggregate
2 total of 80 years.

3 Frankly, I don't think that that's enough for what this
4 person did to these girls. I think that the two sexual assaults with
5 Arianna should be run consecutively. Those are two separate times
6 that he took her, and he terrified her, and he raped her in these hotel
7 rooms that he took her to.

8 I think with Venice, whether -- I think it would be wholly
9 appropriate to run every different sexual assault that he did to her
10 consecutively. So there's intercourse, there's fellatio, there's
11 conalingus, there's digital, and there's anal rape that he did to this
12 child. All of those should be run consecutively.

13 That also corresponds with the different times that Venice
14 talked about. She talked about a time in the living room without the
15 fireplace. She talked about a time in the living room with the
16 fireplace. She talked about the time where she went to the hotel with
17 Arianna. The time she went with the hotel -- he took her to a hotel
18 alone with him. And then she spoke about another time in the living
19 room with the fireplace where he put pornography on in front of this
20 8-year-old child. So that's also five times. So I think that would also
21 be, you know, something appropriate that the Court could do to run
22 all of those consecutive.

23 When you look at the purposes of criminal punishment,
24 protection of the community, basically his incapacitation so he
25 cannot do this to any child ever again, deterrence and retribution.

1 And frankly, going back again, they're going to have to live with this
2 every day. He should never, ever, ever have a chance to get out of
3 prison.

4 And with that, the State would submit it to the Court.

5 THE COURT: Thank you very much.

6 MS. RHOADES: Thank you.

7 THE COURT: Mr. Posin.

8 MR. POSIN: Thank you, Your Honor.

9 And as the State said, you know, Your Honor sat through
10 this entire trial and heard from both sides, including Mr. Brass. And
11 so I, like the State, am not going to get into the details. But I'm going
12 to also argue that this is an issue of consecutive versus concurrent
13 time.

14 And as Ms. Rhoades stated, you know, the legislature has
15 come up with some very severe penalties.

16 Mr. Brass is about 36 years old now with a 35-year -- with a
17 single 35-year sentence. That's looking at him being over 70 years
18 old before he can even possibly see the light of day again, which is
19 basically the rest of his life.

20 So, Your Honor, I'm going to be arguing today that all of
21 these charges should be run concurrently.

22 Your Honor listened to Mr. Brass testify. Your Honor saw
23 Mr. Brass' demeanor on the stand. And Your Honor is aware that
24 although there are multiple counts here involving several different
25 alleged victims, that Mr. Brass is not somebody who previously had

1 any trouble with the law. He's somebody who had sustained
2 employment consistently and is just -- you saw his -- again, you saw
3 his demeanor in the court. This is somebody who I would submit is
4 worthy of looking at somebody who could be redeemed, whatever
5 the truth of these assertions is.

6 As you know, Your Honor, Mr. Brass denied the
7 allegations. And I'm not here to contradict his denials of those
8 assertions. However, the jury did find him guilty of these charges.
9 So for the purposes of sentencing, we, of course, have to assume
10 that they are true.

11 Even if true, Your Honor, again, this was a set of
12 circumstances that led to him being convicted, but which were one
13 part of his life. He has also otherwise been a contributor to --
14 including to these children's care and comfort at the time that he was
15 with them.

16 He's a good person. And I would submit that Your Honor
17 should run all of these charges concurrently to give him some
18 opportunity to see an end -- a light at the end of the tunnel where he
19 may someday get out and contribute to society again. And I would
20 submit it at that, Your Honor.

21 THE COURT: Thank you.

22 Mr. Brass, do you have anything you'd like to say?

23 THE DEFENDANT: Yes, Your Honor.

24 I just wanted to say that I took this case to trial because I'm
25 innocent, and I still maintain my innocence. Your Honor was aware

1 of all of the -- the details before going to trial as far as my concerns
2 with my attorney and him being unprepared and inadequate.

3 Your Honor was also frustrated, to say the least, with my
4 attorney so much so to the point that you wondered if you should or
5 -- that if you should report him to the State Bar.

6 Nonetheless, you thought it would be a good idea for me
7 to continue with trial with counsel knowing that he was unprepared
8 to represent me, which resulted in the position that I am in currently.

9 Besides that, Your Honor, I just wanted to also make
10 mention that I will be submitting a Notice of Appeal.

11 THE COURT: Are you a Veteran or member of the military?

12 THE DEFENDANT: I am not.

13 THE COURT: Thank you.

14 And on the phone, we have --

15 MS. RHOADES: Yes, Your Honor. I believe we have
16 Shontai and Arianna Whatley.

17 Shontai, can you hear me?

18 MS. SHONTAI WHATLEY: Yes, I can hear.

19 MS. RHOADES: Is Arianna going to speak as well?

20 MS. SHONTAI WHATLEY: Arianna's not speaking. I'm
21 going to speak for her.

22 MS. RHOADES: Okay, all right. It's your turn, ma'am. Go
23 ahead.

24 MS. SHONTAI WHATLEY: Yes, the Court --

25 THE CLERK: Judge, I'm sorry.

1 MS. SHONTAI WHATLEY: -- you know I am --

2 THE COURT: Hold on --

3 MS. RHOADES: Shontai. Shontai, give us one second,
4 please.

5 THE COURT: Let's swear her in.

6 THE CLERK: Sorry.

7 TYou do solemnly swear the testimony you're about to
8 give in this action shall be the truth, the whole truth, and nothing but
9 the truth, so help you God?

10 MS. SHONTAI WHATLEY: Yes, ma'am.

11 THE COURT: Okay. Now go ahead.

12 THE CLERK: Can she state --

13 THE COURT: Oh, yeah, sorry. Please state and spell your
14 first and last name for us.

15 MS. SHONTAI WHATLEY: My first name is Shontai,
16 S-H-O-N-T-A-I, middle name A-M-E-N-A, Whatley, W-H-A-T-L-E-Y.

17 THE COURT: Okay, go ahead. Thank you.

18 MS. SHONTAI WHATLEY: Yes. I am addressing the Court
19 because, you know, as a mom, I am a mom of kids who are disabled.
20 They were going to the Boys & Girls Club. I did not know Dequincy.
21 I did not know Kim.

22 But, however, our kids went to the same school. They
23 caught the same buses. They went to the same afterschool program.
24 I never authorized the Boys & Girls Club to let anyone pick up my
25 kids, but they assumed because I was cool with Kim, only because

1 we had a parental agreement that I pick up her kids, that they -- and
2 they pick up my kids, that they assumed that they let him pick up my
3 kids.

4 I don't know him. I don't have anything personally against
5 him. However, he molested my daughter. And my daughter has
6 tried to commit suicide several times. She's been to several mental
7 health clinics. She's been to long-term clinics, all type of things.

8 The only thing that has helped us is that we came to an
9 agreement that if she got a job -- because she's trying to be a
10 productive member of society -- and like I told her, one day her story
11 will help somebody else come out of this, because when you molest
12 a kid at that age, that would affect them the rest of their life.

13 And I've been through so much stuff with my daughter. I
14 see my daughter in [indiscernible]. I did not understate it. He took
15 my keys from my daughter. And me and her went back and forth, so
16 what he did was, he threatened my daughter and say that I got the
17 keys to her house and if you tell, that he would come to kill me
18 because I'm disabled.

19 At that time, I was under chronic pain because I had been
20 into a car accident. Okay. So I don't have men come to my house. I
21 don't have random men. I didn't have a boyfriend or anything
22 because I don't do that around my kids. So I'm very disturbed --
23 what I'm very disturbed about is the fact that during the reporting of
24 this crime, that Kimberly reported to the police that she had an
25 incurable disease.

1 Now, my daughter's been tested for several diseases, and I
2 don't know if they had herpes or warts or whatever. But this is what I
3 had to take my daughter to chronically get tested for because I don't
4 know if she's going to have a disease because I don't know if he had
5 it, she had it, I don't know how it goes. But I'm very disturbed as a
6 parent.

7 You know, it was absolutely wrong what he did to my
8 daughter, and I feel he took advantage of the circumstance at that
9 time. And I hope he burns in hell because what he did to my
10 daughter. He took a girl who was bipolar, who had issues, he went
11 and he molested her, and he's made it even worse.

12 This girl had been to [indiscernible] for long-term. She's
13 been to Montevista for long-term. She's been to the long-term
14 conflict, and was just finally having a breakthrough. But for us to
15 have to go to court, and then you have [indiscernible] and take
16 pictures of us and everything else, you know. And then I had to
17 divulge during this trial my address. We don't feel safe.

18 So basically, a new wound is open because we don't feel
19 safe, because he's from Las Vegas. We're not from Las Vegas. He
20 got family out here who's intimidating people, and I feel as though
21 that is totally wrong.

22 THE COURT: Thank you, ma'am.

23 MS. SHONTAI WHATLEY: [Indiscernible] you want to
24 sleep? I'm going to patch you [indiscernible]. Don't cry, just speak.

25 THE CLERK: She's having her daughter speak.

1 MS. SHONTAI WHATLEY: Go ahead and speak.
2 MS. ARIANNA WHATLEY: Hello?
3 MS. RHOADES: Arianna?
4 MS. ARIANNA WHATLEY: Yes.
5 MS. RHOADES: Do you want to speak?
6 MS. ARIANNA WHATLEY: Yes.
7 MS. RHOADES: Okay, honey. You have to be sworn in, so
8 just listen real quick.
9 MS. ARIANNA WHATLEY: Okay.
10 THE CLERK: You do solemnly swear the testimony you're
11 about to give in this action shall be the truth, the whole truth, and
12 nothing but the truth, so help you God?
13 MS. ARIANNA WHATLEY: Yes.
14 THE CLERK: Thank you. If you could state and spell your
15 name for the record, please.
16 MS. ARIANNA WHATLEY: Arianna Whatley, A-R-I-A-N-N-
17 A, Whatley, W-H-A-T-L-E-Y.
18 THE COURT: You can go ahead.
19 MS. ARIANNA WHATLEY: I just want to say this process
20 has been very long, and for him to say that he didn't do anything,
21 and that he's innocent is a lie. I've been through a lot of emotional
22 stress and a lot of hardship. And I'm still finding ways to cope and
23 have to live with this for the rest of my life. I'm going to remember
24 everything he did to me, how he lied in court, everything.
25 And I don't think that he should get the lenience on the

1 sentence. He should be imprisoned for the rest of his life for what he
2 did to me and Venice. It's not fair. I don't think that he should get
3 away with what he did to us.

4 THE COURT: Thank you. Thank you.

5 The Court is going to adjudge Defendant Brass guilty.

6 Count 1. Lewdness with a child under age of 14, category
7 A, guilty.

8 Count 5. Lewdness with a child under age of 14, category
9 A, guilty.

10 Count 9. Lewdness with a child under age of 14, category
11 A, guilty.

12 Count 16. Lewdness with a child under the age of 14,
13 category A, guilty.

14 Count 2. Sexual assault with a minor under 14 years of
15 age, category A, guilty.

16 Count 3. Sexual assault with a minor under 14 years of
17 age, category A, guilty.

18 Count 4. Sexual assault with a minor under 14 years of
19 age, category A, guilty.

20 Count 6. Sexual assault with a minor under 14 years of
21 age, category A, guilty.

22 Count 10. Sexual assault with a minor under 14 years of
23 age, category A, guilty.

24 Count 11. Sexual assault with a minor under 14 years of
25 age, category A, guilty.

1 Count 14. Sexual assault with a minor under 14 years of
2 age, category A, guilty.

3 Count 18. Sexual assault with a minor under 14 years of
4 age, category A, guilty.

5 Count 22. Sexual assault with a minor under 14 years of
6 age, category A, guilty.

7 Count 7. Child abuse, neglect, or endangerment, category
8 B, guilty.

9 Count 8. First degree kidnapping, category A, guilty.

10 Count 13. First degree kidnapping, category A, guilty.

11 Count 15. First degree kidnapping, category A, guilty.

12 Count 12. Preventing or dissuading witness or victim from
13 reporting crime or commencing prosecution, category D, guilty.

14 Count 19. Preventing or dissuading witness or victim from
15 reporting crime or commencing prosecution, category D, guilty.

16 Count 17. Battery with intent to commit sexual assault,
17 victim under 16, category A.

18 Restitution in the amount of \$1,200 payable to Clark
19 County Social Services, VC2120853; 937 days credit time served; \$25
20 administrative assessment; \$3 DNA administrative assessment; DNA
21 testing, that fee's \$150.

22 The Court wants to note that before the trial, the Court did
23 have concerns about the representation and work done by Mr. Posin.
24 Those concerns were adequately addressed at hearing prior to the
25 trial commencing, and the Court had no issues or concerns with the

1 work that Counsel performed at the trial.

2 And the Court would note that the evidence that came out
3 at the trial was overwhelming -- was -- let's just put it like that, the
4 evidence was overwhelming. And the jury verdict was not a surprise
5 to anybody who sat through that trial. And so the Court has no
6 issues, questions, concerns with the work Mr. Posin did.

7 Count 1. Maximum term, life with the possibility of parole
8 after 10 years has been served. Restitution in the amount of \$1,200.

9 Count 2. Life with the possibility of parole after 35 years
10 has been served consecutive to Count 1.

11 Count 3. Life with the possibility of parole after 35 years
12 has been served consecutive to Count 2.

13 Count 4. Life with the possibility of parole after 35 years
14 has been served consecutive to Count 3.

15 The Court would note for the record, the Court largely is
16 following the recommendations set forth in the PSI, except on that
17 last one, making that consecutive rather than concurrent to Count 3.

18 Count 5. Life with the possibility of parole after 10 years
19 has been served concurrent with Count 4.

20 Count 6. Sexual assault with a minor under 14 years of
21 age, life with the possibility of parole after 35 years has been served
22 concurrent with Count 5.

23 Count 7. Minimum term 12 months, maximum term 36
24 months, concurrent with Count 6 to be served in DOC.

25 Count 8. Maximum term life with possibility of parole after

1 5 years has been served, concurrent with Count 7.

2 Count 9. Life with the possibility of parole after 10 years
3 has been served, concurrent with Count 8.

4 Count 10. Life -- maximum term life with the possibility of
5 parole after 35 years has been served concurrent with Count 9.

6 Count 11. Maximum term life with the possibility of parole
7 after 35 years has been served, concurrent with Count 10.

8 Count 12. Minimum term 12 months, maximum term 32
9 months, to be served in DOC, concurrent with Count 11.

10 Count 13. Maximum term life with the possibility of parole
11 after 5 years has been served, concurrent with Count 12.

12 Count 14. Maximum term life with the possibility of parole
13 after 35 years has been served, concurrent with Count 13.

14 Count 15. Maximum term life with the possibility of parole
15 after 5 years has been served, concurrent with Count 14.

16 Count 16. Maximum term life with the possibility of parole
17 after 10 years has been served, concurrent with Count 15.

18 Count 17. Maximum term life with the possibility of parole
19 after 10 years has been served, concurrent with Count 16.

20 Count 18,. Maximum term life with the possibility of
21 parole after 35 years has been served, concurrent with Count 17.

22 Count 19. Minimum term 12 months, maximum term 32
23 months to be served in Nevada Department of Corrections,
24 concurrent with Count 18.

25 Count 22. Maximum term life with the possibility of parole

1 after 35 has been served, concurrent with Count 19.

2 I believe that's all of them, but if I missed anything, please
3 let me know.

4 MS. RHOADES: Count 22? You did that. You did Count
5 22, right, Your Honor?

6 THE COURT: I did.

7 UNIDENTIFIED SPEAKER: [Indiscernible].

8 MS. RHOADES: Oh, I'm sorry.

9 THE COURT: Did I skip 22?

10 MS. RHOADES: I think -- I guess so, yeah. I heard it. 35 to
11 life concurrent to --

12 THE COURT: Yeah.

13 UNIDENTIFIED SPEAKER: Okay.

14 MS. RHOADES: Okay. So that's an aggregate of 115 years
15 to life?

16 THE COURT: Okay, thank you. Let's see. Yeah, we have
17 to say that. 45, 80 -- did you say 115?

18 MS. RHOADES: Yes, Your Honor.

19 THE COURT: Yeah. So aggregate total, 115 years to life.
20 So life with the possibility of parole after an aggregate total of 115
21 years has been served.

22 MS. RHOADES: Thank you very much. And he also has to
23 register as a sex offender with lifetime supervision.

24 THE COURT: And I'll -- yeah, that's pursuant to NRS
25 239B.030. Oh, I'm sorry, where's that statute? The sex offender

1 statute. It should be somewhere.

2 MS. RHOADES: So the registration is 179D.444 through
3 179D.550. And the lifetime supervision is NRS 176.0931.

4 THE COURT: So pursuant to those statutes, Defendant
5 Brass is required to register as a sex offender for life.

6 MS. RHOADES: And lifetime supervision.

7 THE COURT: And life -- correct, thank you -- lifetime
8 supervision. Thank you.

9 MS. RHOADES: Thank you very much, Your Honor.

10 THE COURT: Thank you, ma'am.

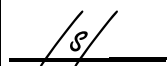
11 MS. RHOADES: Thank you.

12 THE CLERK: Thank you. I'll be hanging up the phone.

13 [Proceedings adjourned at 2:23 p.m.]

14 * * * * *

15
16 ATTEST: I do hereby certify that I have truly and correctly transcribed the
17 audio/video proceedings in the above-entitled case to the best of my ability.
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19
20 

21 Valori Weber

22 Transcriber

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25 Date: June 1, 2020

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11	DARIN IMLAY Clark County Public Defender 309 South Third Street Las Vegas, Nevada 89155-2610	STEVE WOLFSON Clark County District Attorney 200 Lewis Avenue, 3 rd Floor Las Vegas, Nevada 89155
12		

13

13 Attorney for Appellant AARON FORD
14 Attorney General
15 100 North Carson Street
Carson City, Nevada 89701-4717
(702) 687-3538

16 Counsel for Respondent

17/

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 26 day of January, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON FORD
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AARON FORD
DEBORAH L. WESTBROOK

22 I further certify that I served a copy of this document by mailing a true and
23 correct copy thereof, postage pre-paid, addressed to:

DEQUINCY BRASS, #1233421
HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NV 89070

27 BY /s/ Rachel Howard
Employee, Clark County Public Defender's Office