

No. 79554

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

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**CHRISTIAN STEPHON MILES,**

*Appellant,*

**vs.**

**THE STATE OF NEVADA,**

*Respondent.*

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Appeal

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

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**APPELLANT'S APPENDIX**  
**(Volume 4)**

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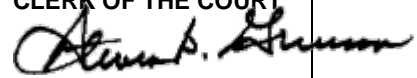
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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7  
8 STATE OF NEVADA,  
9 Plaintiff,

10 vs.

11 CHRISTIAN STEPHON MILES,  
12 Defendant.

)  
) CASE#: C-15-306436-1  
)  
) DEPT. XVIII  
)  
)  
)  
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)

13 BEFORE THE HONORABLE MARY KAY HOLTHUS  
14 DISTRICT COURT JUDGE  
WEDNESDAY, APRIL 3, 2019

15 **RECORDER'S TRANSCRIPT OF JURY TRIAL - DAY 3**

16  
17 APPEARANCES:

18 For the Plaintiff:

SAMUEL MARTINEZ, ESQ.  
KRISTINA RHOADES, ESQ.

19 Defendant Pro Se:

CHRISTIAN MILES

20 Standby Counsel for  
21 Defendant:

ROBERT BECKETT, ESQ.

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24  
25 RECORDED BY: YVETTE SISON, COURT RECORDER



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Las Vegas, Nevada, Wednesday, April 3, 2019

[Case called at 11:14 a.m.]

[Outside the presence of the jury.]

THE COURT: Okay. Did we come to agreements?

MR. MILES: Well, Judge --

THE COURT: For the record, we're here outside the presence of the jury. Mr. Beckett is here and has off and on has been consulting with Mr. Miles.

MR. MARTINEZ: So I have not received the redactions yet. As soon as I do, I'll review those. It will only take a few minutes and then we can make our arguments.

MR. MILES: Yeah, I have them here, Your Honor.

THE COURT: Okay. I believe my law clerk provided a copy of your proposed jury instructions to Mr. Miles; is that right?

MR. MILES: Yes. She provided me a copy of the jury instructions.

THE COURT: Do you have any proposed as well?

MR. MILES: Well, I was going to wait until -- not really like the last minute, but wait until I understand exactly what the State's offering to prove and then I was going to wait until the end.

THE COURT: Well, you have a rough idea. So if you could kind of get them -- look and see how much of theirs are okay with you and then if you have any specials of your own.

MR. MILES: Okay. I'll have those ready -- I have some

1 drafted up. So most of it is drafted up, but I could have it probably ready  
2 tomorrow if that works.

3 THE COURT: Okay. That's good. I know you guys are  
4 saying this is going to go until next week, but I can't see how --

5 MR. MARTINEZ: I honestly believe that we will be done with  
6 our witnesses by the end of Thursday afternoon.

7 THE COURT: So, Mr. Miles, plan to have your witnesses  
8 ready on Friday, okay?

9 MR. MILES: Okay.

10 MR. MARTINEZ: And we might get -- I mean depending on  
11 how -- we're going to do five witnesses today I think and then we will do  
12 three -- we'll have three left on Thursday and then we'll be done. So we  
13 might get done before 5:00.

14 THE COURT: All right. So maybe you can have some on  
15 standby tomorrow, Mr. Miles.

16 MR. MILES: Okay.

17 THE COURT: Are they long witnesses or short witnesses? I  
18 don't want to keep talking to you because you're not doing what you  
19 need to do. So do what you need to do, Mr. Martinez.

20 MR. MILES: Oh. And Your Honor, I did have a question. I  
21 know we was talking about it earlier in the case. So when we want to  
22 refresh recollection, you're saying put it on that what the issue was if  
23 we're refreshing recollection that hasn't been admitted into evidence, is  
24 that really --

25 THE COURT: What did you do, go to law school while you

1 were hanging over there at the detention center?

2 MR. MILES: I got a lot of time to read.

3 THE COURT: Yeah. I see that. What we'll do is we'll have  
4 the marshal -- if there's something you want to refresh recollection with,  
5 just hand it to the marshal.

6 MR. MILES: Okay.

7 THE COURT: Show him what you want to show them, and  
8 he can bring it up to the witness.

9 MR. MILES: That's fine. And is -- are we going to both do it  
10 like that, both sides?

11 THE COURT: Yes.

12 MR. MILES: Okay.

13 MS. RHOADES: In that same regard with the exhibits, can  
14 we just I guess pull the exhibits and have them here?

15 THE COURT: What are they?

16 MS. RHOADES: That we're going to use, or should we  
17 approach like usual?

18 THE COURT: What do you got? What are the exhibits?

19 MS. RHOADES: None of them are admitted.

20 MR. MARTINEZ: Yeah. We're going to --

21 THE COURT: Did you talk about stippling to any of them or  
22 you don't want to? I'm not pushing it.

23 MS. RHOADES: I can show it to him. I don't know that he  
24 would stipulate to anything.

25 MR. MILES: I don't believe I'm going to stipulate to a piece

1 of evidence, Your Honor, that the State's trying to admit.

2 THE COURT: All right.

3 MS. RHOADES: So then we're going to have to go, you  
4 know, back and forth and get them all marked.

5 THE COURT: How about we'll keep them up here on this --  
6 right there. That thing.

7 MR. MARTINEZ: Why don't we put them down below here  
8 so it's not on this because if that's on, then --

9 THE COURT: Oh, okay. Yeah. Sure. Put them down below  
10 so both can access them without having to come all the way over here.

11 MS. RHOADES: And then once they get admitted we can  
12 just --

13 THE COURT: Are we on the record?

14 THE CLERK: We are, Judge.

15 THE COURT: No, I want to be on the record.

16 MS. RHOADES: We can just keep track of which ones get  
17 admitted and keep them over here.

18 THE CLERK: Okay.

19 MS. RHOADES: Is that okay?

20 THE COURT: Or once they're admitted, you can hand them  
21 to the Marshal, and he can have them actually --

22 THE CLERK: Yeah, let's do it --

23 THE COURT: So we don't lose track of what we're doing.

24 MS. RHOADES: Okay.

25 THE COURT: So move to admit, no opposition or opposition,

1 motion granted, hand it to him, he'll bring it over for a stamp.

2 MS. RHOADES: Okay. Thank you.

3 THE COURT: Has he reviewed what you have so far so that  
4 he doesn't have to while we're standing here?

5 MS. RHOADES: He hasn't, but if I could borrow them, then I  
6 can show him --

7 MR. MARTINEZ: It's obviously been provided --

8 THE COURT: In discovery, correct.

9 MR. MARTINEZ: -- throughout the four years of discovery.

10 MR. MILES: Yeah. And I just, Your Honor, I actually gave  
11 them my proposed exhibits too.

12 THE CLERK: Yeah, I marked them.

13 THE COURT: Okay.

14 MS. RHOADES: We haven't seen those either, so if I could  
15 borrow those too.

16 THE CLERK: Yeah, I'm just marking those right now.

17 MS. RHOADES: Okay.

18 THE CLERK: And then I'll give them to you.

19 THE COURT: If there's anything you're going to oppose,  
20 keep it in your head there.

21 MS. RHOADES: Okay.

22 THE COURT: Does somebody have a copy of his statement  
23 for me to look at if we're doing anything with?

24 MR. MARTINEZ: Yes. In fact what I think we should do is we  
25 can copy this right now so that you can go through what he's underlined,

1 I've highlighted with yellow what we're proposing.

2 THE COURT: Okay.

3 MR. MARTINEZ: And then we can go through it and then  
4 make it a court exhibit what our proposed ones are and then what you  
5 rule finally --

6 THE COURT: Okay.

7 MR. MARTINEZ: -- we can make an exhibit as well. And  
8 that's what we'll send to our court exhibits people to redact.

9 THE COURT: Why don't I have a copy? And I may. Maybe  
10 we should just start going through it page by page right now and you  
11 can read along?

12 MR. MARTINEZ: Okay. So Christian, you saw where we  
13 proposed to redact things. Are you objecting to anything that we  
14 proposed?

15 MR. MILES: Yeah. I'm objecting to everything.

16 MR. MARTINEZ: So you want the fact that you have a prior  
17 felony for pandering in there?

18 MR. MILES: Well, see the issue --

19 THE COURT: This is a waste of time. Let me go make a  
20 copy, and we're going to go page by page --

21 MR. MARTINEZ: Okay.

22 THE COURT: -- and we'll get this done way faster.

23 MR. MARTINEZ: That's fine.

24 MR. MILES: Yeah. I'm not trying to be difficult for the Court,  
25 Your Honor. It's because some of the redactions are styled in a way to



1 where kind of -- it could confuse the jury.

2 THE COURT: Whatever, if you want to admit you have a  
3 felony, I don't care.

4 [State and Defendant confer]

5 THE COURT: I think that's the original, I can't tell now  
6 though. Do you need an extra one?

7 MR. MARTINEZ: No. Well, I guess we're going to need a  
8 final with your decision on what's being redacted and what's not. So  
9 we'll have a clean copy --

10 THE COURT: I'll mark mine; you mark yours. You have a  
11 clean copy. You're going to eventually go back and do the draft stuff,  
12 right?

13 MR. MARTINEZ: Yeah. So I'll get a clean copy to you.

14 THE COURT: Correct. And do the redactions.

15 MR. MARTINEZ: Do the redactions that you decide on.

16 THE COURT: You got it. All right. We ready?

17 MR. MARTINEZ: Yes, Your Honor.

18 MR. MILES: Court's indulgence please, Your Honor. Okay.  
19 Ready, Your Honor.

20 THE COURT: All right. Page 1.

21 MR. MILES: Is the State going to start off, Your Honor?

22 THE COURT: Well, do you see all the yellow there? That's  
23 what Mr. --

24 MR. MILES: Okay.

25 THE COURT: -- the State has agreed to take out. Is there

1 anything in there you want in that they've agreed to take out?

2 MR. MILES: I'm going to say --

3 MR. MARTINEZ: I'm sorry. I didn't hear what Mr. Miles said.

4 THE COURT: I thought you did this already.

5 MR. MILES: Yeah, I did. But it was my understanding that  
6 the State was going to say why they wanted it redacted and was going to  
7 collaborate.

8 THE COURT: They don't care.

9 MR. MILES: Okay.

10 THE COURT: This is for you.

11 MR. MILES: Okay.

12 THE COURT: Mr. Martinez is happy to let everything in, I  
13 guarantee it. Is that correct?

14 MR. MARTINEZ: I'm fine with the whole statement coming in  
15 if you're fine with it.

16 THE COURT: This is all about Mr. Miles and what he doesn't  
17 want to tell the jury and legally doesn't have to tell the jury.

18 MR. MILES: Okay. All right, Your Honor. I would say you  
19 could excuse the first page then.

20 THE COURT: So do you want him to redact the yellow stuff  
21 that he said he would redact?

22 MR. MILES: The only problem is, Your Honor, I know this --  
23 the only problem is with that is that it's a lot of these redactions that I  
24 read, it can kind of mislead. Like he says he wants this redacted, but  
25 there's still references in there that's still referring to the say context.

1 THE COURT: Okay. Well, we'll get to that --

2 MR. MILES: So that's where it gets confusing.

3 THE COURT: We'll get to that when we get to it. Do you  
4 want this yellow out or not on page 1? We've got 53 pages, it's 11:30  
5 and the jury is coming back at 1:00 and we need a lunch break.

6 MR. MILES: I'm not saying I want it in. I just don't want it  
7 redacted at this time. That's all --

8 THE COURT: Redacted means taken out.

9 MR. MILES: Yeah. Taken out.

10 THE COURT: So do you want it out or in? The yellow out or  
11 in?

12 MR. MILES: See, Your Honor, I'm --

13 THE COURT: Out?

14 MR. MILES: -- kind of confused because I don't want that to  
15 be construed as I'm saying, okay, well I'm stipulating to having this type  
16 of evidence admitted into evidence. I don't agree --

17 THE COURT: He's agreeing to take this out of the statement.

18 MR. MILES: Okay. Yeah.

19 THE COURT: This stuff -- this first page, if you want the stuff  
20 in the yellow out, Mr. Martinez has agreed to take it out. Do you want it  
21 out or not?

22 MR. MILES: Well I don't want it in either. So I'm kind of in a  
23 catch 22.

24 THE COURT: Those are the only two choices, Mr. Miles.  
25 Look, I'm trying to be patient with you --

1 MR. MILES: Okay. I'm just going to say, Your Honor, I'm  
2 sorry --

3 THE COURT: I'm talking. When I talk, I talk.

4 MR. MILES: Okay.

5 THE COURT: I'm trying to be patient with you, but you're  
6 making this into a much bigger deal than it needs to be. In or out? You  
7 have all the cards on page 1, yellow stuff. Do you want it out, do you  
8 want it in?

9 MR. MILES: Okay. Quick question, I'll answer. Quick  
10 question. I'm sorry, Your Honor. I'm not trying to make Your Honor  
11 angry. I'm just saying, if I'm saying I want it in, it's not construed as an  
12 admission that I agree to stipulating to it, is it?

13 THE COURT: It comes in.

14 MR. MILES: Okay.

15 THE COURT: Yes. It's going to come in the statement if you  
16 want it in.

17 MR. MILES: Okay. I mean, we could redact it then. We'll  
18 redact it.

19 THE COURT: We can. Do you want it out?

20 MR. MILES: Yeah. We can redact it. We redact it.

21 THE COURT: All right. Page 1 yellow is out. I note that  
22 there's no pencil here which indicates to me that Mr. Miles doesn't have  
23 any other issues with the page.

24 MR. MARTINEZ: Correct.

25 THE COURT: Page 2, there's nothing there. There's no

1 pencil there so there's no issues with that page.

2 Page 3, Mr. Miles has underlined, "I woke up this morning  
3 seeing a couple of cops in my face." Then it says, "How many girls you  
4 know?" And the response is just, "What's her name? I would like to find  
5 out." He's penciled all that. What's the basis for --

6 MR. MILES: I would say it's confusion of the issues and it  
7 refers to prior bad acts because inside the statement he's talking about  
8 Laporsha Ramsey and that's the prior bad acts that he's trying to exclude  
9 in here. So it becomes kind of confusing.

10 THE COURT: Mr. Martinez, do you object to taking out those  
11 lines?

12 MR. MARTINEZ: Yes, I do.

13 THE COURT: Okay. And what's your response then?

14 MR. MARTINEZ: Because it's laying the foundation of what  
15 just Detective Gatus says on the next line, "Do you know somebody  
16 named Gabrielle?"

17 I'm fine with taking out, "How many girls you know? Just  
18 what's her name, I would like to find out?"

19 THE COURT: Okay.

20 MR. MARTINEZ: That's fine. I'll all agree to that.

21 THE COURT: Okay.

22 MR. MARTINEZ: I mean this is the day he got arrested. So  
23 the, "I woke up this morning seeing a couple of cops in my face," I don't  
24 see how that is out.

25 MR. MILES: Well because -- do you want to explain, Your

1 Honor?

2 THE COURT: Go ahead.

3 MR. MILES: Well because in this statement he's referring to,  
4 okay -- hold on. Let me find the page.

5 THE COURT: We're on page 3 now.

6 MR. MILES: Okay. From the first page, that was redacted. I  
7 guess he's saying he's redacting it because it's prior bad acts. Now  
8 waking up to a couple of cops in my face is referring to in the statement,  
9 I don't really know exactly where it is in here, but I guess there's an  
10 incident where Laporsha got arrested with me, so he kind of refers to  
11 that too about the cops and the whole situation with that.

12 THE COURT: Okay. I'm going to allow that portion in. I think  
13 it strictly puts in context. I don't think it has anything to do with any  
14 other bad acts. It's strictly kind of describing how the statement came to  
15 be taken and what was going on. So, "I woke up this morning seeing a  
16 couple cops in my face," as part of the description is okay. And the,  
17 "How many girls you know? What's her name, I'd like to find out?" is  
18 out.

19 And for the record I'm doing this -- I'll explain later. I'm  
20 making my record here. All right, page 4. I see no pencil by Mr. Miles. I  
21 see that the State is willing to take out, "And we had sex. I mean one  
22 time I even took a picture of it; you know." They're okay with taking that  
23 out. You want that out or in?

24 MR. MILES: We can take it out, Your Honor. We can take it  
25 out.

1 THE COURT: Okay. Page 5 is clear.

2 MR. MARTINEZ: No, Your Honor. There's something at the  
3 very top of page 5. The N word that Defendant said.

4 THE COURT: Oh.

5 MR. MARTINEZ: He wants that out. I don't see a basis to  
6 take that out. He's the one that said it.

7 MR. MILES: I think the basis to take it out, Your Honor, is I  
8 haven't got a chance to actually hear the statement, but the word  
9 niggers, I didn't refer to it like that. So it could be kind of prejudicial as  
10 far as, you know, somebody might take that as a racial comment. I didn't  
11 say niggers for the record.

12 THE COURT: Have you listened to it?

13 MR. MARTINEZ: I have. That's what he says. I mean, I  
14 guess it could be N-I-G-G-A-S.

15 MR. MILES: Yeah.

16 MR. MARTINEZ: But it's not clear how it is. I mean --

17 MR. MILES: I mean, if we could take out --

18 THE COURT: Well, the jury's going to hear the tape.

19 MR. MARTINEZ: They're going to hear it.

20 THE COURT: So they can decide what it says. But I don't  
21 think that that's a basis for objecting. So this is in.

22 MR. MARTINEZ: I mean, that's the correct spelling of the  
23 word.

24 THE COURT: Yeah. It'll come in however you said it,  
25 pronounced it, okay?

1 MR. MILES: Okay.

2 THE COURT: Page 6 is clear. And so for the record that was  
3 page 5, it was just one word. Is nothing. Page 7 is nothing. 8 is nothing.  
4 Page 9, the bottom Defendant has underlined, "Yeah, actually I'm 702.  
5 The phone that's mine is 702-913-2289," and then, "2289."

6 What's the objection there?

7 MR. MILES: The legal basis for that, Your Honor, is it could  
8 be construed as misleading depending on how the State actually uses  
9 that evidence. There is contrary -- I don't want to get to the evidence, but  
10 there was an issue with the phone. As you know the phone was  
11 destroyed. There's evidence showing that the phone wasn't activated at  
12 the time.

13 I don't know if the State's going to use it to say, look, he's  
14 admitting that he used a phone and we're going to say, okay, well we're  
15 going to construe that as meaning --

16 THE COURT: Okay. I just want to know what your objection  
17 is to that portion of the statement coming in.

18 MR. MILES: That's --

19 THE COURT: Not objections down the road.

20 MR. MILES: Okay.

21 THE COURT: But in terms of what is your legal objection to  
22 those two lines coming in?

23 MR. MILES: I would say this refers to evidence that has been  
24 destroyed. I don't know if it could be worded like that, it refers to  
25 evidence that's been destroyed. It might be an issue.



1 THE COURT: Mr. Martinez?

2 MR. MARTINEZ: The evidence was not destroyed. So that's  
3 a mischaracterization of what actually happened. It's the phone won't  
4 boot up anymore. But that phone number is extremely probative and  
5 relevant to these proceedings because that is the phone number that we  
6 are alleging belonged to Christian Miles and was stored as a contact in  
7 the white LG phone that --

8 THE COURT: Okay.

9 MR. MARTINEZ: -- he bought her and there are multiple text  
10 messages referencing prostitution, sex trafficking.

11 THE COURT: All right. Those two lines will be in, Mr. Miles.  
12 I note and overrule your objection. Page 10.

13 MR. MILES: Could you say that again, Your Honor? I didn't  
14 catch the last -- what you said in the last part.

15 THE COURT: They're in. I note your objection, but I overrule  
16 it.

17 MR. MILES: Okay.

18 THE COURT: Page 10. Mr. Miles has underlined, "Okay.  
19 Okay. So she would have that, you know, a text message with you guys  
20 going back and forth on the phone?" That's the question. And then the  
21 response is, "No it never be no text messages for us because we never  
22 text."

23 MR. MILES: Again, I'm going to state it's how the State  
24 actually uses the evidence. He's referring to the phone again. I'm pretty  
25 positive there's going to be evidence to show that this number wasn't

1 activated. I'm don't know how it's going to be prejudicial to my case.

2 THE COURT: Okay.

3 MR. MILES: But most of this has to do with a number, the  
4 evidence that's been destroyed.

5 MR. MARTINEZ: Mr. Miles is going to be claiming that the  
6 number wasn't activated until February 25th, 2015. We're saying that it  
7 did exist prior to that. So these are going to be factual issues for the jury  
8 to decide. And he's saying he never texted her, that goes along with  
9 what is defense is.

10 THE COURT: Okay. That'll be in. Mr. Miles I note your  
11 objection and overrule that.

12 Page 11, Mr. Miles has underlined, "Where your house that  
13 far like 3813 Cranbrook Hills Street, that's my dad's house." What's your  
14 objection to that coming in?

15 MR. MILES: I don't believe that's relevant and it actually has  
16 my address on their. That's my dad's address. So I don't really think -- I  
17 don't see how that's relevant to the case. So I would object as relevancy.

18 MR. MARTINEZ: I can explain how it's relevant. On the  
19 Metro PCS records that Mr. Miles is going to rely on to attack the phone  
20 number itself, has that almost identical address. It's two digits off the  
21 Cranbrook Hill Street address and it's under Christopher Miller as a  
22 subscriber information. So I think that's relevant.

23 THE COURT: I agree it's relevant. Overruled. That will be in.  
24 Page 12 is nothing. Page 13, Mr. Miles has underlined, "Did she ever  
25 meet who were you arrested with today, is that Laporsha? Laporsha,

1 yeah. She knows her too."

2 MR. MILES: I think this again because you're going to refer  
3 to bad acts. In the statements he's redacting the bad acts that he says  
4 refers to this, but this is still here.

5 MR. MARTINEZ: No. That's not true.

6 MR. MILES: I mean, I guess --

7 THE COURT: Okay.

8 MR. MILES: -- we'll get to it, but --

9 THE COURT: Okay.

10 MR. MARTINEZ: No.

11 MR. MILES: -- it's referring to who he arrested today,  
12 Laporsha. Laporsha, yeah. She knows her too. I'm pretty sure the State  
13 is going to use that to show prior bad acts of how me and Portia  
14 allegedly did engage in --

15 THE COURT: Okay. But you agree within that statement  
16 there's no bad act reference?

17 MR. MILES: I believe it could be construed as referencing  
18 bad acts.

19 THE COURT: How does knowing someone make it a bad act?

20 MR. MILES: I'll give Your Honor an example. Let's say the  
21 State introduce evidence that say, look --

22 THE COURT: No. No. No.

23 MR. MILES: Okay.

24 THE COURT: You missed my question.

25 MR. MILES: Okay.

1 THE COURT: How do those three lines reference a bad act?

2 MR. MILES: Well, we would have to go further in the

3 statement. But like I said, there's other transcripts --

4 THE COURT: Okay. For the moment --

5 MR. MILES: Okay. Okay.

6 MR. MARTINEZ: Can I make a record?

7 THE COURT: Yeah, please.

8 MR. MARTINEZ: So Laporsha is going to be testifying today.

9 THE COURT: Okay.

10 MR. MARTINEZ: The detective who arrested Defendant and

11 Laporsha will be testifying today that they got arrested.

12 THE COURT: Uh-huh.

13 MR. MARTINEZ: This arrest references this case. So it's not

14 a prior bad act. It's not referencing a prior bad act. It's consistent with

15 what we're going to be presenting today.

16 THE COURT: Okay. It's in. It's overruled. Obviously that

17 later something connects different, I'll be fine with it.

18 Page 14, there's the majority of that center paragraph is

19 yellow indicating the State is agreeing to take that out. Mr. Miles, do you

20 want that out?

21 MR. MILES: Well see, here's the thing, Your Honor --

22 THE COURT: Out or in?

23 MR. MILES: I would say in.

24 THE COURT: Okay.

25 MR. MARTINEZ: Okay. So that references his prior

1 transporting a minor conviction. So I'm fine with that being in.

2 THE COURT: Okay. And let me just make a record here that  
3 State has agreed to take out, "Like I'm sitting here trying to, I know what I  
4 did in my past. Honestly, that was a total different situation what I did in  
5 the past. I really never should have took that deal. I really should have  
6 taken it to trial. I just took the deal because I had my cars, my  
7 businesses, my place and I was thinking if I bail myself out I would be  
8 able to keep that which I was wrong because I ended up losing it  
9 anyway.

10 So I made the wrong decision, you know what I'm saying?  
11 And hopefully this, I'm not going to make that wrong decision again, you  
12 know? I end up taking a deal for transporting a minor which had to do  
13 with my friend. It really -- like really when I was into dealer I could tell  
14 the judge was like, why did you take it, you know. But I was really just  
15 trying to get out, you know, real quick because I really didn't have  
16 enough money saved up to just really bail myself out at the time."

17 MR. MILES: You know what, Your Honor. I'll just stipulate to  
18 get it out. I'll stipulate to get it out.

19 THE COURT: It's out. Page 15?

20 MR. MILES: I'll just say no objection.

21 THE COURT: You want all that out?

22 MR. MILES: Yeah.

23 THE COURT: Okay. And for the record, both of those, 14 and  
24 15 had only yellow. 16, there's no Defense pencil or State yellow. Page  
25 17. Mr. Miles objects to, "Well after going through all her text messages

1 and stuff there's certain stuff that basically alarms me and that's why  
2 we're here today. So she in her phone, everything that I download, it's  
3 got the same phone number that you just gave me." You say, "Okay."  
4 And then they say the number. And then down below that it says, "Now  
5 the number I have, the 913 number, just the 913 number" What's your  
6 objection there, Mr. Miles?

7 MR. MILES: My objection is I think it goes to authentication  
8 too. If the State is saying as they already stated that they're going to use  
9 the number to say I had it activated at the time, I don't think they'll be  
10 able to add -- I mean offer any authenticated evidence to show that the  
11 number was activated at the time.

12 THE COURT: Okay. Well I don't see -- did you want to  
13 respond?

14 MR. MARTINEZ: Well, it's the phone number that comes  
15 from the data retrieval from the victim's phone that the Defendant  
16 bought for her. And that's the number that is associated to Mr. Miles  
17 and that address. So we're asking that it be in. It's relevant, probative.

18 THE COURT: It's overruled and it'll be admitted. Page 18,  
19 just the, "oh, 913, oh, okay." I assume it's the same objection?

20 MR. MILES: Yeah. Same objection.

21 THE COURT: Okay. And same response, it comes in. Page  
22 19. First of all with respect the State has highlighted the words, weed  
23 and weed, do you want that out I assume at the bottom, Mr. Miles?

24 MR. MILES: Yeah, we could take that out.

25 THE COURT: Okay.

1 MR. MILES: Well, as far as we could take the word, weed  
2 and, out. That's what I'm stipulating to. As far as I think that kind of  
3 misstates the -- for example when she says, "Why would her vagina hurt  
4 if she's selling weed?" But if we take the last part out for weed, "Why  
5 would her vagina hurt if she's selling." That's kind of -- selling what?  
6 You know.

7 MR. MARTINEZ: Well, I'm fine with leaving it in, but he's  
8 claiming in the statement that they're selling items, not engaging in  
9 prostitution or sex trafficking.

10 And so when Mr. Miles explained that they're just selling  
11 weed, there are text messages from the Defendant to the victim that say,  
12 you have an out call. Then the victim says, my vagina hurts, but I'll  
13 basically do it anyway. And so she says, why would her vagina hurt if  
14 she's selling weed.

15 So I think that's highly probative, but we're willing to take  
16 that out since it's against the law to sell weed in this regard or at least it  
17 was back then.

18 MR. MILES: Yeah. I think you could -- this is going to be  
19 misleading, Your Honor. I'm just thinking if I was a jury and I'm looking  
20 at this, why would her vagina hurt if she's selling? Selling what?

21 So then if you have selling weed, that's kind of a whole  
22 different thing going on.

23 MR. MARTINEZ: Okay. So the text message that Detective  
24 Gatus quotes to him says, "Yeah. But he's got 150 bucks. After this, you  
25 go to sleep." She says, "My vagina hurts, but F it."

1                   And then the explanation by the Defendant is that they're  
2 selling weed. And then the question is, "Why would her vagina hurt if  
3 they're selling weed?" And I don't think it's confusing for this reason.  
4 The Defendant goes on and on in the statement talking about selling  
5 wholesale products out of China and that's easily referenced -- that could  
6 easily infer that that's what they're talking about.

7                   We're taking out the weed to protect the Defendant. If he  
8 wants to keep it in, that's fine, but I think that's a perfectly valid question  
9 as to why her vagina would hurt if she's selling something for the  
10 Defendant.

11                  THE COURT: I'm not sure you even have to take out the  
12 weed, quite frankly. If he's using that as an excuse for what's going on, I  
13 don't know that that's even admissible. You're willing to do it, so I'll do  
14 it, but I'd be thankful for what you got Mr. Miles because frankly I think if  
15 -- I don't necessarily see it as another bad act because I think you're  
16 saying you're doing something else in explanation.

17                  But like I said, I think it flows fine to say, "I don't mind really  
18 telling my business, but we're selling shit like that and I don't like telling  
19 all I'm really telling," and then just say, "Why would her vagina hurt if  
20 she's selling?" And then the inference would be, "Shit like that."

21                  MR. MILES: Yeah. Selling -- I mean that's what my objection  
22 is, Your Honor. It could be misleading.

23                  THE COURT: So you want, weed, in?

24                  MR. MILES: Yeah, I want the weed in.

25                  THE COURT: Okay.



1 MR. MARTINEZ: Okay.

2 MR. MILES: Because if he's claiming that I'm selling her for  
3 prostitution, so if they say well --

4 THE COURT: You'd rather tell them you were --

5 MR. MILES: Yeah.

6 THE COURT: -- just selling weed?

7 MR. MILES: No, I'm not saying I would tell them that. If  
8 they're reading off of this, then it could be misleading for them --

9 MR. MARTINEZ: Well, they're going to hear it.

10 MR. MILES: That's fine. I mean, I don't want it taken out.

11 MR. MARTINEZ: That's fine.

12 THE COURT: Okay.

13 MR. MARTINEZ: That's fine with the State.

14 THE COURT: The lines up above there -- well, even in the  
15 beginning -- this is Mr. Miles' request. Even in the beginning, where  
16 does it have with your name in it, yeah. You all just go text back and  
17 forth the one that specifically outgoing says you've got an out call. She  
18 says oh, my fucking God.

19 I've just got to kind of go back and forth a little bit within a  
20 short time frame. She said she was going to go to sleep. You're like,  
21 yeah, but he's got \$150 bucks. After this, you go to sleep. She says, my  
22 vagina hurts, but fuck it and you say what.

23 MR. MILES: Same objection, Your Honor, in regards to the  
24 number you're referring into evidence. That is going to be a real issue in  
25 the case. It -- they're not going to be able to produce, like I said, the

1 YouFit file. All of this stuff is based on hearsay. So I would say the same  
2 objection. Not going to be able to prove that it was authenticated. So  
3 that's my objection.

4 MR. MARTINEZ: Well, this statement isn't hearsay and the  
5 declarant is going to be testifying on the stand regarding the text  
6 messages, and the detective's going to testify to retrieving that  
7 information and the victim's going to authenticate the conversations as  
8 being fair and accurate copies.

9 That's highly probative language there that -- he's saying  
10 you've got an out call and in the pimp prostitution subculture, an out call  
11 is to go out to go to the john's location to have sexual interaction with  
12 them for money. And so -- but I -- that's -- it's highly probative and  
13 critical to the State's case.

14 THE COURT: I'm going to overrule. That will come in. It  
15 basically puts the whole statement in contexts. It's kind of what's going  
16 back and forth between Mr. Miles and the detective at the time of the  
17 statement and what information they have and what they don't have.

18 So on page 20, the State has highlighted weed and weed  
19 and, and I assume you want the weed in; is that correct, Mr. Miles?

20 MR. MILES: Well, when it comes to the selling part, yes.

21 THE COURT: Okay.

22 MR. MILES: But when it -- I mean, if he wants to, you used to  
23 sell weed? I mean, that right there is a play on words. I just didn't want  
24 it to be a play on words as far as selling, as far as engaging in  
25 prostitution. That's the only thing I didn't want it to be construed as. It

1 could be misleading.

2 MR. MARTINEZ: We can keep it in.

3 THE COURT: I just asked you, in or out. They're willing to  
4 take it out. You want it in or out.

5 MR. MILES: Yes, you can take -- you can take -- you can  
6 take --

7 THE COURT: You wanted it in last --

8 MR. MILES: You can take weed --

9 THE COURT: You wanted it in last time, so we left it in.  
10 They're willing to take it out. Do you want it in or out?

11 MR. MILES: I want the selling weed in, and the weed and  
12 out. The weed and part --

13 THE COURT: Okay.

14 MR. MARTINEZ: That's fine.

15 MR. MILES: -- were it references the weed and, yeah.

16 THE COURT: Okay.

17 MR. MARTINEZ: So the first -- just to be clear, the first weed  
18 is in.

19 THE COURT: The first weed is in.

20 MR. MILES: Weed is in.

21 MR. MARTINEZ: And the second weed and is out.

22 THE COURT: Out. That will read, "We used to sell shit like  
23 that."

24 THE COURT: Page 21, the State has highlighted no drug  
25 dealer that. Mr. Miles, do you want that out?

1 MR. MILES: I want that in.

2 THE COURT: You want that in?

3 MR. MILES: Yeah.

4 THE COURT: Okay. And then you've underlined at the  
5 bottom, well, okay, so on your phone I also found a text app, and you  
6 state okay. So that was separate from her regular messages, right, and  
7 you say okay.

8 MR. MILES: Again, this is going to be the same based off the  
9 cellular phone evidence not being able to be produced or authenticated.

10 THE COURT: Okay. I'm going to overrule that for the same  
11 reason. It puts it all in context and I don't think that's a legal basis to  
12 keep it out.

13 Page 22, Mr. Miles, you object to on her TextNow app, there  
14 comes a point when there's somebody else obviously that's texting her.

15 MR. MARTINEZ: That's texting for her.

16 THE COURT: Oh, that's texting for her. What's the objection  
17 there?

18 MR. MILES: Because I think that's going to be prejudicial,  
19 and misleading, and related to prior bad acts because I think somewhere  
20 next they kind of refer that as I'm talking to Laporsha, so.

21 MR. MARTINEZ: No, I think he's talking to johns that are  
22 supposed to hook up with the victim in this case in the TextNow app. So  
23 that's what the detective was referring to and that's the context of it.

24 THE COURT: Overruled then. So on the TextApp basically  
25 everything that was coming out was all about where you at, Nellis and

1 Flamingo. Well, I think there was one like generic staple message and  
2 that was at the beginning of almost everything. And then you say okay.

3 MR. MILES: Well, I have the same objection and then I don't  
4 know if the record still reflects that as far as my motion. The State said  
5 they didn't benefit from the absence of the evidence but they're using  
6 this, so, I mean, same objection. Yeah, same objection.

7 THE COURT: Okay. I think the question just puts the  
8 statement in contexts. I'm going to overrule that one.

9 Page 23, again, this is -- he's underlined a part of the  
10 question. It says -- it's talking about this, this, okay, here it is. This is  
11 actually an underground secret agency. It seems like the girl's a flake.  
12 She's in a room. She was just in a room, but she keeps leaving. You  
13 seen a couple other girls before. There's two cute one in the same  
14 complex. Wouldn't you like to see them instead? What's the -- what do  
15 you want that out for?

16 MR. MILES: I'm just saying not relevant.

17 THE COURT: Mr. Martinez?

18 MR. MARTINEZ: It's highly relevant because it is the  
19 Defendant that is actually using the TextNow app that he has access to  
20 and that the victim had access to from her phone. He's clearly  
21 communicating with a john about Gabrielle and towards the same time,  
22 he is texting with Gabrielle asking where she is at, why aren't you at the  
23 house, there's somebody waiting for you, and he's texting these things  
24 from the TextNow app to the potential john.

25 So that's highly, highly relevant and it goes to the theory and

1 it's consistent with what the victim said, that they both had access to the  
2 TextNow app from both their phones and that the Defendant would  
3 respond to the johns through that app when they would respond to the  
4 Craigslist ads because the Craigslist ads have diagonal, they're TextNow  
5 app phone number across it.

6 And so when people, when johns would respond to the ad,  
7 they would text the TextNow app. It would go to both the Defendant's  
8 phone and the victim's phone because they have the same TextNow app,  
9 and then Defendant would respond to the johns. And that's exactly what  
10 this is and that's why he's asking if he wants a couple of other girls  
11 instead because Gabrielle is flaking out or she's a flake.

12 MR. MILES: Here's the thing I'm trying to understand, too,  
13 Your Honor. I'm trying to effectively argue these, but it's kind of hard to  
14 argue these because nothing's been admitted into evidence. So I'm kind  
15 of confused how we're arguing what's coming in. Is this for -- this is  
16 not -- if he seeks to admit a lot of this stuff in, are we going to re -- is it  
17 okay to re-litigate these issues because like I said, I don't know the  
18 purposes or what the witnesses are going to testify to, what we're going  
19 to do, how it's going to happen.

20 So it's kind of hard to argue this because he's saying one  
21 thing, but it might be presented another way. So it's really hard to argue  
22 all these issues. Nothing's been admitted into evidence. Nobody's  
23 testified. So I don't see how to --

24 THE COURT: Well, there's certain things that are  
25 inadmissible regardless and we're trying to see if we can agree on that at

1 this point.

2 MR. MILES: Yeah, that's why it's really hard to argue --

3 THE COURT: So if something changes and there's  
4 something that comes in or what not before he plays the statement and  
5 you believe that it could be revisited, then we can revisit it.

6 MR. MILES: Yeah.

7 THE COURT: So --

8 MR. MILES: And that's for -- that's for -- is that for all these  
9 rulings? Because that's why it's been so hard to argue. I've got a  
10 legal -- a lot of legal points set up when it comes time to. But it's hard to  
11 argue because I feel like I'm going to be arguing something when  
12 evidence hasn't been presented. So it's kind of hard for me to argue it.  
13 That's why I'm having a hard time arguing it.

14 THE COURT: Just because evidence goes one way, doesn't  
15 mean your statement is inadmissible.

16 MR. MILES: Okay.

17 THE COURT: Does that make sense?

18 MR. MILES: Yeah, because it's kind of how I thought the  
19 hearing was going was we're arguing what -- how it's going to come in  
20 before it even comes in.

21 THE COURT: No, I'm just arguing what comes in or not.

22 MR. MILES: Okay, okay, okay.

23 THE COURT: So I'm going to overrule the top two  
24 paragraphs and those can come in at this point.

25 Mr. Miles, do you want out the let me double check the

1 phone number. Do you know her? Yeah, I actually seen her online a  
2 couple of times. Okay. I do not like that girl. Do you want that out?

3 MR. MARTINEZ: And the whole next page.

4 THE COURT: And the whole next page?

5 MR. MILES: I'm going to explain how --

6 THE COURT: I don't want explanations.

7 MR. MILES: Okay.

8 THE COURT: I want to know do you want it in or out? It's --

9 MR. MILES: I'll take it out.

10 THE COURT: -- five to 12 now.

11 MR. MILES: I'll take it out, so we don't waste time. I'll take it  
12 out. Take it out.

13 THE COURT: Page 24, you want that all out?

14 MR. MILES: Yeah, I'll take it out.

15 THE COURT: The first half of page 25, you want that out?

16 MR. MILES: Yeah, I'll take it out.

17 MR. MARTINEZ: And we object to his proposed redaction on  
18 the bottom half 25.

19 MR. MILES: The same --

20 MR. MARTINEZ: He admits that he has a TextNow  
21 application on the phone and he talks about knowing Laporsha, who is a  
22 percipient witness in this case.

23 MR. MILES: Again, I'm just going to object, Your Honor, as  
24 to relevancy and like I said, we can revisit the issues. It's going to  
25 be -- it's going to come down on how he presents the evidence. So just



1 relevancy.

2 THE COURT: Okay. So I don't see anything objectionable to  
3 the portion objected to by Mr. Miles, the second half of that, so that's in.  
4 The top half is out, bottom half is in.

5 Page 26, Mr. Miles has underlined I would say two-third to  
6 three-fourths of the page.

7 MR. MILES: I don't think it's relevant, Your Honor. And  
8 that's going to be my objection -- that's going to be my static objection  
9 for all these because again I can't really argue this if I don't know what  
10 the witness is going to testify to.

11 THE COURT: Okay.

12 MR. MILES: I could at least get -- it can't happen right. I  
13 don't know how to do this.

14 THE COURT: Mr. Martinez.

15 MR. MARTINEZ: I think that it's relevant. He -- there's no  
16 bad act that's being stated in his responses. He states --

17 THE COURT: Okay. I'm going to -- that's in. I don't see  
18 any -- I don't see any basis for out. I do think it's certainly relevant to  
19 everything that's going on in the interview.

20 Page 27, nothing is underlined. Page 28, nothing is  
21 underlined or highlighted. Page 29, nothing underlined or highlighted.

22 Page 30 --

23 MR. MILES: Relevancy.

24 THE COURT: Well, I thought -- I can even see that that's  
25 relevant. We're talking about you buying her a phone and what's going

1 on with the phone. So I'm going overrule and that will all come in. I  
2 don't see any basis to keep it out.

3 MR. MILES: Relevancy.

4 THE COURT: Okay. Overruled.

5 MR. MILES: Relevancy.

6 MR. MARTINEZ: I'm sorry, what?

7 MR. MILES: On page 31.

8 THE COURT: I'm on page 31. Relevancy as well?

9 MR. MILES: Yeah.

10 THE COURT: Yeah, overruled. In.

11 Page 32, I don't --

12 MR. MILES: Relevancy.

13 THE COURT: Relevancy, okay. Mr. Martinez

14 MR. MARTINEZ: The fact that Laporsha and Gabrielle met.

15 It's relevant.

16 THE COURT: Okay. Overruled.

17 Page 33?

18 MR. MILES: Relevancy.

19 MR. MARTINEZ: Are we going to -- so the bottom of 32 is  
20 same argument.

21 THE COURT: Oh, I'm sorry.

22 MR. MARTINEZ: It's relevance and you're denying it?

23 THE COURT: Yes. You said relevance, right, Mr. Miles?

24 MR. MILES: Relevance.

25 THE COURT: Okay.

1 MR. MILES: And Your Honor, just for the record, all of my  
2 objections relevancy, because I don't know how he's going to offer the  
3 evidence. I can't argue this. Nothing's been admitted to evidence. I  
4 can't argue any of these right now.

5 THE COURT: It's in.

6 MR. MILES: Yeah, relevancy.

7 THE COURT: Okay. Page 33, top little over half, dealing with  
8 she's like my girlfriend. Mr. Martinez, I believe it's a relevance objection.

9 MR. MARTINEZ: I think it is relevant. He's explaining what  
10 his relationship is, at least his interpretation of what his relationship is  
11 with Laporsha. She's a percipient witness and she's going to be on the  
12 stand.

13 THE COURT: It's in.

14 Page 34, okay, with respect to the pencil.

15 MR. MILES: Relevancy.

16 THE COURT: Relevancy. I believe that it's all relevant. What  
17 about with respect to the -- below there, the yellow. Mr. Miles, we sell  
18 weed, I sell weed, where as a -- or we could sell weed or something. We  
19 did some weed sales. She said got a couple weed sells somewhere so  
20 we drove a lot of places. You want that all in or out?

21 MR. MILES: In.

22 THE COURT: In?

23 MR. MILES: Yeah.

24 THE COURT: Okay. You said in, right?

25 MR. MILES: Yes, Your Honor, in.

1 THE COURT: Okay. Sometimes when you held your head  
2 down, it's hard for me to hear you.

3 MR. MILES: Oh, got it. Yeah.

4 THE COURT: Okay. Page 35?

5 MR. MILES: Relevancy.

6 THE COURT: Okay. Well, this is -- this is directly kind of  
7 talking about the heart of the case, so I definitely think it's--

8 MR. MARTINEZ: That's correct.

9 MR. MILES: And Your Honor, is --

10 THE COURT: -- relevant.

11 MR. MILES: -- is these the -- this is the exhibit, right, for what  
12 we're doing right here? This is going to be an exhibit?

13 THE COURT: Uh-huh.

14 MR. MILES: Because we're not stating for the record exactly  
15 what. It's going to be an exhibit when it's all said and done?

16 THE COURT: Yes.

17 MR. MILES: Okay.

18 THE COURT: Yes. We'll make it clear that you've underlined.  
19 The State has yellowed. I'm writing in and out so that ultimately that will  
20 be a court exhibit so that on appeal, should you be convicted, that will be  
21 preserved, okay?

22 MR. MILES: Okay.

23 THE COURT: Page 36.

24 MR. MARTINEZ: So 35 is denied; is that correct? It is  
25 relevant?

1 THE COURT: Yes, it's all in.

2 36, Mr. Miles do you have anything to support --

3 MR. MILES: Same objection, Your Honor. Relevancy. Can't  
4 really argue --

5 THE COURT: Okay.

6 MR. MILES: -- how it's going to apply. No evidence  
7 admitted.

8 THE COURT: All right. I'm going to overrule that. Do you  
9 want -- the State has underlined the word them so that it doesn't infer  
10 another act of prostitution I believe so that they're not doing bad acts.  
11 So they're saying instead of, so you're, you're -- so just say you're not  
12 involved in any type of prostitution or assisting them in any type of  
13 prostitution, they take out the them so that it will only be construed as  
14 against the primary -- the victim in this case. You want that out.

15 MR. MILES: If they want it -- so this is what's confusing.  
16 They're saying it's only going to be construed as a victim of this case but  
17 they're going, from my understanding, he's going to be offering  
18 evidence to show that Laporsha was engaged in prostitution with me.  
19 So it doesn't make any sense. So I would just say -- I would just --

20 THE COURT: So do you want the yellow --

21 MR. MILES: -- I want it --

22 THE COURT: -- do you want them in or out?

23 MR. MILES: Out, out.

24 THE COURT: Okay.

25 MR. MARTINEZ: So he agrees with my redaction?

1 THE COURT: He does.

2 MR. MARTINEZ: Okay.

3 THE COURT: What about the -- all of this is relevance, right?

4 MR. MILES: All of it. All my objections are going to be  
5 relevance.

6 THE COURT: Okay. So where it says -- where State is willing  
7 to take out because they're over 18, you're thinking that well it doesn't  
8 matter anymore, do you want that out?

9 MR. MILES: I would say yeah, if he wants to take it out.

10 THE COURT: Okay.

11 MR. MARTINEZ: And I object to his proposed redactions on  
12 36, that it's all relevant to the heart of the issue regarding prostitution,  
13 assisting people with prostitution. That's what we're prosecuting today.

14 THE COURT: Okay. So that's in.

15 The top two-thirds of page 37 is underlined, Mr. -- by  
16 Mr. Miles.

17 MR. MILES: Relevance.

18 THE COURT: Overruled. It goes to the heart of the case.  
19 38, you want the yellow, these girls out?

20 MR. MILES: If he wants it out, then it can be out.

21 THE COURT: He doesn't want it out. He's offering to do it for  
22 you to keep the record clean.

23 MR. MILES: Yeah. Out, out.

24 THE COURT: He wants it in, I'm sure.

25 MR. MARTINEZ: Yeah, I'd rather have it in.

1 MR. MILES: Okay.

2 THE COURT: But if you want it out, he agrees that there's a  
3 basis to keep it out.

4 MR. MILES: Out.

5 THE COURT: You want it out?

6 The remainder is your relevance issue, right?

7 MR. MILES: Relevance, yeah. All of my issues are going to  
8 be relevancy, Your Honor.

9 THE COURT: I need to keep to keep clarifying for the record.

10 MR. MILES: Okay.

11 THE COURT: Because I don't want you later to say -- okay,  
12 so. In as opposed to a relevance objection.

13 39, no yellow, no lines. Page 40, no yellow, no lines. 41, no  
14 yellow, no lines. 42, no yellow, no lines.

15 43, there's lines, the house that Laporsha's got and you  
16 underlined yes, basically, that -- like that. I don't bring none of my stuff  
17 around my dad.

18 MR. MILES: Relevance.

19 THE COURT: Okay. It's in. I don't see anything --

20 MR. MILES: Yeah, Your Honor. I can't -- it's impossible to do  
21 these arguments because we'll go back and forth, and I don't -- I don't  
22 believe the Court --

23 THE COURT: Okay.

24 MR. MILES: -- wants to hear what's going on right now.

25 MR. MARTINEZ: Well, I'll argue how it's relevant.

1 THE COURT: Go ahead.

2 MR. MARTINEZ: Again, Laporsha's a percipient witness. He  
3 uses his dad's street as an address when he's getting phone accounts  
4 and things of that nature. So I think it's relevant.

5 THE COURT: Okay. It's overruled.

6 Page 44, 45, neither of those pages have lines or yellow.

7 Page 46, there's slightly less than half the page is highlighted  
8 yellow by the State offering --

9 MR. MILES: Out.

10 THE COURT: -- to redact. Do you want that out?

11 MR. MILES: Out.

12 THE COURT: You want it out, yes?

13 MR. MILES: Yeah. I'll just have -- Your Honor, just so this  
14 can go quickly, I'll just have all of it out and if it becomes an issue --

15 THE COURT: You know what? We're almost done, so let's  
16 just keep going, so.

17 MR. MILES: Okay.

18 THE COURT: So yellow is out?

19 MR. MILES: Yeah, out.

20 THE COURT: Okay. The next page, there's yellow. You want  
21 that yellow all out, talking about bail and judges and charges and such?

22 MR. MILES: Out.

23 THE COURT: And at the bottom, you want that out as well  
24 where you pled guilty to transporting a prostitute?

25 MR. MILES: Out.



1 THE COURT: Okay. Page 48, you want that all out?

2 MR. MILES: Out.

3 THE COURT: Okay. For the record 48 and 49 are highlighted  
4 entirely, and 50 are highlighted entirely by the State offering as  
5 redaction. You want those all out?

6 MR. MILES: Yeah.

7 THE COURT: And page 51, down to the last two lines  
8 basically, you want that out?

9 MR. MILES: Out.

10 THE COURT: And then --

11 MR. MARTINEZ: And we object to his proposed objection on  
12 that final line of page 51.

13 MR. MILES: Relevance.

14 THE COURT: Okay.

15 MR. MARTINEZ: It's highly relevant because it's not a  
16 defense to sex trafficking a child if you didn't know that you were  
17 trafficking a child -- or that you didn't know her age or you made a  
18 mistake about her age.

19 THE COURT: What's your objection, Mr. Miles?

20 MR. MILES: Relevancy, Your Honor.

21 THE COURT: Okay. As to relevance --

22 MR. MILES: Yeah.

23 THE COURT: -- it's overruled and that portion's in.

24 Page 52, bought her a phone, like kind of nice guy. I'll buy,  
25 you know, I'll let -- buy like Laporsha's parents a phone too, like, I mean,

1 shit, that's on my statement, you know. Relevance?

2 MR. MILES: Relevance.

3 THE COURT: Overruled, in. What about the yellow at the  
4 bottom? Since you were 18, let me guess, let me guess. You're in  
5 training right now. You want that out?

6 MR. MILES: In.

7 THE COURT: In? Okay.

8 Next page, and we're on now 53. So for the record, page 52,  
9 the top is in where the defendant underlines the beginning three lines  
10 and the last line that was offered to be redacted by the State in yellow,  
11 the Defendant wants in so that will be in.

12 Page 53, top four lines are in yellow. Do you want that in or  
13 out?

14 MR. MILES: In.

15 THE COURT: You want that in as well?

16 MR. MILES: Yeah.

17 THE COURT: Okay.

18 MR. MARTINEZ: Okay. So just to be clear that there could  
19 be -- and we're not going to be arguing this, but a juror or 12 could infer  
20 that he has past contact with law enforcement based on that. So that's  
21 why I proposed taking it out. If he wants it in, that's totally fine. But that  
22 was just the danger, and that's the record, and that's why I wanted to do  
23 it. If he wants it in, I'm fine with it.

24 MR. MILES: Well, see, here's your record, Your Honor. This  
25 is why I'm kind of getting confused with this whole process that's going

1 on right here because like I said, I don't know what it is being offered to  
2 prove. So there's a lot of stuff that -- he's arguing stuff that I have no  
3 idea how it's going to be argued during the trial. So I can't effectively  
4 argue any of this. There's so much stuff that you can hear, we'll be  
5 arguing about it all day. I can't effectively argue it.

6 THE COURT: We're not going to be here all day --

7 MR. MILES: Yeah.

8 THE COURT: -- because you're going to make a decision.  
9 He's told you why --

10 MR. MILES: Yeah, that's --

11 THE COURT: -- he offered to keep it out because the  
12 potential inference by the jury is that you had previous trouble. If you  
13 would like it in, he will leave it in.

14 MR. MILES: Yes, I thought I said in.

15 THE COURT: Okay. He just wants to clarify for the record  
16 because I think he thinks you would normally want it out. So he's giving  
17 you a little extra --

18 MR. MILES: Okay.

19 THE COURT: -- because you're representing yourself and  
20 he's asking are you sure basically.

21 MR. MILES: Okay. And here's the thing, Your Honor. That's  
22 why I want to make sure the record --

23 THE COURT: Are you sure?

24 MR. MILES: I'm talking -- I'm not referring to that. I already  
25 said in.

1 THE COURT: Okay.

2 MR. MILES: Yeah, that's what I said.

3 THE COURT: Okay.

4 MR. MILES: I'm saying, the whole process that's going on  
5 right now --

6 THE COURT: I understand.

7 MR. MILES: -- it can't be -- like I want Your Honor to just kind  
8 of understand. I don't know what witnesses are going to testify to. So a  
9 lot of this stuff I was going to argue the rules of evidence when it's time  
10 for the case to be presented. So it's kind of hard to argue this because  
11 it's like I'm arguing -- I don't want nothing to be construed as an  
12 admission. Oh, well, she said this. He said this. There's no witnesses  
13 right here right now. So I don't know how this is --

14 THE COURT: What we're doing is we're --

15 MR. MILES: Okay.

16 THE COURT: -- looking at a statement that you made  
17 regarding facts that we all generally know what's going on in the trial.

18 MR. MILES: Okay.

19 THE COURT: And so determining certain things are  
20 inadmissible and can't be discussed, other bad acts and certain things  
21 like that --

22 MR. MILES: Okay.

23 THE COURT: -- need to be taken out. The State is seeking an  
24 early -- you've had the statement for forever in discovery and specifically  
25 we've given you a couple of days to look at it and the proposed

1 redactions so that they can be prepared during trial so that the jury  
2 doesn't wait for us to do this argument. Oftentimes, this is done far in  
3 advance of trial. So quite frankly that we're doing it now isn't exactly  
4 that late.

5 MR. MILES: Is it -- is it -- okay.

6 THE COURT: If something changes before he plays the  
7 statement and you believe there's a different basis or you see something  
8 else, you are free to raise it. At this point, I believe the statement in its  
9 entirety is relevant. I believe that the sections offered by the State are on  
10 some level more prejudicial maybe than probative.

11 Therefore, they've agreed to -- in fact, I'm not even going to  
12 make that ruling, quite frankly, because they didn't even argue that. So I  
13 didn't really assess it. They're offering to take it out. You want it out. I'll  
14 take it out. That's what I got.

15 MR. MILES: Okay.

16 THE COURT: And that's where we are now.

17 MR. MILES: All right.

18 THE COURT: So I'm going to have my copy here that I've  
19 written on marked as State's Exhibit something, something. What am I  
20 on? Whatever.

21 [State's Exhibit marked for identification]

22 THE COURT: And then I'll see you all at 1:00. Is there  
23 anything else we need to do, that we can do, so that we don't have to do  
24 it when the jury gets here?

25 MR. MARTINEZ: Well, here's what we're going to be doing

1 right now, Judge, is we're going to go through the statement that's -- I  
2 took notes that are consistent with your rulings and we have a clean  
3 copy of the Defendant's statement and we're highlighting the areas of  
4 the statement that are to be redacted consistent with your rulings and  
5 consistent with Mr. Miles' requests.

6 Then we should probably make that a court exhibit. Before  
7 we do that, we can give it to Mr. Miles to review to make sure that we did  
8 it the right way and we're not trying to pull a fast one on him or anything  
9 like that.

10 THE COURT: Okay. Did you make notes on what's in and  
11 out?

12 MR. MILES: I made some meticulous notes.

13 THE COURT: Okay.

14 MR. MILES: But really I was using -- it's my other copy that I  
15 had. I had Colucci on the case at the time and it was all -- it had writing  
16 all over it. So I wanted to keep this as like, you know, a copy that I  
17 could --

18 THE COURT: So what do you want, another copy?

19 MR. MILES: Yeah, another copy if I can.

20 THE COURT: Do you have another copy?

21 MR. MARTINEZ: And once -- yes, we can.

22 THE COURT: Which they're going to -- well, whatever you  
23 want.

24 MR. MARTINEZ: And then, once we make it an exhibit after  
25 the Defendant looks at it, we will have our folks at the DA's office redact

1 the statement, the audio that we're going to be presenting to the jury,  
2 taking out those portions that we have agreed should be out.

3 THE COURT: Okay.

4 MR. MARTINEZ: And then we'll play it outside the presence  
5 of the jury to make -- and we can follow along. So it will take a few  
6 minutes, but --

7 THE COURT: Okay. How long is it?

8 MR. MARTINEZ: It's 53 pages, so I --

9 THE COURT: What's the time start and time end? Does it  
10 have it on there? Whatever.

11 MR. MARTINEZ: It doesn't. But one thing I do what to  
12 request, Judge, is as you are aware --

13 MS. RHOADS: Yeah.

14 MR. MARTINEZ: -- in my opening statement -- in my opening  
15 statement, I am able to present to the jury things that I have a good faith  
16 basis to believe are admissible.

17 THE COURT: Correct.

18 MR. MARTINEZ: And so I'm going to be getting into some of  
19 those statements that Defendant made.

20 THE COURT: Okay.

21 MR. MARTINEZ: And I don't want an objection because it's  
22 not evidence, but I have a good faith basis now that you've ruled on it  
23 that I can present some of that information, too. So it doesn't interrupt  
24 the flow of my opening statement.

25 THE COURT: Well, here's what -- I'm not going to tell him

1 what he can and can't object to. If he wants to object --

2 MR. MILES: I object to it because it hasn't even been  
3 admitted into evidence yet and I don't want the jury to see it.

4 THE COURT: Okay. Well, that's -- he -- what we're trying to  
5 do is instruct you on the law is what. You are free to object.

6 MR. MILES: Okay.

7 THE COURT: But the law is that if he reasonably believes  
8 evidence is coming in, he can comment on it in opening, so.

9 MR. MILES: I would say it would be -- oh, okay. I would  
10 say --

11 THE COURT: I suppose you could object, and I'll let you do it  
12 once or twice, but once it's the same one, just have a continuing  
13 objection because at some point it's going to get disruptive.

14 MR. MILES: Okay. So you -- we're not -- can I make an  
15 objection right now? I just think it would be improper and -- just  
16 improper.

17 THE COURT: Yeah. You want to object to him referencing in  
18 opening statement any of the statements that I just ruled can come in?

19 MR. MILES: Him referencing in opening statement, yes.

20 THE COURT: Okay.

21 MR. MILES: I think it would be improper and I mean, do you  
22 want me to go on about it? About how it would be improper or?

23 MR. MARTINEZ: Well, the standard, like I said, is a good faith  
24 belief that the evidence is admissible during trial and the Defendant's  
25 statements aren't hearsay. There's already been rulings that they're



1 relevant statements given to the detectives pertaining to this case. So I  
2 think I have a good faith basis to comment on that evidence and bring it  
3 in.

4 MR. MILES: This why I don't believe it's a good faith. This is  
5 why it's kind of hard to argue this, Your Honor. It's a lot of things I'm  
6 going to be presenting to the jury, the testimony. He's trying to construe  
7 this to mean something totally different when, I mean -- it's so much  
8 stuff going on. I don't think Your Honor want to really -- we don't have  
9 enough time to hear all this. I think the best time to do it is just --

10 THE COURT: We have time. We have time.

11 MR. MILES: Yeah, because it's kind of hard because he's  
12 talking about ruling --

13 THE COURT: I've got at least two years. A year and a half.

14 MR. MILES: -- I'm not going to lie, it's kind of hard to argue  
15 this. I was prepared to argue it during the trial. It's kind of hard to argue  
16 this because he's referring to evidence that of course hasn't been  
17 admitted into evidence. Then we're going to have issues where --

18 THE COURT: Well, now, let's be honest. How long have we  
19 had this case, four years?

20 MR. MILES: Yeah.

21 THE COURT: Yeah, okay. So I'm pretty sure that you had a  
22 feel that he was going to try to get some of this evidence in, right?

23 MR. MILES: Yes, and I --

24 THE COURT: Okay. So you have had plenty of time to  
25 consider and think about and wonder and decide where you're going.

1 MR. MILES: But I -- yeah, I just wanted to just for the  
2 record --

3 THE COURT: You announced ready for trial.

4 MR. MILES: Okay.

5 THE COURT: And you knew what the evidence against you  
6 was.

7 MR. MILES: Okay.

8 THE COURT: So I don't know what you're asking me for.

9 MR. MILES: Well, I'm just saying him showing it to the jury  
10 will be improper and I don't think it's good faith because I believe he  
11 knows that this statement is not admissible.

12 THE COURT: Okay, well, I disagree because I just ruled it  
13 was.

14 MR. MILES: Okay.

15 THE COURT: So he doesn't know that. In fact, he is on very  
16 firm footing that it is admissible.

17 MR. MILES: Okay.

18 THE COURT: Because I just said it was, to the extent we've  
19 ruled.

20 MR. MILES: Yeah, to the extent, exactly.

21 THE COURT: Okay. Anything else?

22 MR. MILES: No, nothing else, Your Honor.

23 MR. MARTINEZ: No, Your Honor.

24 THE COURT: Okay. See you all at 1:00.

25 THE CLERK: And this is a court exhibit?

1 THE COURT: Yeah, that's a court exhibit, yeah.

2 THE CLERK: Okay.

3 THE COURT: Do either of you want a copy of what I've court  
4 exhibited, or are you good?

5 MR. MARTINEZ: No, that's okay.

6 THE COURT: Here and take it over there and show them  
7 what I did, please. Flip through and show Mr. Miles and stuff how  
8 my -- what mine looks like.

9 MR. MARTINEZ: That's fine. So we're done with -- we did  
10 it -- Kristina did a clean copy with the redactions based on your rulings.  
11 So we can give it to the Defendant now to review before we take it to our  
12 people to redact.

13 THE COURT: Basically, what I wrote is in and out next to the  
14 lines in the continuous.

15 MR. MILES: And Your Honor, I'm kind of confused. Just so  
16 the record's clear, you're still saying I could object if there's something  
17 different presented.

18 THE COURT: Potentially, sure.

19 MR. MILES: Okay.

20 THE COURT: Before that gets played, yeah.

21 MR. MILES: Okay.

22 MR. MARTINEZ: I didn't catch that.

23 THE COURT: Do either of you want a copy of that?

24 MR. MILES: Yeah, I'll take one.

25 THE COURT: Or do you have enough.

1 MR. MARTINEZ: I don't need it.

2 THE COURT: Okay.

3 MR. MARTINEZ: So this is what we believe she just ruled on.

4 MR. MILES: I thought I was going to get a copy, Your Honor,  
5 of the court's exhibit.

6 THE COURT: You can have a copy of that.

7 MR. MARTINEZ: That's it right here.

8 MR. MILES: Okay. It's over there, yeah.

9 THE COURT: The court's exhibit has their yellow, your  
10 pencil, my in, out --

11 MR. MILES: Okay.

12 THE COURT: -- next to it. You want that?

13 MR. MILES: Yeah, that's the one I want.

14 THE COURT: Okay.

15 MR. MARTINEZ: Okay. That's a court exhibit so don't write  
16 on it.

17 THE COURT: And then you need to take -- you need to take  
18 the State's as well. Yeah, let -- give me that back. Give me the court's  
19 exhibit. We're going to go make a copy of that. You can't have that one.  
20 We'll get you a copy of that and they're giving you a copy of how they're  
21 going to actually redact it.

22 MR. MARTINEZ: That's this right here, consistent with your  
23 rulings.

24 THE COURT: Okay. Okay. Double check that over the next  
25 whatever. Is that it? Are we ready? Now, when we come back at 1:00,

1 we're starting the jury, right? We're going to go right into openings?

2 MR. MARTINEZ: Correct.

3 MR. MILES: I'm not sure if I'm going to present the opening  
4 then or later.

5 THE COURT: That's fine.

6 MR. MILES: It depends on -- yeah, it depends, yeah it  
7 depends.

8 THE COURT: You don't have to do one at all. You can do it  
9 after them. You can do it before your case.

10 MR. MILES: Exactly.

11 THE COURT: You can do it never.

12 MR. MARTINEZ: But if you don't present a case, then you  
13 can't do an opening.

14 MR. MILES: Yeah, I'm aware --

15 THE COURT: You don't get to just do --

16 MR. MILES: -- yeah, I'm aware --

17 THE COURT: -- you don't get to just do an argument, extra  
18 argument.

19 MR. MILES: Yeah.

20 THE COURT: All right. Okay. See you all at 1:00. 1:00,  
21 Mr. Martinez.

22 MR. MARTINEZ: I'm not leaving.

23 THE COURT: That's 1:00.

24 [Recess at 12:15 p.m., recommencing at 1:03 p.m.]

25 [Outside the presence of the jury.]

1 THE MARSHAL: All rise. Department 18 is now in session;  
2 the Honorable Judge Mary Kay Holthus is now presiding. Please be  
3 seated.

4 THE COURT: Good afternoon. You again? Did I hear there  
5 was something outside the presence? We've been waiting for a juror,  
6 but I think all the jurors are here. Is there something we need to do  
7 before they come in?

8 MR. MARTINEZ: Yes, Your Honor, there's two brief, very  
9 brief things. Like I said before the last break, we have gone through the  
10 Defendant's statement and highlighted the redactions --

11 THE COURT: Uh-huh.

12 MR. MARTINEZ: -- that are consistent with your rulings with  
13 regard to the Defendant's statement to the detectives.

14 THE COURT: Okay.

15 MR. MARTINEZ: We presented that to Mr. Miles.

16 THE COURT: Uh-huh.

17 MR. MARTINEZ: He sort of fanned through it and said that  
18 he didn't really want to look it through. I'll let him speak for himself, but  
19 he didn't go through and check to see if our redactions are correct. I  
20 believe they are, but I just wanted the record to reflect that we gave him  
21 the opportunity to look through it before we gave it to our people to  
22 redact.

23 THE COURT: Okay.

24 MR. MILES: Well, I did look through most of it, Your Honor. I  
25 had Your Honor's copy of it, so I was going to compare it and, you know.

1 THE COURT: Okay. Well, my understanding is that we've  
2 agreed that we're going to take the time to actually compare the  
3 transcript to the audio. So they'll be an opportunity for Mr. Miles to go  
4 in detail through it, right? Is that what you all said we were going to do?

5 MR. MARTINEZ: Yes, absolutely.

6 THE COURT: So.

7 MR. MARTINEZ: Absolutely.

8 MR. MILES: Okay.

9 MR. MARTINEZ: The second thing is --

10 THE COURT: Can you tell me how long that statement is?

11 THE CLERK: 50 minutes, Your Honor.

12 THE COURT: 50?

13 THE CLERK: 50.

14 THE COURT: With the redactions or without?

15 MR. MARTINEZ: With.

16 THE CLERK: That's without.

17 THE COURT: Okay. So it should be a little shorter, yeah?

18 THE CLERK: Yes.

19 MR. MARTINEZ: That's correct.

20 THE COURT: Okay.

21 MR. MARTINEZ: The next thing is my detective just sent me  
22 an email of a pawn ticket that's dated in 2014 that has Mr. Miles' name,  
23 address, and phone number. That's been kind of an issue of litigation  
24 and discussion. As soon as I got that, I forwarded it to Mr. Beckett, who  
25 showed it to Mr. Miles. I don't think I am intending on presenting that in

1 my case-in-chief, but I just wanted to make sure that the Defense had it,  
2 because if the Defense is going to present something that says one  
3 thing, then in our rebuttal case, we are going to present things to rebut  
4 that.

5 So I just wanted him to be on notice that we actually do have  
6 a transaction with his name on it, address, and the phone number that  
7 he claims did not exist before February 25th, 2015.

8 THE COURT: How -- where did the -- when did the -- when  
9 did you get it?

10 MR. MARTINEZ: I got it probably 20 minutes ago.

11 THE COURT: When did whoever else -- when did the  
12 detective get it?

13 MR. MARTINEZ: She got it probably 20 and a half minutes  
14 ago.

15 THE COURT: Okay. So this wasn't anything in anybody's  
16 possession?

17 MR. MARTINEZ: No, no.

18 THE COURT: Okay.

19 MR. MARTINEZ: I just barely got it. She just barely obtained  
20 it. I had mentioned to her just based on what the Defendant had been  
21 claiming in the last parts of this litigation about the phone number. I  
22 asked her to seek out anything that may have involved a transaction with  
23 Mr. Miles that had his phone number that shows the number existed  
24 prior to February 25th, 2015.

25 Like I said, I don't think I'm going to be presenting that or



1 attempting to present that in the case-in-chief. I'm not asking it to be  
2 found admissible now.

3 THE COURT: Okay.

4 MR. MARTINEZ: I'm just making a record that I've turned it  
5 over and that's that.

6 THE COURT: Okay.

7 MR. MILES: Well, Your Honor --

8 THE COURT: The record's made.

9 MR. MILES: Okay. Yeah, Your Honor, he turned it over, but I  
10 still didn't get a printout of it. I got to review it but, you know, this was a  
11 last minute. Trial was set today. I don't, you know -- I haven't had a  
12 chance to review it.

13 THE COURT: Well --

14 MR. MILES: See --

15 THE COURT: -- it sounds like it's inculpatory, not  
16 exculpatory, so. Give him a copy please.

17 MR. MARTINEZ: Can I email it to a member of your staff.

18 THE COURT: Yep.

19 MR. MARTINEZ: So they can print it. Because I don't have  
20 access to --

21 THE COURT: You sure can.

22 THE CLERK: Yeah.

23 MR. MILES: Yeah, and I would just state for the record, too,  
24 Your Honor, pursuant to the appropriate statute, if the Prosecution is  
25 going to present it in his case-in-chief, they are supposed to be providing

1 that to me before trial. I think this is kind of the last minute thing, so.

2 MR. MARTINEZ: Well, that's why I said I didn't anticipate  
3 presenting it in my case-in-chief. If I do, it will probably be in rebuttal,  
4 depending on what Defendant decides to present.

5 THE COURT: Okay.

6 MR. MILES: And I would say too, Your Honor, I don't who  
7 the custodian of records is for that, too. So if he has maybe some  
8 custodian of records to authenticate that that's an authentic document or  
9 some type of affidavit, I would appreciate that too, because that may be  
10 exculpatory as well.

11 THE COURT: I don't see how, but if they have it -- he can't  
12 give you what he doesn't have. He has it now. He's given it to you. I  
13 see no way that it's exculpatory. In any event, we haven't started trial  
14 and you have it.

15 MR. MILES: Okay.

16 THE COURT: So they're not moving to admit it. So none of  
17 these objections right now. All we're making a record of is you have it.

18 MR. MILES: Okay.

19 THE COURT: Okay?

20 MR. MARTINEZ: And I just forwarded it.

21 THE CLERK: One copy of this?

22 THE COURT: How many copies? Do you want one, too?

23 MR. MARTINEZ: Yes, please.

24 THE COURT: Let's go ahead and make three because we'll  
25 mark one as a court's exhibit since we've been talking about it.

1 MR. MARTINEZ: That's right, and I did email a copy to  
2 standby counsel, Mr. Beckett.

3 THE COURT: Is that correct, Mr. Beckett?

4 MR. BECKETT: Yes, Judge.

5 THE COURT: Thank you. Do you have it?

6 THE CLERK: Yeah. I'm printing it now.

7 THE COURT: Okay. Anything else? Can we bring in the  
8 jury?

9 MR. MARTINEZ: Nothing else from the State, Your Honor,  
10 and that's fine with the State.

11 MR. MILES: Nothing else from Defense, Your Honor.

12 THE COURT: Okay. Then we're ready to start openings, yes?

13 MR. MARTINEZ: Yes, Your Honor.

14 THE COURT: If I can find my place in my book here.

15 MR. MARTINEZ: And my understanding is I'm supposed to  
16 stay within this -- the confines of this small area right here?

17 THE COURT: It's not that small, Mr. Martinez.

18 THE CLERK: Mr. Martinez, are you using a PowerPoint?

19 MR. MARTINEZ: Yes.

20 THE COURT: Here's -- this is State's exhibit. It's leads online  
21 Cash America ticket.

22 MR. MARTINEZ: Right. It's not an exhibit yet. It's just the --

23 THE COURT: It's a court exhibit now.

24 MR. MARTINEZ: -- the transaction -- oh, that's fine.

25 THE COURT: Right.

1 MR. MARTINEZ: It's the transaction I was referencing earlier.

2 THE COURT: Yes. So we've turned the lectern thing, is that  
3 what you call those? The lectern, podium?

4 UNIDENTIFIED SPEAKER: Podium.

5 THE COURT: So that it faces the jury.

6 MR. MARTINEZ: Yes.

7 THE COURT: It's between both tables and the State as well  
8 as Mr. Miles are going to stay between behind their tables and the  
9 podium so as to make it equal. Okay?

10 MR. MILES: Yes, Your Honor.

11 MR. MARTINEZ: If I start to wander, feel free to tap me.

12 THE COURT: He'll bring you back. If we need to stake you,  
13 we can.

14 MR. MARTINEZ: Okay. And we can turn the pulpit, or  
15 whatever it is, to --

16 THE COURT: The pulpit? Yeah, you can turn it.

17 MR. MARTINEZ: Yeah, turn the pulpit towards the witness,  
18 the lectern.

19 THE COURT: After openings.

20 MR. MARTINEZ: After openings.

21 THE COURT: Yes.

22 MR. MARTINEZ: Thank you.

23 THE MARSHAL: All right. We're going to get the jury.

24 THE COURT: Are there any PowerPoints or anything in  
25 opening?

1 MR. MARTINEZ: Yes, I -- for opening.  
2 THE COURT: Okay.  
3 MR. MARTINEZ: And probably closing.  
4 THE COURT: Okay. Do we have a copy, too?  
5 MR. MARTINEZ: I did not print off a copy, but I'd be happy to  
6 on a break.  
7 THE COURT: All right. Just leave one with us at some point.  
8 MR. MARTINEZ: And I'm not referencing the pawn ticket,  
9 obviously, in my opening.  
10 THE COURT: Good call.  
11 THE MARSHAL: Ready?  
12 THE COURT: Ready.  
13 [Court and Clerk Confer]  
14 THE MARSHAL: All rise and face the jury.  
15 [Inside the presence of the jury.]  
16 THE MARSHAL: All present, Your Honor.  
17 THE COURT: Welcome back to Department 18, ladies and  
18 gentlemen. We're ready. Is State ready?  
19 MR. MARTINEZ: Yes, Your Honor.  
20 THE COURT: Defense?  
21 MR. MILES: Yes, Your Honor.  
22 THE COURT: State, are you prepared to give your opening  
23 statement?  
24 MR. MARTINEZ: Yes, Your Honor.  
25 THE COURT: Mr. Martinez?

1 MR. MARTINEZ: Thank you.

2 STATE'S OPENING STATEMENT

3 BY MR. MARTINEZ:

4 All right. Good afternoon, ladies and gentlemen. We  
5 appreciate your patience this afternoon.

6 In a couple of minutes, you're going to meet somebody by  
7 the name of Gabrielle King. She's go by Gabby. And between February  
8 1st, 2015 and February 13th, 2015, she was 16 years old. She lives here  
9 in Las Vegas with her mom, Becky York, and her step-dad, Mark Hunt, a  
10 lot of siblings. And as a teenager, she ran into some issues and  
11 happened to be on probation and had a house arrest bracelet that was  
12 around her ankle so that she could be monitored.

13 During this time, this timeframe, she met the Defendant,  
14 Christian Miles, and they initially made contact with each other through  
15 Facebook messaging. Defendant was 21 years old at the time and she  
16 met up with the Defendant after messaging back and forth and this was  
17 in February of 2015. During some of these conversations that he had  
18 with her after they met, he talked about them being able to make money  
19 together.

20 MR. MILES: Objection, Your Honor. I don't think that fairly  
21 states the facts, Your Honor.

22 THE COURT: Overruled.

23 MR. MARTINEZ: They talked about making money together  
24 through prostitution-related activities. Again, Defendant, an adult, and  
25 Gabby, a 16-year old child.

1                   On February 8th, 2015, Gabby was at home with her parents  
2 and her siblings and she told her parents that she was going to go walk  
3 the dog. This was in the later afternoon hours. She had a feeling that  
4 her mom was going to be contacting her probation officer for not  
5 following the rules on probation and she didn't want to get in trouble  
6 and so she ran away, messaged the Defendant to come pick her up.

7                   The Defendant picked her up and when Becky, her mother,  
8 and Mark, her step-father, realized that she was gone and that she had  
9 left with an unknown stranger, Becky called 911 and gave a description  
10 of the vehicle that picked her up and gave the license plate number as  
11 well, reported that to the police.

12                  MR. MILES: And Your Honor, I'm going to object as to what  
13 he's showing on -- for the record, he was showing February 8, 2015, and  
14 he was showing photographs related to the vehicle and I would construe  
15 that as not stating the facts clearly and fairly at this time, Your Honor.

16                  THE COURT: This is just opening statement. The State is  
17 indicating what they expect the evidence will show and what evidence  
18 will be coming in. So I'm going to overrule it.

19                  MR. MILES: Okay.

20                  MR. MARTINEZ: After the Defendant picked up Gabby, he  
21 drove her to 6559 Holly Bluff Court, and that's still here in Las Vegas,  
22 Clark County, Nevada. During the beginning of their interactions, he  
23 bought Gabby a white LG cellphone and when he gave it to her, there  
24 was a TextNow app that was already installed that had its own number  
25 associated with it, with the app itself, not the number associated with the

1 phone, but with the TextNow app, which was 702-291-2355. You're  
2 going to see why that number becomes important later.

3           The phone that she had was logged into that TextNow app  
4 for that specific number and the evidence will also show that the  
5 Defendant's phone was also logged into that TextNow app and  
6 associated with that number. Again, you'll see why that number's  
7 important later. The reason why it's important is because as you can see  
8 in the photographs on the right-hand side, these are Craigslist  
9 advertisements of Gabby that the Defendant facilitated and created and  
10 posted on the internet.

11           Those are pictures of Gabby and if you see the number that's  
12 diagonal across the photo, it says 702-291-2355, and that's the same  
13 number that's associated with the TextNow app that was installed on the  
14 white LG cellphone that was given to Gabby by the Defendant and also  
15 on the Defendant's phone.

16           The Defendant also took photos of Gabby at his residence in  
17 a makeshift studio that Gabby later described to detectives as sort of like  
18 a green room. It had lamps, cameras, and a green background. During  
19 the investigation, detectives were able to find on Defendant's Facebook  
20 account a picture of a room that matches the description that Gabby  
21 gave to detectives of that room the Defendant's residence.

22           There is also a photo that was retrieved from the Defendant's  
23 phone that has a similar background with that same TextNow app phone  
24 number that was found in the Defendant's phone and we'll get to that a  
25 little bit later. You'll hear testimony from Gabby and another witness



1 about where this was located and what the purpose of it was.

2           The Craigslist advertisements that we mentioned before not  
3 only had the pictures of 16-year old Gabby with the TextNow number,  
4 but also with the following advertisement: "Let's have fun and relaxing  
5 time at your place. You have been stressed and need to get away.  
6 Come unload pics are real and me. Contact me when you're ready. See  
7 you then," and then it lists the phone number, some numbers, some  
8 words.

9           There's another -- and the other ad associated with that, with  
10 the bottom picture says, "Hey, looking fwd to meeting you for fun  
11 tonight. You just came into town and want to relax with a nice cute girl.  
12 If you're ready, contact me so we can get together. See you soon," and  
13 then there's the phone number again.

14           You're going to hear from a pimp prostitution subculture  
15 expert. His name's Don Hoier. He was with Metro for a long period of  
16 time and was a sergeant in the vice section. You're going to hear that it  
17 is common in the pimp prostitution subculture that pimps will advertise  
18 their victims on sites like Craigslist. Sometimes it's Backpage and other  
19 advertising websites and this one happens to be Craigslist in this case.

20           Once the ads are posted onto Craigslist, potential dates,  
21 johns, men, start responding and texting the phone number that's  
22 diagonal. So the text messages go to the Text Now app and both Gabby  
23 and the Defendant have access to the -- what the texts say and both of  
24 them are able to respond.

25           In this case, the Defendant was primarily responsible for

1 responding to any dates or johns that responded to the Craigslist ads,  
2 pretending to be Gabby. So he would negotiate -- the evidence will  
3 show that he would negotiate prices for sexual acts, pretending to be  
4 Gabby, with these particular johns and then either have them come to an  
5 in call or an out call.

6           You're going to learn that in this subculture, an in call is  
7 when the date who is receiving sexual services in return for money -- it's  
8 when the date comes to the prostitution's -- wherever the prostitute is, or  
9 wherever the victim is. Then the out call is where the victim is -- goes to  
10 where the date is.

11           Now, Defendant -- the evidence is going to show the  
12 Defendant asked his quote, unquote, girl, Jahnay Laporsha Ramsey, to  
13 rent a room at the Suites on Boulder Highway for in calls. You'll hear  
14 from Gabby that that room was rented specifically for in calls for grown  
15 men to come and have sexual interaction with 16-year old Gabby in  
16 return for money. When there was an out call, Defendant would typically  
17 transport Gabby or would tell her where to go for the out call. If there  
18 was an in call, the date would get the address and go to the Suites on  
19 Boulder Highway for the specific room. You're going to hear from  
20 Jahnay Laporsha Ramsey that she did in fact rent that room. There is  
21 room registration and you'll hear from her with regards to that.

22           You're going to hear from Gabby, and the evidence will  
23 show, through the detectives' investigation of this case, there's going to  
24 be text messages between the Defendant and Gabby that talk about  
25 prostitution-related activities. The Defendant's number, the evidence will

1 show, was 702-913-2289. Defendant told detectives that that was his  
2 phone number and you'll hear from --

3 MR. MILES: Objection, Your Honor. I don't believe that  
4 states the facts fairly.

5 THE COURT: Okay. This is -- again, it's the State's opening  
6 statement. It will be up to the jury ultimately to determine whether the  
7 evidence has supported the fact.

8 MR. MILES: Okay. Thank you, Your Honor

9 THE COURT: Overruled.

10 MR. MARTINEZ: And the information that was retrieved  
11 from the LG phone, the white LG phone that the Defendant bought  
12 Gabby had text messages from the Defendant to her. Here's an example  
13 of some of these texts between the two of them. Gabby says, "I'm finna  
14 go to sleep tho." The Defendant responds, "You've got an out call."  
15 Remember what the out call is. It's here going to a date. Gabby says,  
16 "Omfg." So oh, my, effing God. And then the Defendant responds with,  
17 "Lmfao," which I believe stands for laugh my effing ass off. "Bae, I'm  
18 down the street." Gabby says, "I was finna go to sleep." Then the  
19 Defendant says, "Yeah, but he got 150. After this, we go to sleep." And  
20 Gabby responds with, "Ugh, my vagina hurt, but fuck it." Defendant  
21 says, "Let me know when you're there." Gabby texts the Defendant,  
22 "Look for that other condom, hurry." Defendant says, "I got it, come get  
23 it."

24 During this timeframe, you're going to hear from Gabby that  
25 she did engage in sexual activities in return for money with strangers

1 who responded to the ads and gave all the money to the Defendant. So  
2 these men would pay Gabby before the sexual act was performed. She  
3 would get the cash when it was done. She would give the money to the  
4 Defendant, and you'll hear testimony regarding that.

5           There comes a point in time between those two dates up top  
6 that Gabby asks the Defendant to drop her off to meet a friend and she  
7 tells the Defendant that it's a female. Defendant agrees to drop her off  
8 and she ends up spending a day or two away from the Defendant and it's  
9 with a male. She didn't tell the Defendant the truth. It is with another  
10 male. It is an acquaintance, a friend of hers that she spent some time  
11 with.

12           During that time that she is away from the Defendant, there  
13 is still text message correspondence going on between the two, between  
14 the Defendant's phone number and the LG cellular phone that the  
15 Defendant bought her, bought Gabby. So they continue communicating.  
16 Even though they are not physically together, they are still  
17 communicating and discussing things related to prostitution.

18           For example, on February 11th and 12th, here there are  
19 messages between the two of them. The Defendant is saying, "Where  
20 you at girl?" Gabby responds, "I'm charging my phone this shit tripping.  
21 I'm finna call you." The Defendant responds with, "Ight. Call. I missing  
22 out on money. I mean you are. What you doing?" And then Gabby  
23 says, "You put me on Craigslist? Where you at?" Defendant responds  
24 with, "Sleep." Gabby says, "Why did you hang up?" The Defendant says,  
25 "You hung up girl. Stop playing with me." Gabby says, "The call must

1 have been dropped, N word, anyways."

2           Then there comes a point in time when Gabby sends a final  
3 text message to that particular number, the 702-913-2289. She asks,  
4 "Chris?" Then Defendant says, "Hit me up on here. I just changed my  
5 number. This Chris." And then the phone number that that comes  
6 through to her LG cellphone is 702-478-2713. Then he asks her where  
7 she is at. Gabby says  
8 McDonald's. Defendant asks her if she's ready or what.

9           Then Gabby tells him, "Hold up. We gotta talk though." And  
10 then Defendant says, "What you mean?" Then she says, "My twin finna  
11 come see me." And you're going to hear that that is not an actual twin.  
12 It's what she calls one her best friends, or someone that's related to her.  
13 Then the Defendant says, "Not at that trap spot." Gabby says, "Why?  
14 She not with nobody. Never mind." The Defendant says, "You got  
15 someone on the way, that's why." And Gabby says, "But she's on her  
16 way," referring to her twin. Defendant says, "He's coming up. Text me  
17 when he's there. He outside." Gabby says, "I'm just coming from  
18 getting a swisher." Defendant says, "Wtf, you ain't at the house?" And  
19 then Defendant says, "Answer the phone. Where you at? How far is you  
20 from the room?" Then Gabby finally responds and says, "Like right  
21 here." But she wasn't. And then the Defendant says, "Where you at,  
22 where you at," and sends question marks.

23           During this time, Gabby's actually contacting a friend to pick  
24 her up at the Arizona Charlie's because she's -- she wants to get away  
25 from the situation. After her friend picks her up, Gabby's probation

1 officer is able to find her and arrest her for violating her probation and  
2 part of that comes with him retrieving the white LG cellphone that the  
3 Defendant bought her. The probation officer then gives the phone to the  
4 lead detective in this case, Detective Justine Gatus, and you're going to  
5 hear from her and all the steps that she took to investigate what  
6 happened: interviews with witnesses, sending subpoenas to various  
7 organizations, things of that nature. She's assigned to lead this  
8 investigation.

9 She interviews Gabby and Gabby identifies the Defendant as  
10 the one that was pimping her out. She obtains consent to examine that  
11 phone of Gabby's. She plugs it into a machine at Metro that retrieves  
12 the data from the phone. It retrieves text messages. It retrieves images.  
13 It retrieves contact lists and it retrieves call history.

14 So she's able to -- and it puts it in a .pdf format. So she  
15 starts going through it and sees those text messages that we just went  
16 over and starts developing her investigation and develops Defendant  
17 Christian Miles as the primary suspect because of the phone number,  
18 what Gabby told her, the photos, and so forth that were in her phone.

19 As I said, the Defendant was the primary suspect. He ends  
20 up getting arrested on March 24th, 2015, approximately that date, and he  
21 happens to be with his girl, Jahnay Laporsha Ramsey. In the  
22 Defendant's possession were two cellphones, a Samsung and a ZTE.  
23 They were placed on the hood of the vehicle when he got arrested.

24 The Defendant then makes a request to the arresting officers.  
25 He asks if he can hug Ms. Ramsey before he is transported and

1 unfortunately, the police officers let him do that, and he's -- what  
2 happens, you'll hear from Ms. Ramsey, that she hugs him and the  
3 Defendant whispers in her ear to take the phones off the vehicle and take  
4 them away. She actually retrieves the phones and starts walking away  
5 and gets into the convenient store where this arrest took place. The  
6 arresting officers were able to see that happen. They pursued her into  
7 the store and arrested her for attempting to destroy evidence.

8           After the Defendant was arrested, Detective Gatus, Justine  
9 Gatus, and Richard Leung, interviewed the Defendant and advise him of  
10 his rights per Miranda. Defendant agrees to talk with them and you're  
11 going to hear a recording of that conversation that they had. You're  
12 going to see -- or you're going to hear that Detective Gatus asks this  
13 Defendant, "Do you know somebody named Gabrielle?" And the  
14 Defendant responds, "Okay. I see where this is going."

15           Then he volunteers this information, "I actually met her on  
16 Facebook. She told me she was actually over age. But I've never had  
17 her working." And this is before the detectives ask him questions about  
18 whether or not Gabby was working as a prostitute for him. He  
19 volunteers this information. "Oh, I see where this is going. She told me  
20 she was overage. But I never never had her working."

21           Defendant admits to picking up Gabrielle, again admits that  
22 he met her on Facebook. The detectives asked him what his phone  
23 number was. They didn't tell -- they didn't read off the number and say  
24 is this your number? They say, what is your phone number? The  
25 Defendant responds with 702-913-2289.

1 He also admits to doing a little photo shoot with Gabby. He  
2 admits to having a TextNow app on his phone. Then the detectives ask  
3 him if he ever bought Gabrielle a phone and he denies it more than ten  
4 times. You're going to hear it. I never bought her a phone. I never  
5 bought her a phone. I never bought her a phone. Then when confronted  
6 with the purchase information, with the credit or debit card and his ID, he  
7 admits to purchasing Gabby the white LG cellphone.

8 He also says, I had -- that he had no idea that she was 16.  
9 Then when asked about whether or not he took Gabby anywhere, he  
10 says, "I can't remember all that. That's like asking me to remember  
11 where I drove yesterday a couple of times."

12 Detective Gatus continues her investigation to corroborate  
13 both what the victim, Gabby, reports to her as happening, and also what  
14 the Defendant told her. She issues an administrative subpoena to  
15 Craigslist and retrieves the advertisements of Gabby that have exactly  
16 what I showed you on here, and you're going to see those. Craigslist  
17 responded and provided those actual advertisements.

18 She also executed a search warrant for the Facebook  
19 accounts of the Defendant and Gabby. You're going to see a photo of  
20 that green room where the photo shoot takes place in -- from the  
21 Defendant's Facebook account.

22 She also executes a search warrant for the Defendant's  
23 Samsung phone that he had with him when he was arrested. You'll see  
24 and you'll find that the pictures of the advertisements with the phone  
25 number are in Defendant's phone and they are exactly the same as the



1 Craigslist advertisement of Gabby. They match the ones that the  
2 Craigslist company provided, and they are in his phone.

3           On the Craigslist advertisements, you're going to see the  
4 purchasing information and the account creation to be able to do the  
5 ads. There are various -- there are three advertisements that you're  
6 going to see of Gabby and each one of those has a user email account  
7 and it's different on each one. Those email accounts that were used to  
8 set up the Craigslist advertisement match the accounts that were found  
9 in the Defendant's phone and you'll see that.

10           You're going to be able to see what was retrieved from the  
11 Defendant's phone, what was retrieved from the victim's phone, and  
12 you'll see that a list of the email accounts, there's a long list, it's a couple  
13 of pages, and three of those email accounts that are in his phone match  
14 the accounts for the Craigslist advertisements.

15           One thing that you're going to hear is the data retrieval  
16 process that is used by Metro to gather the data and retrieve the  
17 information from cellphones isn't able to retrieve TextNow application  
18 messaging. Detective Gatus actually took photos of the white LG  
19 cellphone that she obtain consent from the victim to look at and took  
20 photos of the messaging that was currently on her phone at the time that  
21 she looked at it.

22           So she was able to turn it on, went to the TextNow app, and  
23 then went through some messaging. You're going to see that the  
24 messaging corresponds with potential johns, or dates, or men while he  
25 is simultaneously texting the final messages to Gabby.

1                   If you'll recall, and you're going to see this again, he's texting  
2 Gabby, "Where are you, where are you at, he's on his way, you're not at  
3 the house, WTF, he's coming to the room." During that time, you're  
4 going to see TextNow messages to what appears to be a John and  
5 explaining that the girl that he was going to meet is flaking out or is a  
6 flake and isn't there. You're going to see that those things correspond  
7 with each other. Then again, in the Defendant's Facebook account, there  
8 is a photo of the photo room that was described by Gabby and admitted  
9 to by the Defendant

10                   You're going to hear over the next couple of days this  
11 evidence and more and at the end, I'm confident that the evidence will  
12 show that the Defendant's guilty beyond a reasonable doubt. Thank you.

13                   THE COURT: Thank you, Mr. Martinez.

14                   Mr. Miles, are you choosing to make an opening statement at  
15 this time?

16                   MR. MILES: Not at this time, Your Honor. When I present  
17 my case-in-chief, I will be presenting my opening statement, Your  
18 Honor. Thank you.

19                   THE COURT: Absolutely. Okay.

20                   State, are you ready to call your first witness?

21                   MS. RHOADES: Yes, Your Honor. Becky York.

22                   THE COURT: Is anybody going to invoke the exclusionary  
23 rule?

24                   MS. RHOADES: The State would.

25                   THE COURT: Okay.

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BECKY YORK, STATE'S WITNESS, SWORN

THE CLERK: Please state your full name and spell your first and last name for the record.

THE WITNESS: Becky York, B-E-C-K-Y, Y-O-R-K.

MS. RHOADES: May I proceed?

THE COURT: You may.

MS. RHOADES: Thank you.

DIRECT EXAMINATION

BY MS. RHOADES:

Q Hi, Becky.

A Hi. Okay.

Q I'm going to direct your attention to February 2015. Where were you living?

A 175 Crooked Putter.

Q And that's here in Las Vegas, Clark County, Nevada?

A Yes. Yes, it is.

Q Okay. You just have to wait until I finish the question before you answer.

A Okay.

Q Where in the valley generally is that located?

A On the I want to say west part of town, the Rainbow & Warm Springs area.

Q Is it in Rhodes Ranch?

A Rhodes Ranch, yeah.

Q Who all were you living with at that time in that house?

1           A     Me -- it was me, Mark Hunt, which is my fiancé, and my kids,  
2 Gabrielle and Dion, and all my kids.

3           Q     Okay. How many kids do you have?

4           A     Eight.

5           Q     Were they all living there?

6           A     Yes.

7           Q     Can you tell us the ages of them?

8           A     Dion was 21 at the time. Well -- and Gabrielle, I want to say  
9 she was 16 at the time. And Tyson, 15. Nathaniel, 14. Whitney and  
10 Moriah ten, nine. And then it goes to Rotavias [phonetic], and he was  
11 five.

12          Q     Okay. Now, does Rhodes Ranch, is that a gated community?

13          A     Yes, it is.

14          Q     And what's your understanding of how and when people  
15 come -- come into that gated community?

16          A     First, they have to get pictures of your license plates and you  
17 have to be on the visitor's list. If you're not, they will call me to confirm  
18 that you could, you know, go in the gate. And then they take your  
19 driver's license.

20          Q     At that time was Gabby on probation?

21          A     Yes, she was.

22          Q     What was she on probation for?

23          A     Oh. I'm trying to think. It's been a while ago. I'm trying to --  
24 I forgot.

25          Q     Okay.

1 A I totally forgot.

2 Q So it was over four years ago?

3 A Yes, yes. Sorry about that.

4 Q It's okay. Do you remember her being on house arrest early  
5 February?

6 A Yes, I do.

7 Q Specifically on Sunday, February 8, 2015, around 8 p.m., was  
8 Gabby at your house at home?

9 A Yes, she was.

10 Q And what happened that night with Gabby?

11 A Actually, she said she was going to a friend house or  
12 some -- some by that nature, I don't know. It been a while back ago. All I  
13 know is she said she was going to a friend house. That's all I know.

14 Q Okay. Did she leave the house?

15 A Yes, she did.

16 Q Did she leave the house with your permission?

17 A No, she did not.

18 Q But she told you that she was going to a friend's house?

19 A Yeah. And I told her, no, she's not.

20 Q Did she tell you what friend's house she was going to; do  
21 you remember?

22 A I want to say Nashima [phonetic] or Nana [phonetic]. Some  
23 girl named Nana.

24 Q Can you spell that for us? Just the nickname, do you know  
25 how to spell it?

1 A N-A-N-A, Nana, I guess.

2 Q Had you met Nana before?

3 A Yes, I have.

4 Q Did you have Nana's contact information?

5 A No, I did not have her direct contact information; however, I  
6 did find her on Facebook.

7 Q Is that later?

8 A Yes, that's later.

9 Q So Gabby asks you to go and you tell her no; is that right?

10 A Yes.

11 Q What's your understanding as to where Gabby goes from  
12 there?

13 A Actually, I didn't know where she went from there. She told  
14 me she was going to a friend house, I said no. So I jumped in my car  
15 and just circled around as she -- she left. When I finally realized she  
16 wasn't there, I said oh, she left. Let me jump in my car and go see if I see  
17 her. So I called my husband, Mark Hunt, and I told him, I said I think  
18 Gabby got in a car with -- some car. So right there Mark's jump in the  
19 car and I don't know what happened, proceeded to follow whoever was  
20 in that car.

21 Q Okay. So was Mark home at the time Gabby left?

22 A Yes.

23 Q Were all the other kids home, as well?

24 A Yes.

25 Q Did you see Gabby walk out of the house?

1 A No.

2 Q How did you know that she left?

3 A Because I was going downstairs to cook dinner and I looked  
4 in her room and she was not there.

5 Q And so you got in your car. What kind of car was that?

6 A A Challenger.

7 Q Did you see Gabby get into a car?

8 A No, I have not. I went to the front gate and told them to roll  
9 back cameras.

10 Q You went to the front gate after you realized Gabby was  
11 gone?

12 A Gabby was gone, uh-huh.

13 Q So did you -- you had a Dodge Challenger. Was there  
14 another car that you and your fiancé shared?

15 A Yes.

16 Q What kind of car was that?

17 A It's a Charger.

18 Q Okay.

19 A I'm sorry, it's a Camaro, sorry.

20 Q It's okay. So you get in one of the cars and then what does  
21 Mark do to your knowledge?

22 A Mark --

23 MR. MILES: Objection, Your Honor, hearsay.

24 MS. RHOADES: I did not say anything that Mark said.

25 THE COURT: Testify only with respect to what she saw, not

1 to her knowledge because I don't know the basis of her knowledge, but  
2 what she saw directly.

3 MS. RHOADES: Okay.

4 THE COURT: So I'm sustaining it in part.

5 MS. RHOADES: Thank you.

6 BY MS. RHOADES:

7 Q Did you tell something to Mark about Gabby having been  
8 gone?

9 A Yes, I did.

10 Q What did you tell Mark?

11 A I told Mark while I'm in one car, you get in another car and  
12 you go, you know, fish around the front gate and I'll go around our  
13 neighborhood because it's so big, Rhodes Ranch is so big.

14 Q What did you see Mark do after you had that conversation  
15 with him?

16 A Go in a car.

17 Q Do you know what car; do you remember what car he got  
18 into?

19 A The Challenger.

20 Q And you got into the other car?

21 A The Camaro, yes.

22 Q Where did you go in the Camaro?

23 A Just through the neighborhood, the blocks, seeing if I see  
24 her, Gabrielle, because I figured she don't have no car, so she'll be  
25 walking. And then right then and there I could get her.



1 Q Did you see her?

2 A No.

3 Q Where did you -- where else did you go?

4 A Well, that's when I got a phone call from -- from Mark.

5 Q Were you and Mark communicating while this all was going  
6 on while you were both in separate cars?

7 A Yes, we were.

8 Q Okay. And based on the phone call that you got from Mark,  
9 what did you do?

10 A I went to the security gate.

11 Q And what did you do when you got to the security gate?

12 A I asked the security could he roll back the cameras to see  
13 what car my daughter got into and how she got into the car.

14 Q And were they able to do that?

15 A Yes, they were.

16 Q Did you actually get a printout from the security gate of that?

17 A Actually, I did. Not that day, but they had to go to HOA to  
18 make sure it was okay for me to get a printout.

19 Q And did they tell you what kind of car, without telling me  
20 what kind of car, but was able to tell you what kind of car?

21 MR. MILES: Objection, Your Honor. I would say that there  
22 was no foundation for that. If she's referring to the car, I think she  
23 should be referring as what type of car that she seen, Your Honor.

24 THE COURT: Could you repeat your objection again?

25 MR. MILES: There's no foundation. She's saying -- she

1 asked the witness, Your Honor, without referring to the car, what did she  
2 see. I didn't really understand that question and I would ask that there  
3 be a foundation laid if she did see a car, what type of car she seen at  
4 least, Your Honor.

5 MS. RHOADES: I can rephrase my question. I don't think  
6 that's what it was.

7 THE COURT: Please rephrase.

8 MS. RHOADES: Sure.

9 BY MS. RHOADES:

10 Q First, before I get there, I do want to show you what's been  
11 marked as State's Proposed 35.

12 MS. RHOADES: If you could just show the witness. Thank  
13 you.

14 [Witness reviews document]

15 THE WITNESS: Yes.

16 BY MS. RHOADES:

17 Q Do you recognize State's Proposed 35?

18 A Oh, yes. Actually, that's the printout, the same printout they  
19 gave me.

20 Q Okay.

21 THE DEFENDANT: Objection, Your Honor. Can some  
22 foundation be laid as -- as to when she retrieved this information?

23 MS. RHOADES: I'm doing that right now.

24 THE COURT: It's not been offered yet.

25 MR. MILES: Okay.

1 BY MS. RHOADES:

2 Q You said it's the printout. When did you get this printout?

3 A It was the next day.

4 Q Where did you get it from?

5 A From the security.

6 Q And when you got it from the security, what did you do with  
7 it?

8 A Right there it showed Mike, who was just picking up my  
9 daughter, like she's not supposed to go nowhere. I know the Nana lady  
10 or girl didn't have no car, who is this? I was concerned at that point.

11 Q Did you send that -- that printout to somebody?

12 A Actually, I gave it to Justine.

13 Q Is that the detective?

14 A The detective, yes.

15 Q And this fairly and accurately, what you just looked at,  
16 State's Proposed 35, fairly and accurately depicts the printout that you  
17 got from the Rhodes Ranch gate the next day after this happened with  
18 Gabby?

19 A Yes.

20 MS. RHOADES: I would move for the admission of State's  
21 35.

22 THE COURT: Mr. Miles?

23 MR. MILES: And, Your Honor, I'm going to object to that as  
24 hearsay. She's -- although she testified that she retrieved this  
25 information, there wasn't a foundation laid as to the HOA if this is a true

1 and accurate copy of the document in question. And I would say NRS 51  
2 -- I ask Your Honor for the Court's indulgence. I -- I would state for the  
3 record that pursuant to NRS 51.155, it says Reports, statements or data  
4 compilations in any form or public records are not admissible under the  
5 hearsay rule unless a general question is raised as to the authenticity -- I  
6 mean, excuse me, the source of information or method of circumstances  
7 of the investigation include lack of trustworthiness.

8 I would say that in this case there's been no foundation laid  
9 as to if this information is true and correct, Your Honor, if Your Honor  
10 understands.

11 THE COURT: Can you add just a little more foundation in  
12 terms of when she first saw -- whether she saw just the picture, or did  
13 she see it previous and if she recognizes anything in the picture?

14 MS. RHOADES: Sure.

15 THE COURT: Thank you.

16 BY MS. RHOADES:

17 Q So the screenshot that you just looked at, how many  
18 screenshots did you get after Gabby left home that day; one or more  
19 than one?

20 A Oh, one. That one.

21 Q The one that you just saw?

22 A Yes. Yes, the one that I just saw. However, that -- that's the  
23 car because my -- my husband gave me details, you know, of what he  
24 was following.

25 Q Okay. So you didn't see the actual car that Gabby got into; is

1 that right?

2 A Right. Correct.

3 Q This is just the printout that you retrieved --

4 A Right.

5 Q -- yourself the next day at Rhodes Ranch gate?

6 A Correct. Yes.

7 Q Okay.

8 MS. RHOADES: I think his arguments go to weight, not  
9 admissibility.

10 THE COURT: Did you want to add anything else, Mr. Miles?

11 MR. MILES: My objection is still that it's hearsay, Your  
12 Honor. The document itself is hearsay.

13 THE COURT: That will be overruled and be received as  
14 State's Exhibit -- what is it?

15 MS. RHOADES: 35, Your Honor.

16 THE COURT: 35.

17 [State's Exhibit 35 admitted into evidence]

18 MS. RHOADES: Thank you.

19 And permission to publish.

20 THE COURT: Then mark it first, then she publishes. I just  
21 gave it to her.

22 MS. RHOADES: Sorry. I guess we do need to mark it first as  
23 submitted. That's what we're going to do.

24 THE COURT: That's fine. Go ahead.

25 MS. RHOADES: And if I could continue asking the questions,

1 I'll do that.

2 THE COURT: You can.

3 BY MS. RHOADES:

4 Q So you spoke with your fiancé, Mark Hunt, about the car that  
5 he had seen; is that right?

6 A Correct. Yes.

7 Q That same night, going back to that same night, is that when  
8 you spoke to Mark Hunt about the details about the car?

9 A Yes, I did; however, I was also on a cellphone with him while  
10 he was behind the car.

11 Q So while he was behind the car was he relaying information  
12 to you about the car that he was following?

13 A Yes.

14 Q Do you remember what he told you about the car he was  
15 following?

16 A Yes, I do.

17 Q What did he tell you about that car?

18 A He said I'm going to stop following this car because he is  
19 running red lights with Gabrielle King, my daughter, inside of it. He was  
20 driving reckless. So he couldn't continue to stop following it.

21 Q I'm showing you State's 35. That's the printout that we've  
22 been talking about; is that right?

23 A Yes.

24 Q And it shows the license plate in this photo?

25 A Yes.

1 Q Was Mark also telling you what kind of car it was, what color,  
2 and relaying the license plate number to you?

3 A Yes, he was.

4 Q How -- so what did you do after this conversation with Mark  
5 and he told you that he was going to stop following the car?

6 A I said I'm going to call the police.

7 Q Did you also call Gabby's probation officer?

8 A Yes, I did.

9 Q Did you call Gabby's probation officer first?

10 A No. Actually, I called the police. I don't remember, I know  
11 both of them pretty much. It was around the same time, so I don't know  
12 if I called the police first or her probation, but both of them got called  
13 that day.

14 Q And what did you say to the probation officer?

15 A That a car -- my daughter went inside of a car. I don't know  
16 who's this car, I don't know who's in it. But actually at that point I was  
17 worried.

18 Q And you said that you also called the police.

19 MS. RHOADES: Your Honor, I do have State's 7. I would just  
20 ask permission to publish a portion of it for authentication purposes.

21 THE COURT: Okay.

22 BY MS. RHOADES:

23 Q Where were you at when you called the police?

24 A At my house.

25 Q Did Gabby have a cellphone?

1 A Yes, she did.

2 Q Did you try to call her cellphone?

3 A Yes, I did.

4 Q And what happened when you tried to call?

5 A Her cellphone I think went straight to voicemail.

6 Q Do you know whether or not it was an activated cellphone or  
7 if it was just usable with the internet?

8 A I think it was just usable with the -- if I'm not mistaken, just  
9 the internet. She had some app on there called text, text something. I  
10 don't know.

11 Q All right, Ms. York, I'm going to play a portion of State's 7  
12 and I'm going to ask you if you recognize any of the voices on there.

13 [Whereupon, an audio recording of State's Exhibit 7 was played in  
14 open court at 1:55 p.m.]

15 [Audio paused at 1:56 p.m.]

16 BY MS. RHOADES:

17 Q Okay. So just that first portion, do you recognize the voice  
18 on there?

19 A Yes.

20 Q And how do you recognize it?

21 A That's me.

22 Q Is that the phone call that you made on February 2015 after  
23 Gabby left the house?

24 A Yes.

25 MR. MILES: Objection, Your Honor. And I would move to



1 strike. That hasn't been properly authenticated as being -- I would move  
2 for -- it hasn't been properly authenticated, Your Honor. And --

3 THE COURT: I think that's what she's doing right now.

4 MR. MILES: Okay.

5 BY MS. RHOADES:

6 Q And you said that's the phone call. You recognize this is the  
7 phone call that you made on February 8, 2015?

8 A Yes.

9 MS. RHOADES: I would move for the admission of State's 7.

10 THE COURT: Anything else, Mr. Miles?

11 MR. MILES: I would still object as that is hearsay in itself and  
12 at this time. Obviously, Ms. York is not the custodians of records, so I  
13 don't think she can testify as to whether this is a true and accurate copy  
14 of the police report itself. So I would move for the exhibit not to be  
15 admitted because the State at this time hasn't presented the custodians  
16 of records for the police call.

17 MS. RHOADES: I don't think that's a requirement to present  
18 this piece of evidence, Your Honor.

19 MR. MILES: And, Your Honor, if Your Honor is inclined --

20 THE COURT: Overruled. It will be admitted.

21 MR. MILES: Okay. Okay.

22 MS. RHOADES: Permission to publish the call in its entirety.

23 THE COURT: Permission granted.

24 [State's Exhibit 7 admitted into evidence]

25 MS. RHOADES: Thank you.

1 [Whereupon, an audio recording, State's Exhibit 7 was played in  
2 open court at 1:57 p.m.]

3 [Audio paused at 2:00 p.m.]

4 BY MS. RHOADES:

5 Q I'm just going to pause it right there for a second. Can you  
6 hear someone's voice in the background?

7 A Yes.

8 Q And whose voice is that?

9 A That's Mark's.

10 Q And you guys are both giving the dispatcher information  
11 about Gabby right now?

12 A Yes.

13 [Audio resumed at 2:00 p.m.]

14 [Audio ends at 2:03 p.m.]

15 BY MS. RHOADES:

16 Q Did Gabby come home that night?

17 A No.

18 Q Do you know Christian Miles?

19 A No.

20 Q Okay. Did you give Christian Miles permission to take Gabby  
21 on February 8, 2015?

22 A No.

23 Q Did you ever give him permission to take your child?

24 A No.

25 Q Listening to that call does that refresh your memory about

1 what Gabby was on probation for?

2 A Yes, it does.

3 Q And that was prostitution?

4 A Yes.

5 Q How about she told you to walk the dog. Does that refresh  
6 your memory?

7 A Yes.

8 Q Can you tell us a little bit more about that?

9 A She said she wanted to go friend house. I said no. Then she  
10 said she's going to walk our dog. And I told her no, you're not, your little  
11 sister is going to walk our dog. Right there I didn't see her when I came  
12 down to cook.

13 Q Are you aware that Gabrielle was arrested on February 13,  
14 2015?

15 A Yes.

16 Q And tell us what you did to try to get your daughter back  
17 between February 8, 2015 and February 13, 2015.

18 A Okay. So I contact the friend, Nana, through Facebook. I  
19 found her Facebook. Contact her. I had asked Nana, do you know where  
20 my daughter Gabrielle King at? She said yes, I just got off the phone  
21 with her. She's at some kind of room or motel or -- or back then I guess  
22 a suite or something.

23 So I said hey, you want to make \$50? I'll give you \$50 if you would  
24 go pick up my daughter, I don't have to know where she at, location, just  
25 go pick up my daughter, and I will meet you at Arizona Charlie's to pick

1 up my daughter myself.

2 At this point I called her probation officer. I told the probation  
3 officer, hey, you know, I'm paying this young girl \$50 to bring my  
4 daughter back home. So the probation officer and me, we waited to --  
5 Nana went to Arizona Charlie's and there she had my daughter in the car  
6 with her. And that's when me and the probation officer, you know, went  
7 to the van and picked up my daughter. And I paid the Nana girl \$50.

8 Q Do you remember Mark being there at the Arizona Charlie's  
9 with you?

10 A Yes.

11 Q And you said your daughter was in a van. Do you remember  
12 the color of the van?

13 A I think it was brown. It was an older van. It didn't have no  
14 windows or nothing like that. It was pretty old. I think it was brown,  
15 though.

16 Q Do you recall who all was there with your daughter?

17 A Yes.

18 Q Who was there with her?

19 A It was the Nana girl, the Nana mom, dad, and the Nana's  
20 boyfriend, I guess, some boyfriend of hers, and my daughter.

21 Q So people associated with Nana and Gabrielle?

22 A Yes.

23 Q And at that time at Arizona Charlie's, is that when Gabrielle  
24 was arrested by her probation officer?

25 A Yes.

1 Q Was Christian Miles there at the Arizona Charlie's?

2 A No.

3 Q Okay.

4 MS. RHOADES: I pass the witness, Your Honor.

5 THE COURT: Mr. Miles?

6 CROSS-EXAMINATION

7 BY MR. MILES:

8 Q Good morning, Ms. York.

9 A Hi. Good morning.

10 Q Now, this case has been ongoing for a long time; hasn't it,  
11 Becky?

12 A Yes.

13 Q Okay. Now, this isn't your first time testifying in this case; is  
14 it?

15 A No.

16 Q Okay.

17 [ Counsel confer]

18 MR. MILES: Okay, Your Honor. I'd like to show the witness  
19 Defense -- I mean State's Proposed Exhibit -- is this A or 1?

20 MS. RHOADES: It's admitted as 35.

21 MR. MILES: 35.

22 THE COURT: That's fine.

23 BY MR. MILES:

24 Q All right. I'm showing you what's marked as State's  
25 Proposed Exhibit 35. Now, you said that was a true and accurate copy?

1           A     That wasn't me.

2           Q     Of the license plate information that you obtained from the  
3 HOA complex; is that true?

4           A     Yes, this is it.

5           Q     Okay.

6           MR. MILES: Now, Your Honor, I would like to actually give  
7 the witness -- show the witness --

8           THE COURT: Has that been marked yet?

9           MR. MILES: Not been marked, Your Honor.

10          THE COURT: Okay. Let's have it marked first.

11          MR. MILES: We'll mark it as Defense Proposed Exhibit Z8.

12          THE COURT: What number are we on, Ms. Clerk?

13 BY MR. MILES:

14          Q     Okay. Ms. York, now I'm directing your attention to --

15          THE COURT: Hang on. Wait one second, Mr. Miles.

16          What is it?

17          THE CLERK: I think it's Y, Exhibit Y.

18          THE COURT: Exhibit Y.

19          MR. MILES: Exhibit Y? I thought I already had -- didn't I  
20 already have an Exhibit Y?

21          THE CLERK: No, no.

22          MR. MILES: I didn't? Okay. Exhibit Y's fine.

23                   [Defendant's Exhibit y marked for identification]

24                               [Parties confer]

25          MR. MILES: Like I say, I have some questions, though, Your

1 Honor, while the Court's doing that.

2 THE COURT: Yes.

3 BY MR. MILES:

4 Q Okay. Now you said it wasn't your first time testifying in this  
5 case; isn't that correct?

6 A Correct.

7 Q Do you recall exactly how many times you testified in this  
8 case?

9 A One.

10 Q One time?

11 A Well, this is my second time, actually.

12 Q Okay. This is your second time --

13 A Yes.

14 Q -- that you recall that you testified in this case?

15 A This is my second time that I know I testified in this case, yes.

16 Q Oh, that you know you testified in this case? Okay.

17 MR. MILES: The Court's indulgence.

18 COURT OFFICER: Do you want her to see that?

19 MR. MILES: Yes. Will you show the witness?

20 [Witness reviews document]

21 BY MR. MILES:

22 Q Okay. Now I'm going to still direct your attention to the  
23 State's Exhibit 35. Now, without reading that document out loud and  
24 without saying anything or commenting on that evidence that I'm  
25 showing you, or proposed evidence that I'm showing you, is that a fair

1 and accurate copy of the HOA images you received from your house?

2 A Yes.

3 Q Okay. So you have no reason -- no reason to believe why it  
4 would be a true and accurate copy of the HOA images; is that correct?

5 A Yes, it's the same picture.

6 Q Okay. It's the same picture. Okay.

7 A Yeah.

8 MR. MILES: Your Honor, I would move for the admission of  
9 that document, please.

10 MS. RHOADES: If I could see it. I haven't seen it. I haven't  
11 seen the copy that he has.

12 MR. MILES: It's the same, but different. Okay.

13 THE COURT: Hang on, Mr. Miles. She needs to look at it and  
14 then decide whether she's going to object or not.

15 MS. RHOADES: I mean that's fine. It's got additional  
16 information on the bottom. That's fine. I have no objection to that.

17 MR. MILES: Okay.

18 BY MR. MILES:

19 Q Now, still directing your attention to --

20 THE COURT: That will be admitted as State's -- or Defense Y.  
21 [Defendant's Exhibit Y admitted into evidence]

22 BY MR. MILES:

23 Q Still directing your attention to State's Exhibit 35. Now, you  
24 said this information was based on information from February 8, 2015; is  
25 that correct?



1 THE COURT: Excuse me, Mr. Miles.

2 Can you get the exhibit from him so that she can mark it. It's  
3 admitted now. Your last one Y --

4 MR. MILES: Exhibit Y.

5 THE COURT: -- needs to be marked as admitted. Thank you.

6 MR. MILES: Can I go ahead and cross-examine the witness,  
7 Your Honor?

8 THE COURT: Yes, you may.

9 MR. MILES: Thank you.

10 BY MR. MILES:

11 Q Now, you testified for the State that that information was  
12 based on information from February 8, 2015; is that correct?

13 MS. RHOADES: And I'm going to object to the  
14 characterization. I believe she testified the picture was from a different  
15 day, that she -- that she got it the next day, but that they were able to pull  
16 the picture from a different day, but that it was the same car that she had  
17 seen -- or I'm sorry, that Mark Hunt had seen.

18 MR. MILES: And, Your Honor, I'm going to say that that's  
19 restating the testimony. I think it's clear from --

20 THE COURT: Can you reask the question, please?

21 MR. MILES: Okay.

22 BY MR. MILES:

23 Q The question was, you did testify for the State that the HOA  
24 images, State's Proposed Exhibit 35, was based on information from  
25 February 8, 2015; isn't that correct?

1 A Yes.

2 Q Okay.

3 A The next day they gave me.

4 Q Okay. But you're saying that was this -- these images  
5 happened on February 8; isn't that correct?

6 A I don't know what day it happened on.

7 Q Well, that's what you testified for the State, though; isn't that  
8 correct?

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

10 Q You don't remember at this time.

11 A Uh-huh.

12 MR. MILES: Well, Your Honor, permission to publish  
13 Defense Proposed -- I mean Defense Exhibit Y; is that fine?

14 THE COURT: Sure.

15 BY MR. MILES:

16 Q Okay. Now still directing your attention to Defense Exhibit Y,  
17 now can you go ahead and state for the record what's depicted on  
18 Defense Exhibit Y?

19 A Yeah. No, I refused your entry.

20 Q Okay. Refused entry.

21 A And I don't know what you -- it says 2-5th, 2015. I  
22 don't --

23 Q Okay. It says 02-05-2015 at 10:11?

24 A Uh-huh.

25 Q Is that what the evidence says?

1           A     Uh-huh.

2           Q     Okay. So, again, you testified for the State that their  
3 evidence was based on information from February 8, 2015. Now you're  
4 saying that the information was based on information from February 5,  
5 2015; is that your --

6           MS. RHOADES: Objection. Argumentative. And that's not  
7 what she testified to.

8           THE WITNESS: No, I didn't.

9           MS. RHOADES: The reason she went to the gate to get the  
10 photo was because of what happened on February 8.

11          THE WITNESS: Yes, correct.

12          MS. RHOADES: She got the photo from this incident. That is  
13 the same car.

14          THE WITNESS: Yes.

15          MR. MILES: And -- and, Your Honor, I -- if we play back the  
16 testimony, I think it's pretty clear she did testify exactly that the images  
17 were based on information from February 8 of 2015. That was her  
18 testimony. That's what she testified to.

19          THE COURT: Right. So isn't that what she's saying?

20          MR. MILES: Well, right now the evidence is showing that it  
21 says 02-05, which is February --

22          THE COURT: Reask the question.

23          MR. MILES: Okay. I'll reask and I'll rephrase it.

24 BY MR. MILES:

25          Q     Now I'm going to direct your attention back to Defendant's

1 Exhibit Y. Now, would it be fair to say that Defendant's Exhibit Y depicts  
2 the date 02-05-2015?

3 A That's what it says, yes.

4 Q Okay. That's what it says?

5 A Uh-huh.

6 Q Okay. And would it be fair to say that that date is February  
7 5th of 2015?

8 A No. Actually, what -- what you're trying to say is this. The  
9 security, when they ran your plates, you came several times. You came  
10 several -- I guess several times, so it could have been on the 5th that you  
11 came that I refused your entry. I don't know, but they ran your plates  
12 and they -- from that -- from my address to your plates, that wasn't  
13 the first time you came, but you could have come on the 5th and I  
14 refused your entry.

15 Q Okay. So help me understand this, Ms. York,  
16 because --

17 MR. MILES: Court's indulgence.

18 THE COURT: Sure.

19 BY MR. MILES:

20 Q Now -- now help me understand this, Ms. York. So are you  
21 saying that you did not testify that the State's evidence was based on  
22 information from February 2015; is that your testimony?

23 A I don't remember.

24 Q You don't remember.

25 A Uh-huh.

1 Q So if we were to print out that transcript and you were to  
2 testify that those events occurred on --

3 MS. RHOADES: Your Honor, I'm going to object. He's being  
4 argumentative and it's asked and answered.

5 THE COURT: Yeah, I tend to agree. I think you've already  
6 asked her. She's indicated that she doesn't remember.

7 MR. MILES: Okay.

8 BY MR. MILES:

9 Q So looking at Defendant's -- Defendant's Exhibit Y, are you  
10 saying that the vehicle information is based on February 8th or is it your  
11 testimony that it's based on February 5th?

12 A Actually, my testimony is based on February 8th, but you  
13 could have came the 5th and I refused your entry. That's what I'm  
14 saying.

15 Q Okay. That's what you're saying. So --

16 MR. MILES: Court's indulgence.

17 THE COURT: Uh-huh.

18 BY MR. MILES:

19 Q So are you saying Defendant's Exhibit Y does not truly and  
20 accurately --

21 MS. RHOADES: Objection, Your Honor. That's not what  
22 she's saying at all, and he's being argumentative.

23 MR. MILES: She didn't even finish the question, Your Honor.

24 THE COURT: I'm not sure -- I'm not sure what he's saying.

25 Are you sure --

1 MR. MILES: Yeah. I didn't even finish the question, Your  
2 Honor.

3 THE COURT: I don't know what he's asking about it. What  
4 are you asking about the 5th?

5 MR. MILES: Well, because I think it's pretty clear that she --  
6 her testimony that -- that she -- that she stated was that these events  
7 occurred on the 8th. That she went the next day, retrieved these images,  
8 and then called the police that same day. That was her testimony.

9 So I'm cross-examining her on the issues as to whether --  
10 what's true. I don't really know what's true, so I'm just cross-examining  
11 her on those issues, Your Honor.

12 THE COURT: Ask your question again. I --

13 MR. MILES: Well it's -- it is kind of confusing, Your Honor,  
14 because the State -- well, we'll get into that later.

15 THE COURT: I don't know, what is your question?

16 BY MR. MILES:

17 Q So the question is --

18 MR. MILES: Okay. Actually, I'll rephrase.

19 BY MR. MILES:

20 Q Did you see this silver convertible car on February 8, 2015;  
21 did you see that?

22 A No.

23 Q Okay. No, you didn't see that. Is --

24 MR. MILES: Court's indulgence.

25 BY MR. MILES:

1 Q Now, you did testify that you testified previously in this case;  
2 is that correct? You said --

3 A Yes.

4 Q And you said you testified -- this is your second time  
5 testifying?

6 A Yes. On the stand, yes.

7 MR. MILES: Your Honor, I would like to show the witness  
8 Defense Proposed Exhibit D.

9 THE COURT: Yes. Okay. Has it been marked yet?

10 MR. MILES: Yeah. Defense --

11 THE COURT: State, have you seen it?

12 MS. RHOADES: I have looked through those. He has quite a  
13 few transcripts marked.

14 THE COURT: Okay.

15 MS. RHOADES: But I don't know -- this is Rachel Huntington,  
16 an officer with Metro's testimony.

17 MR. MILES: Did we hand them -- did I hand them the wrong  
18 one? Hold on, Your Honor. Sorry about that.

19 THE COURT: So what exhibit have we got now?

20 MR. MILES: That's Exhibit F.

21 MS. RHOADES: And my issue with this is, this witness did  
22 testify previously. This has no date, this has no name, this has no -- this  
23 has no -- nothing to authenticate it.

24 THE COURT: I'm not sure what the question's going to be.  
25 At this point he's just asking her to look at it, so.

1 MR. MILES: Well, it's to refresh -- to refresh her recollection,  
2 Your Honor.

3 THE COURT: Well, has she said she doesn't remember  
4 something?

5 MR. MILES: Yes. She previously stated that she didn't  
6 remember that she testified. Actually, she said she testified twice, but  
7 she really did testify more than once. But I just want this to refresh her  
8 recollection.

9 THE COURT: But what are you refreshing her with?

10 MR. MILES: Those are the transcripts to her testimony.

11 THE COURT: I -- I don't recall. I'm not saying she didn't. Has  
12 the witness said she doesn't recall something?

13 MR. MILES: Yes, she has.

14 THE COURT: What was it?

15 MR. MILES: She said she didn't recall if she testified more  
16 than once, I think the testimony was, Your Honor, if that states it correct.

17 THE COURT: The only testimony I heard was this was her  
18 second time she testified.

19 MR. MILES: Okay. Well, I'll lay a foundation.

20 THE COURT: Okay. Thank you.

21 BY MR. MILES:

22 Q On April 21st, 2017, did you testify at that hearing that you  
23 stopped at the Rhodes Ranch gate? Do you recall that?

24 A No, I don't. I don't remember that.

25 Q Okay. So if I showed you the transcript to that proceeding



1 would that refresh your recollection?

2 A Yes.

3 Q Okay.

4 THE COURT: Okay.

5 [Witness reviews document]

6 BY MR. MILES:

7 Q Now, without reading out loud or stating what the evidence  
8 shows, can you tell me when you're done reading that, please.

9 A Yes. I just said that I stopped at the Rhodes Ranch gate.

10 Q Yeah, without saying the testimony, please.

11 A Okay.

12 Q Do you have any reason to believe why that isn't a true and  
13 accurate copy of your transcript of your testimony on April 21st, 2017?

14 A Yeah. It's accurate.

15 Q Okay. No reason to believe why it's not true and accurate?

16 A The only reason to believe why it's not because I don't see  
17 my name or nothing -- nothing that shows I even said this.

18 Q Would you like to see that information?

19 A Yeah, please.

20 Q Okay.

21 MR. MILES: Court's indulgence.

22 And, Your Honor, if the State -- with the State's permission if  
23 I could just amend my exhibits to include the date -- dates witnesses that  
24 testified?

25 THE COURT: That's fine. You're just -- you're just refreshing

1 recollection at this point.

2 MR. MILES: I mean if the State is going to be a problem, I  
3 would -- I would move to amend, but if so --

4 MS. RHOADES: It's not her whole transcripts. I mean I don't  
5 -- I don't know what the purpose of the -- of it is. What's the relevance?

6 MR. MILES: Well, she did say she didn't recall.

7 THE COURT: I believe he's trying to refresh recollection.  
8 She's saying she -- she doesn't know for sure that that's her transcript.  
9 So I think he's just trying to show that that's her transcript.

10 MS. RHOADES: Oh, sure. I have no objection to showing  
11 her that for that reason.

12 THE COURT: And you're still refreshing recollection without  
13 exhibits, correct?

14 MR. MILES: Yes, Your Honor.

15 THE COURT: Okay. That's fine.

16 MR. MILES: Okay.

17 COURT OFFICER: What would you like me to do with this?

18 MR. MILES: If you could give it back to me, please.

19 BY MR. MILES:

20 Q Okay. So again the question is, you don't have any reason to  
21 believe why that is a true and accurate copy of the transcript; is that  
22 correct?

23 A No.

24 Q Okay.

25 MR. MILES: And, Your Honor, I will move for the admission

1 of that evidence and I would state that she did say she didn't recall.  
2 That, in itself, is grounds for admission as prior inconsistent statements,  
3 so I would move for the admission of that evidence.

4 THE COURT: That's not the way you do it, though.

5 MR. MILES: Okay.

6 THE COURT: You don't get the transcript in.  
7 State?

8 MS. RHOADES: And it's not inconsistent. She read it into  
9 the record. I thought that Rhodes Ranch gate and he asked if she  
10 thought that Rhodes Ranch gate and she said -- she testified earlier that  
11 that was accurate. She testified now that that was accurate.

12 MR. MILES: And I will state for the record when a child  
13 witness fails for whatever reason to remember a previous statement  
14 made by the witness, the failure for recollection constitute a denial of the  
15 prior statement, that makes it prior inconsistent statements pursuant to  
16 sub -- subdivision 2A of this section. So I would say that the State's  
17 argument has no legal basis and I would ask that the Court admit that  
18 into evidence pursuant to --

19 THE COURT: She's -- she's acknowledged that she said it.  
20 She didn't remember. You refreshed her recollection --

21 MR. MILES: Yes.

22 THE COURT: -- and then she said I remember, and I said it.  
23 So I don't think there's anything inconsistent. There's no basis. You  
24 have the witness, you have her testimony. It is -- it's the same as what  
25 you're seeking to admit, but there's no basis to introduce the transcript

1 at this point.

2 MR. MILES: Okay.

3 BY MR. MILES:

4 Q So is it your testimony, yes or no? Let's get to this. Is it your  
5 testimony that your daughter was picked up in a silver convertible car on  
6 2000 -- I mean February 8, 2015; is that your testimony?

7 A Yes.

8 Q So that is your testimony. Okay. Well, can you explain -- and  
9 you did see Defendant's Exhibit Y; isn't that correct?

10 A The picture?

11 Q Yes, the picture.

12 A Yes.

13 Q And that information --

14 A Came --

15 Q -- depicted those alleged events occurred on February 5th of  
16 2015; isn't that right?

17 A No.

18 Q It didn't?

19 A No.

20 Q So would you like to -- would you like to relook at that  
21 evidence?

22 A Actually, once again, February 5th is when he tried to get in  
23 my gate, and I refused. I refused your entry. That's February 5th.

24 Q Okay. So did these events occur on the 5th or the 8th, Becky  
25 York?

1           A     The 8th.

2           Q     Okay.

3                   MR. MILES: And, Your Honor, may we approach for a brief  
4 moment?

5                   THE COURT: Jury, you want to take ten? Okay. I'm going to  
6 say ten because every time I say 15 it ends up 20, so if I say ten it'll  
7 probably be 15. All right. Ladies and Gentlemen, we're going to take a  
8 ten minute recess.

9                   During this recess you're admonished not to talk to or  
10 converse amongst yourself with anyone else on the subject connected  
11 with this trial or read, watch, or listen to any report or commentary on  
12 the trial or any person connected with this trial by any medium of  
13 information, including, but not limitation to, newspapers, television, the  
14 internet, radio, or form or express any opinion on any subject connected  
15 with the trial until the case is finally submitted to you. And no legal or  
16 factual research or investigation or recreation of the testimony on your  
17 own.

18                   See you back soon.

19                   COURT OFFICER: All rise for the jury.

20                               [Outside the presence of the jury.]

21                   THE COURT: Okay. Let the record reflect we're outside the  
22 presence of the jury.

23                   What did you want to discuss, Mr. Miles?

24                   MR. MILES: The issue -- I don't know if we actually can do  
25 this, but I think it's really clear and I think it's actually important to this

1 case because I will say I did object to the State's opening arguments as  
2 far as them saying that they did present their evidence, which has been  
3 admitted into --

4 THE COURT: Do you want -- excuse me a minute. Do you  
5 want to take ten minutes?

6 THE WITNESS: Yeah, if I can.

7 THE COURT: Go ahead.

8 Go ahead.

9 [Parties confer]

10 THE COURT: Go ahead.

11 MR. MILES: Okay. So I did object previously. In the D.A.'s  
12 opening statement they said the evidence will show. Well, they didn't  
13 say verbatim, but they did on the projector screen say the evidence will  
14 show that there evidence that she will speak to that.

15 Basically -- my bad, Your Honor, I still have a lot of things  
16 going in my head -- but basically the D.A. was stating that their evidence  
17 that has been admitted into evidence will show that those photos were  
18 taken on February 8th. And then they elicited testimony from Becky York  
19 to say look, did that happen on the 8th, what happened after that, did  
20 you retrieve the HOA images. Now their same evidence, and I will say  
21 for the Court -- excuse me -- so here's -- I'm sorry, Your Honor.

22 THE COURT: No worries.

23 MR. MILES: Here's the exhibit. Sorry, Your Honor.  
24 Can I see your exhibit, too, please?

25 THE COURT: I don't want to interrupt you, but let me -- let

1 me tell you the way I'm understanding this. My understanding is the  
2 exhibit from the State that was identified by the witness was from  
3 February 8th.

4 MR. MILES: Yes.

5 THE COURT: Retrieved by her shortly thereafter.

6 MR. MILES: Exactly. A day after.

7 THE COURT: They went back and sought all the times that  
8 that particular plate came to the guard gate. What you have marked and  
9 admitted is her going to the gate on a different date. You -- you,  
10 according to the testimony in front of the jury, as I understand it, on  
11 February 5th, that same vehicle, that same plate, tried to get in and the  
12 guard gate refused entry.

13 MR. MILES: Well, see --

14 THE COURT: And that's what the -- so these are two different  
15 photos and I think that's where you're getting -- that's what the evidence  
16 is so far.

17 MR. MILES: Okay. That's what the evidence -- okay, that's  
18 what the evidence shows, because --

19 THE COURT: So I don't know what you want me to do about  
20 that.

21 MR. MILES: I -- I don't know. The reason why I was telling  
22 you that is because this is actually the same exact evidence, but only  
23 partial. This -- I don't know how to enlarge these. Hold on, Your Honor.  
24 Okay. So this is -- this is the State's evidence, which is half of the real  
25 exhibit. That's why I wanted the custodian of records to show up.

1 THE COURT: Okay. Well, you could have had a subpoena,  
2 but you could have called the custodian of records.

3 MR. MILES: Yeah. This is the same exact images what  
4 they're saying for the jury that okay --

5 THE COURT: I can't -- let me see -- can I see his?

6 MR. MARTINEZ; I'd like to respond when --

7 THE COURT: You will.

8 [Court reviews document]

9 THE COURT: Right. Yeah, I don't know how you can  
10 determine it's the same photo.

11 MR. MILES: Well -- okay.

12 THE COURT: It's the same angle and the same camera will  
13 take the same photo, but Mr. Martinez?

14 MR. MARTINEZ: Yes, Your Honor.

15 So in my opening I had a photograph of that particular car  
16 because I have a good faith basis to believe, based on the evidence or  
17 the testimony that's going to be presented shortly, that that is a fair and  
18 accurate copy of the vehicle that Gabrielle got into and that Mark Hunt  
19 followed.

20 THE COURT: Okay.

21 MR. MARTINEZ: I didn't say that the -- that the photo was  
22 taken on February 8th.

23 THE COURT: Okay.

24 MR. MARTINEZ: I never said that in my opening. And I  
25 didn't pretend to. I just said this is a photograph of the car that Gabrielle



1 got into because of what Mark Hunt is going to be testifying to and  
2 based on the 911 call that describes that exact same car with the plate.

3 So Ms. York testified that on February 8 she went to the  
4 security office after Gabby left with Mr. Miles so that they could roll tape.  
5 And what she was able to recover from them was a denied entry visit  
6 from the Defendant from February 5th.

7 She said on direct that that was from a couple days previous,  
8 that that's what she obtained from the security. And -- and it's confirmed  
9 with the entirety of what Mr. Miles decided to admit. We took off the  
10 bottom half because it was hearsay, but he wants it in, and we didn't  
11 object. So that's fine.

12 And then Ms. York explained exactly what happened. She  
13 went on the 8th to retrieve the video footage from February 5th. That's  
14 what they had available for her to give her.

15 THE COURT: Okay. And I got it. To be honest, I didn't  
16 understand that until you just explained it to me now.

17 So what are you asking me, Mr. Miles?

18 MR. MILES: Okay. So let me -- let's go through the  
19 testimony again. She testified --

20 THE COURT: We don't need to. I need to know what  
21 you -- what you --

22 MR. MILES: Okay. Pretty much as I'm saying, just --

23 THE COURT: -- what are you asking? Are you objecting to  
24 something or what?

25 MR. MILES: Yeah, I'm objecting now to the admissibility of

1 their evidence because she testified that this was a true and accurate  
2 copy and she testified that -- she did testify that this information was  
3 based on the 8th. Then she said the following date she got the HOA  
4 images.

5 THE COURT: Okay. Well, you've got -- the evidence is  
6 already in, but you're free to argue those inconsistencies --

7 MR. MILES: Okay.

8 THE COURT: -- to the jury to the extent they exist, okay?

9 MR. MILES: Okay. Okay. Okay, okay, okay.

10 THE COURT: Anything else because we can take two  
11 minutes.

12 MR. MILES: I will just say that that's prejudicial --

13 THE COURT: Okay.

14 MR. MILES: -- and I want to cross-examine her further on  
15 that --

16 THE COURT: Okay.

17 MR. MILES: -- but I want to just say right now it's prejudicial.

18 THE COURT: That's your right, absolutely.

19 MR. MILES: Okay.

20 THE COURT: Do you guys want to take two?

21 MR. MARTINEZ: Yes, please.

22 THE COURT: Okay.

23 [Recess at 2:31 p.m., recommencing at 2:38 p.m.]

24 THE MARSHAL: Are you ready for the jury?

25 THE COURT: Yeah, I'm ready.

1 THE MARSHAL: All rise for the jury.

2 [Inside the presence of the jury.]

3 THE MARSHAL: All present, Your Honor.

4 THE COURT: Mr. Miles?

5 MR. MILES: Yes, Your Honor.

6 THE COURT: Continue with cross-examination?

7 CROSS-EXAMINATION CONTINUED

8 BY MR. MILES:

9 Q Now let's go back to your testimony, Ms. York. Now you say  
10 that you lived in Rose Ranch between those timeframes that we were  
11 discussing earlier; is that correct?

12 A Yes.

13 Q Okay. Now can you tell me if the front of your complex has  
14 surveillance and whether the back of your complex has surveillance?

15 A Yes, they both.

16 Q They both do?

17 A Uh-huh.

18 Q Okay. Is it the same type of surveillance they take photos  
19 from the front and take photos of the car from the back as well?

20 A Yes.

21 Q Okay. Now you testified that you contacted a Probation  
22 Officer names James Jacobs, Officer Jacobs?

23 A I don't know. I don't remember his name, but --

24 Q You don't remember his name?

25 A -- Gabrielle's Probation Officer, yes.

1 Q Okay. And you stated that she was on probation for  
2 prostitution?

3 A Yes, sir.

4 Q Okay. Now at the time Gabrielle King was arrested, you  
5 stated that she was picked up in a brown van; isn't that right?

6 MS. RHOADES: I would ask for some foundation, Your  
7 Honor.

8 MR. MILES: Okay. Well, then -- I mean if they want me to lay  
9 some foundation, Your Honor, I'll lay the foundation.

10 THE COURT: Okay.

11 BY MR. MILES:

12 Q Okay. Now when did you discover that Gabrielle King was  
13 arrested for her probation violation?

14 A Meaning date-wise?

15 Q Date-wise.

16 A I don't remember.

17 Q You don't remember the specific dates?

18 A No.

19 Q Okay. When you did discover that she was arrested, did you  
20 receive any phone calls from anybody?

21 A No, I don't remember.

22 Q You don't remember?

23 A Huh-uh. I the one was -- I'm the one who paid her - her  
24 friend to get Gabby arrested, yes. I'm the one that set everything up for  
25 my daughter to come home and get arrested.

1 Q And when she was arrested, you stated that you were there,  
2 correct?

3 A Yes, I was.

4 Q Okay. Now can you tell me more of that -- more about that  
5 event?

6 A Like I said before, I paid the Nana girl \$50 --

7 Q Okay.

8 A -- to come and get her from a hotel or a suite, some suite or  
9 hotel, I don't remember, but I know she was in a place that she wasn't  
10 supposed to be, so I did pay her friend to get her, and her friend got her,  
11 and we met up at Arizona Charlies, me and her Probation Officer.

12 Q And when you met up at Arizona Charlies, when she was  
13 taken into custody, did you receive any property?

14 A Did I receive any property?

15 Q From her, yes.

16 A No.

17 Q Okay. So you didn't receive any property from her, okay.

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

19 BY MR. MILES:

20 Q Now we did hear the transcript from the 9-1-1 call; isn't that  
21 correct?

22 A Yes.

23 Q Okay. And somewhere in your transcript, I recall that you -- I  
24 mean do you recall you stating that a pimp picked her up?

25 A Uh-huh.

1 Q Okay. Can you tell me why you believe that a pimp picked  
2 her up?

3 A Because who would come and pick up your daughter so late  
4 at night, or whatever, and drive off like they're crazy. You have to be  
5 some kind of murderer or a pimp. So in my head, you know, that just  
6 came - my thoughts came, hey, a pimp.

7 Q And did you assume that it was a pimp because your  
8 daughter was arrested for prostitution?

9 A Yeah, back in the past, yes.

10 Q Okay. You were just assuming it was a pimp, you're  
11 not -- you didn't know for sure?

12 A No, I didn't know for sure.

13 Q Okay, you didn't know for sure. Now let me ask you this,  
14 Mrs. Becky York, on the day in question, February 8th of 2015, was your  
15 daughter picked up in a white BMW?

16 A I don't remember no white BMW.

17 Q You don't remember no white BMW?

18 A Huh-uh.

19 Q Okay.

20 MR. MILES: And at this time, Your Honor, no further  
21 questions.

22 THE COURT: Okay.

23 State, any redirect?

24 MS. RHOADES: Yes, Your Honor.

25 [Counsel confer]

1 REDIRECT EXAMINATION

2 BY MS. RHOADES:

3 Q Ms. York, do you remember the -- the license plate number  
4 that you stated on the 9-1-1 call?

5 A Without seeing a picture, no.

6 Q Okay. Would it refresh your recollection to look at a  
7 transcript of that 9-1-1 call about the license plate that you told the  
8 dispatcher?

9 A Yes.

10 Q I'm going to show you just the spot in the part of the  
11 transcript of the 9-1-1 call.

12 A Yes.

13 Q Can you read that into the record?

14 A The plate is 473APF.

15 Q And that 9-1-1 call was made on February 8, 2015, so the  
16 same night that Gabby left the house?

17 A Yes.

18 Q And it was made about 9:50 in the p.m.; is that right?

19 A Yes.

20 Q And where did you get that information about the license  
21 plate?

22 A From my husband, Mark Hunt.

23 Q Okay. And that was the car that he had been following had  
24 the license plate?

25 A Yes, correct?

1           Q     I'm showing you Defendant's Exhibit Y. There was some  
2 discussion about this exhibit, and I'm going to talk a little bit more about  
3 it, but this information down here, that was information that the Rose  
4 Ranch security gate was able to provide you with; is that right?

5           A     Yes.

6           Q     And they provided you with this information after you had  
7 that license plate from February 8th?

8           A     Yes.

9           Q     And you testified that you got this printout, which includes  
10 this information and this photo up here, you got that information on  
11 February 9th?

12          A     Yes.

13          Q     And in Defendant's Exhibit Y, the photograph, which is in  
14 black and white up here, but I'll show you in a minute, it's says "Refused  
15 Christian Miles to your address," right?

16          A     Yes.

17          Q     And then the license plate here is a Nevada 473APF; is that  
18 right?

19          A     Yes.

20          Q     So that's the same license plate number that you gave to the  
21 police on February 8th?

22          A     Yes.

23          Q     And then the close-up of that, which is State's 35, is that  
24 same vehicle that your husband described that he was following, right?

25          A     Yes.



1 Q With that same license plate, 473APF, right?

2 A Yes.

3 Q And that is the picture that came along with this information  
4 on Defendant's Exhibit Y, is that fair to say?

5 A Yes.

6 Q And it's clearly daytime in this picture, right?

7 A Yes.

8 Q So that means that looking at Defendant's Y, on February  
9 5th, 2015, that car driven by Christian Miles, with that plate, was trying to  
10 get into Rose Ranch?

11 A Yes.

12 Q And based on your testimony and your discussion with Mark  
13 Hunt on February 8th, and your 9-1-1 call, that car with that license plate  
14 was -- got into Rose Ranch and picked your daughter up on February  
15 8th?

16 A Correct, yes.

17 Q When you went to the security gate to get the information,  
18 what did you tell them, what did you ask them?

19 A Some grown man, or whatever, picked up my daughter. I  
20 need information about his car, his plates, whatever, whatever  
21 information I could get at that point.

22 Q And then they gave you this information from February 5th?

23 A Yes.

24 Q Were they able to give you any other printout, pictures, any  
25 other information?

1 A No.

2 Q Do you currently live with Gabrielle?

3 A Yes.

4 Q And has she lived with you since the time she got arrested,  
5 after she got arrested February 13th, 2015 until now?

6 A Yes.

7 Q Why did you take all these steps to try to get your daughter  
8 back?

9 A First of all, I'm a true believer of not raising no kids in Vegas,  
10 Las Vegas, and Las Vegas is -- is a place, you know, if your kids is not  
11 secured by mother and father, or by a strong mother, they will end up  
12 like my daughter have ended up with somebody that will manipulate and  
13 -- and --

14 MR. MILES: Objection, Your Honor. I would object to she's  
15 testifying to a character evidence, to the character of a person. That's  
16 inadmissible, so I move to strike.

17 THE COURT: Overruled.

18 BY MS. RHOADES:

19 Q You can continue.

20 A Okay. So just me -- I'm a strong believer to hold my kids as  
21 tight as -- no matter if they grow old, and I will go above and beyond for  
22 all of my kids, and I won't stop until they're in my care and until they're  
23 independent and I could -- I could relax. So that's why my daughter still  
24 lives with me today. I support all my kids. I don't -- of course, us as  
25 mothers, we don't want to see our kids go. However, when they turn

1 grown, you know, if they don't make the right choice in my eyes, I will  
2 still be there and supporting them until they do, until I can release them.  
3 So me being -- being a mother, I'm going every step I can and every -- no  
4 matter if they're 25 or 36, I will still continue to be there and going --  
5 they're not making a right choice, they will continue to -- to be there and  
6 go above and beyond for all my kids.

7 Q And Gabby was 16-years-old back in February 2015?

8 A Yes.

9 MS. RHOADES: I pass the witness, Your Honor.

10 THE COURT: Great.

11 MR. MILES: Can I - okay.

12 RECROSS-EXAMINATION

13 BY MR. MILES:

14 Q Okay. Again, I'm showing you for the record, I'm showing  
15 you again, State's proposed -- I mean State's Exhibit 35. Now you can  
16 see this is not great.

17 A Yes.

18 Q Now you testified that this was an enlargement of  
19 Defendant's Exhibit Y; isn't that correct?

20 A Yes, it's the same.

21 Q Okay. It's the same, same photo, same evidence?

22 A Uh-huh.

23 Q Okay. Now I'm going to direct your attention again, back to  
24 the evidence. It says - okay, I'll direct your attention to the evidence, it  
25 says refuse, well, it doesn't say prevail, but wouldn't you agree it states

1 February 5th, 2015 at 10:11?

2 A Yes.

3 Q Okay.

4 MR. MILES: No further questions, Your Honor.

5 THE COURT: Okay.

6 Is this witness excused?

7 MS. RHOADES: Yes, Your Honor.

8 THE COURT: Ladies and gentlemen of the jury, anyone have  
9 any questions for this witness? Seeing no hands.

10 Please don't discuss your testimony with anyone else. Okay,  
11 Ms. York? Thank you.

12 State, next witness?

13 MS. RHOADES: Mark Hunt.

14 THE MARSHAL: Have you called your witness already?

15 MS. RHOADES: Mark Hunt.

16 THE MARSHAL: Sorry.

17 [Pause]

18 THE MARSHAL: Step up there and face the Court Clerk.

19 Raise your right hand.

20 THE CLERK: Raise your right hand.

21 MARK HUNT, STATE'S WITNESS, SWORN

22 THE CLERK: Please be seated. State your name and spell  
23 your first and last name for the record.

24 THE WITNESS: Mark Hunt, M-A-R-K H-U-N-T.

25 THE COURT: You may proceed.

1 MS. RHOADES: Thank you.

2 DIRECT EXAMINATION

3 BY MS. RHOADES:

4 Q Sir, I'm going to direct your attention to February 2015.  
5 Where were you living?

6 A 175 Crooked Putter, Las Vegas, Nevada 89148.

7 Q Is that in Rhodes Ranch?

8 A Yes.

9 Q And who were you living there with?

10 A Me and my wife and her kids.

11 Q And what's your wife's name?

12 A Becky York.

13 Q Are you guys actually married or you just call each  
14 other --

15 A Fiancé.

16 Q Okay.

17 A Yes.

18 Q And then did Gabrielle King live there with you as well?

19 A Yes, she did.

20 Q Specifically on February 8, 2015, did something happen with  
21 Gabby?

22 A Yes.

23 Q Were you aware that she was on probation and on house  
24 arrest?

25 A Yes.

1 Q What happened with Gabby on February 8th?

2 A I believe she snuck out the house and left our home, and with  
3 my knowledge, if we're actually doing this, I went to go find exactly  
4 where she went and saw her out -- outside of our security gate getting  
5 into another vehicle.

6 Q About how far is your house from the security gate that you  
7 saw her at?

8 A Maybe about a minute.

9 Q What was your knowledge about her getting out of the  
10 house? How did you find that out?

11 A We had sensors, and we heard -- I heard the door open and  
12 close, and I wanted to know who that was and why.

13 Q Was this afternoon, nighttime?

14 A It was at night.

15 Q And you said you went to the gate, how did you get to the  
16 front gate that you went to?

17 A Our car.

18 Q Do you remember what car you were driving?

19 A Yes.

20 Q Which car?

21 A A Dodge Challenger.

22 Q Did you guys have another car?

23 A Yes, we did.

24 Q Did your wife get in the other car?

25 A No, she did not.

1 Q When you drove to the gate, what did you see?

2 A I saw my daughter, Gabrielle, getting into a vehicle.

3 Q How many people did you see in the vehicle besides  
4 Gabrielle?

5 A I just saw the driver and her. I couldn't see in the backseat.

6 Q What door did Gabrielle get into in the vehicle?

7 A Passenger.

8 Q Did you - like could you tell anything about the driver,  
9 whether it was a male, female?

10 A It was a male, and I know he had a beanie on.

11 Q Could you tell the race of the driver?

12 A African American.

13 Q What kind of car was it?

14 A A silver Volvo.

15 Q And when you saw Gabrielle get into the car, what did you  
16 do?

17 A I pulled up beside it, adjacent to them, on the passenger's  
18 side to verify I saw her get into the car, and I rolled my window down,  
19 and I don't think that -- that either one of them acknowledged me, that I  
20 was actually right there, because they -- it was about maybe ten or 15  
21 seconds they were talking or whatever they were doing in the vehicle,  
22 and they just proceeded to drive forward.

23 Q And you said you didn't see anybody in the backseat; is that  
24 right?

25 A No, I did not.

1 Q I'm going to show you State's 35. Does that appear to be the  
2 same vehicle that you saw Gabrielle get into the front passenger seat?

3 A It appears to be so.

4 Q And what -- what did you do after you pulled up next to  
5 them?

6 A I followed them.

7 Q Where did they drive?

8 A They -- once they came out of the back security gate, they  
9 made a right, and I followed them up until -- up until the first streetlight,  
10 and I pulled up next to them, and I yelled out my window, "Gabby, you  
11 need to come back home."

12 Q Did she say anything to you?

13 A No. She looked astonished and [indiscernible], you know,  
14 but there was no conversation between me and her.

15 Q Was there any conversation between you and the driver?

16 A No.

17 Q Can you describe how the driver was driving?

18 A Well, before -- before the light it was normal, but after I was  
19 recognized as for who I was and what I was doing, the driver began to  
20 drive very fast and erratic. We went through about maybe two lights.  
21 The third or fourth light was pretty much blown, and I -- I stopped  
22 proceeding to follow at that point.

23 Q Were you communicating with Becky while this was going  
24 on?

25 A I don't believe so. I think I might have left my cellphone at



1 home in the rush to get out the door, and I do believe when she left she  
2 was on foot and I was trying to see if I could actually cut her off before  
3 she was going wherever she was going.

4 Q Did you see her on foot?

5 A No.

6 Q You just saw her get in --

7 A I saw her standing in front of the car, opening -- in the -- in  
8 the motion of opening the passenger door, when I made visual contact.

9 Q When you saw the car, did you note the make and the model  
10 and the license plate number of the car?

11 A As it got close, yes. As I approached the vehicle, it was still  
12 idle.

13 Q Did you later relay that information to Becky?

14 A Yes.

15 Q Okay. When did you do that?

16 A After I got home. I told her the make, model, and I might  
17 have -- I might have been memorized the license plate, and I gave her all  
18 the details that I had as far as what I witnessed and what I experienced.

19 Q After -- well, when did you stop following them?

20 A After the light was blown, after they sped passed the light.

21 Q And why did you stop following them?

22 A It got dangerous at that point.

23 Q Dangerous how?

24 A Reckless driving on -- on the other car's behalf, and, of  
25 course, my daughter's in that vehicle, I don't want her life to be in

1 jeopardy. So at that point, I thought it was wisest to pull back and go  
2 back home.

3 Q Okay. And is that what you did?

4 A Yes.

5 Q And is that when you told Becky that information that you  
6 obtained from the vehicle?

7 A Correct.

8 Q What happened at home after that?

9 A I believe she was on the phone and she probably was talking  
10 to 9-1-1 or the police, or, you know, authorities about the situation, and I  
11 was explaining to her what I just witnessed while she was talking on  
12 the -- on the phone.

13 Q And when you say she, you mean Becky?

14 A Becky, yes.

15 Q Did Gabby come home that night?

16 A No.

17 Q Did you know Christian Miles at that time?

18 A No.

19 Q And do you know him personally now?

20 A No.

21 Q Did you, in February 2015, ever give Christian Miles  
22 permission to take your daughter?

23 A No, I did not.

24 Q Do you recall Gabriel being arrested on February 13th, 2015?

25 MR. MILES: Objection, Your Honor, to foundation. No

1 foundation as to how he knows that information.

2 THE COURT: Ask it again?

3 BY MS. RHOADES:

4 Q Do you recall Gabrielle being arrested on February 13th,  
5 2015?

6 THE COURT: You can answer, does or doesn't.

7 THE WITNESS: No, I don't recall.

8 BY MS. RHOADES:

9 Q Do you recall that she was arrested?

10 A I couldn't say she was arrested. I couldn't recall. It's a  
11 possibility, but I couldn't say for what or when.

12 Q Do you remember when Gabby came home after February 8,  
13 2015?

14 A Yes.

15 Q And about how many days after she left did she come home?

16 A From that incident?

17 Q From the February 8th incident where you followed the car?

18 A How long was she home?

19 Q How long was she gone?

20 A I'm sorry. You have to ask that question again, I don't  
21 understand.

22 Q Sure. How long -- when did Gabby come home after you  
23 followed her after she got in the car?

24 A Oh. Probably a few days. Me and Becky were actually doing  
25 due diligence in finding out where she was and how we could actually

1 reach her back home.

2 Q Do you remember the steps that you and Becky took to do  
3 that?

4 A Most of it, yes. It's been some years, but most of it, yes.

5 Q Could you just tell us briefly what those were?

6 A Recounts of friends of hers through social media, direct  
7 contact via phone. And I believe one of her good friends, I believe Becky  
8 actually offered her a sum of money for her to come back home, and  
9 information of her whereabouts.

10 We were in direct contact with her probation officer, and we did  
11 get a tip as far as where she was, where she was headed, and we pretty  
12 much met up at that location with the probation officer, and all of us  
13 pretty much came up in the location and retrieved where she was, and  
14 the probation officer took her into custody.

15 Q Where was that location at?

16 A That was at Arizona Charlies.

17 Q And were you there with Becky?

18 A Absolutely.

19 Q Were you there with anybody else?

20 A No.

21 Q Do you --

22 A It was just me, Becky, and the probation officers with another  
23 totally different vehicle.

24 Q Okay. And then Gabrielle came to that location; is that right?

25 A Correct.

1 Q Do you recall who Gabrielle was there with?

2 A One of her -- one of -- her friend that actually let us know  
3 where she was.

4 Q And at that time was it your understanding that she -- that  
5 Gabrielle got arrested?

6 A Repeat that question?

7 Q Was it your understanding that Gabrielle got arrested on that  
8 date?

9 A Correct. Her probation officer did -- did arrest her.

10 Q Okay. So between when she left on February 8th and the  
11 time the probation officer arrested her, were you ever able to contact  
12 Gabby?

13 A Not personally, no.

14 Q Okay.

15 MS. RHOADES: Now I pass the witness, Your Honor.

16 THE COURT: Mr. Miles?

17 CROSS-EXAMINATION

18 BY MR. MILES:

19 Q Good morning, Mark. Now you testified extensively in this  
20 case too; isn't that correct?

21 A Correct.

22 Q Okay. Now we heard testimony from you that the State's  
23 exhibit was based on information from February 8th, 2015; is that  
24 correct?

25 MS. RHOADES: Objection, that misstates the testimony.

1 MR. MILES: I don't believe that misstates the testimony,  
2 Your Honor.

3 THE COURT: Rephrase, please.

4 [Counsel confer]

5 BY MR. MILES:

6 Q I'm showing you State's Exhibit 35. Is it -- what date is this  
7 information based on?

8 A This would actually be from the security gate. I believe this  
9 might be a prior -- prior time than the -- than the night that's in question,  
10 I believe.

11 Q Okay. Is this surveillance video in the back of the Rhodes  
12 Ranch complex?

13 A I believe so.

14 Q So do they take photos just like that in the back of the  
15 Rhodes Ranch?

16 A They do that in front and back.

17 Q In front and back, so --

18 A Correct.

19 Q Okay.

20 A At the back entrance and the -- and the front entrance, they  
21 take pictures of the vehicles and have camera surveillance.

22 Q So, it's your testimony that this was based on events from  
23 February 8th? That's your testimony?

24 A I couldn't say that -- the exact date when this is.

25 Q You couldn't say?

1 A No, I couldn't put a date on that.

2 Q Okay. Now we also heard testimony from you that you did  
3 end up finding your daughter on February 13th of 2015; isn't that  
4 correct?

5 A I witnessed her entering a vehicle.

6 Q On the 13th of 2015?

7 A Wherever the night of question is. I'm not too sure of the  
8 exact dates, but the night that she actually did leave the home. I'm not  
9 too sure what that date was.

10 Q Okay. Now when she was taken into custody by her  
11 probation officer, did you retrieve any property from her?

12 A No, I did not.

13 Q Okay. So you didn't retrieve any property.

14 A No.

15 Q Okay. Now, also --

16 MR. MILES: The Court's indulgence.

17 BY MR. MILES:

18 Q -- do you know somebody by the name of Detective Gatus?

19 A I believe so.

20 Q How do you know Detective Gatus?

21 A She was Gabrielle's probation officer, I believe.

22 Q Probation officer?

23 A Or individual working with Gabrielle --

24 Q Okay.

25 A -- on some other things.

1 Q Now have you spoken to Becky York on several occasions?

2 A Have I spoken with Becky York?

3 Q I mean, excuse me.

4 MR. MILES: My bad, Your Honor, I misspoke.

5 BY MR. MILES:

6 Q Have you spoken to Detective Gatus on several occasions  
7 during the entirety of this case?

8 A Absolutely.

9 Q Okay. Have many times would you say you spoke to  
10 Detective Gatus?

11 A From the incident until now?

12 Q Yes.

13 A Well, most definitely the other times I had to come into court,  
14 so I would say three or four times.

15 Q Okay. Now we also heard testimony from you that you  
16 stated that your wife -- you believed your wife was at home when this  
17 alleged event occurred? Is that your testimony?

18 A She was at home, yes.

19 Q Okay, she was at home. So there's no reason why she would  
20 have been in a Camaro; is that correct?

21 A Absolutely not.

22 Q Okay, because that wouldn't be possible, would it?

23 A No, I'm the only one that actually pursued her. If she actually  
24 got in a vehicle without me knowing that, that will be on her, but I didn't  
25 see her.



1 Q Okay. So you didn't see her. Okay.

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

3 THE COURT: Uh-huh.

4 MR. MILES: Well, at this time, Your Honor, I don't actually  
5 have any further questions.

6 THE COURT: Okay.

7 State, anything further?

8 MS. RHOADES: Yes.

9 REDIRECT EXAMINATION

10 BY MS. RHOADES:

11 Q If Becky was driving around in the neighborhood while you  
12 were chasing the vehicle that Gabrielle got into, you wouldn't have  
13 known that; is that right?

14 A Well, I would have known if she had left. I believe, for one,  
15 she would have told me; and two, she was already on -- on the phone  
16 with the authorities when I walked -- when I walked through the door.

17 Q When you got home, you were by yourself, right?

18 A Correct.

19 Q And Becky was home on the phone?

20 A Absolutely. It would take a lot for her -- I mean how Rhodes  
21 Ranch is, she would have to get through the gates, front gate, back gate.  
22 She probably wouldn't be home by the time I get -- I got back.

23 Q Is there -- can you drive around Rhodes Ranch?

24 A Yes.

25 Q Without leaving the gates?

1 A Yes.

2 Q About how long were you gone giving chase to that car?

3 A Maybe about three or four minutes, maybe a mile-and-a -- a  
4 mile-and-a-half maybe at the most.

5 Q State's 35, that's still up on the overhead, and you didn't take  
6 that picture; is that right?

7 A No, I did not.

8 Q And it's clearly in the daytime in that picture; is that right?

9 A Yes.

10 Q When you gave chase to the car that Gabrielle got into, you  
11 testified that was at night?

12 A Correct.

13 Q And you also testified that the vehicle you gave chase to is  
14 the same car that's in State's 35; is that right?

15 A Absolutely. This is a -- we work with the security of Rhodes  
16 Ranch, and they pull up all -- all the records that they had of this vehicle  
17 attached to our address.

18 Q All right. Thank you, sir.

19 MS. RHOADES: Nothing further.

20 MR. MILES: Okay, yes, Your Honor.

21 RECROSS-EXAMINATION

22 BY MR. MILES:

23 Q Okay. So we just heard testimony from you that you spoke  
24 to the HOA --

25 MR. MILES: Excuse me, Your Honor. I actually lost focus.

1 BY MR. MILES:

2 Q We just heard testimony from you that you retrieved all the  
3 information associated with the HOA images involving your refused  
4 entry. Was that your testimony?

5 A Not refused entry.

6 Q Okay. So how many images did you obtain from HOA, let  
7 me ask you that.

8 A It was a few, one -- one or two. It wasn't all that.

9 Q One or two?

10 A Correct.

11 Q And let me ask you this, where is that evidence at?

12 A We gave it to Justine.

13 Q You gave it to Justine?

14 A Correct.

15 Q Okay. Now again, I'm going to direct your attention to  
16 Defendant's Exhibit Y.

17 MR. MILES: The Court's indulgence.

18 BY MR. MILES:

19 Q Now, obviously, this is a black and white copy; would that be  
20 correct?

21 A Yes.

22 Q Fair to say?

23 A Yes.

24 Q Okay. So, obviously, looking at Defendant's Exhibit Y, they  
25 wouldn't appear to be in the daytime, would -- would that be fair to say?

1           A     According to this, that's correct.

2           Q     Okay. Now looking at the finishes in the Y, would that be fair  
3 to say that this is the same photo that the State was showing you on  
4 their examination?

5           A     I mean with a quick look I would say so, except for the -- it's  
6 not the same quality as the original.

7           Q     Okay. Not the same quality?

8           A     Uh-huh.

9           Q     But it would be fair to say that these are the same images,  
10 right? I'll enlarge it for you so you can see. And still directing your  
11 attention to that evidence --

12                   MR. MILES: Now, for the record, Your Honor, I'm pointing at  
13 where it says [indiscernible].

14 BY MR. MILES:

15           Q     Now if -- what does this appear to be right here, throughout  
16 where my -- my pen is going to? What does this appear to be in that  
17 area?

18           A     That looks like the center divider that's in the back gate.  
19 There's like a little --

20           Q     Okay. And in these photos do you see shadows?

21           A     Indeed.

22           Q     Do you see -- see where my pen is pointing? Do you see any  
23 shadows?

24           A     Oh. No. It's a black and white photo. I mean I can't  
25 really --

1 Q Okay. Now let's direct your attention back to the State's  
2 exhibit. You don't see anything out of place, do you? It appears to be  
3 the same photo?

4 A It looks identical.

5 Q Okay, it looks identical. Now let's direct your attention back  
6 to Defendant's Exhibit Y. Can you -- this does say February 5th of 2015;  
7 is that correct?

8 A That's correct.

9 Q Okay.

10 MR. MILES: No further questions.

11 THE COURT: Does -- ladies and -- is everybody done?

12 MS. RHOADES: Yes, Your Honor.

13 THE COURT: Ladies and gentlemen of the jury, does anyone  
14 have any questions? Okay.

15 Is this witness excused?

16 MS. RHOADES: Yes, Your Honor.

17 MR. MILES: Yes.

18 THE COURT: Okay. State, next witness.

19 MR. MARTINEZ: State calls Gabrielle King.

20 THE CLERK: Please raise your right hand.

21 GABRIELLE KING, PLAINTIFF'S WITNESS, SWORN

22 THE CLERK: Please be seated. State your name and spell  
23 your first and last name for the record.

24 THE WITNESS: Gabrielle King, G-A-B-R-I-E-L-L-E K-I-N-G.

25 MR. MARTINEZ: May I proceed?

1 THE COURT: Go ahead, uh-huh.

2 MR. MARTINEZ: Thank you, Your Honor.

3 DIRECT EXAMINATION

4 BY MR. MARTINEZ:

5 Q Hi, Ms. King. Do you go by Gabby?

6 A Yes.

7 Q Okay. Is it okay if I call you that?

8 A Yes.

9 Q How old are you, Gabby?

10 A Twenty-one.

11 Q When's your birthday?

12 A 03/02/1998.

13 Q And how old are you today?

14 A Twenty-one.

15 Q Yes. I just asked you that. And how old were you on

16 February 1st, 2015 to February 13th, 2015?

17 A Sixteen.

18 Q Okay. Now during that time where did you live?

19 A I was staying originally with my mom. I was supposed to  
20 stay with my mom. I was on probation there, so that's where I was  
21 paroled to. But I was just jumping from friend's house to friend's house,  
22 but throughout that date and that time, around that time I was at my  
23 mom's house.

24 Q Okay. And in the first part of February -- so you live -- you  
25 were supposed to be living with your family; is that correct?

1 A Yes.

2 Q And was that in Rhodes Ranch?

3 A Yes.

4 Q That's here in Las Vegas, Clark County, Nevada?

5 A Yes.

6 Q Did there come a point in time when you came into contact  
7 with somebody by the name of Christian Miles?

8 A Yes.

9 Q Okay. Do you see Christian Miles in the courtroom today?

10 A Yes.

11 Q Could you point to him and describe an article of clothing  
12 that he's wearing today?

13 A He has a suit on, a blue shirt and a black jacket and a blue tie.

14 MR. MARTINEZ: May the record reflect identification of the  
15 Defendant?

16 THE COURT: It will.

17 BY MR. MARTINEZ:

18 Q How did you first encounter the Defendant?

19 A Through Facebook.

20 Q And was that through Facebook messaging?

21 A Yes.

22 Q Okay. And do you remember who contacted whom?

23 A He contacted me.

24 Q Okay. And then did you respond?

25 A Yes.

1 Q Do you remember what kinds of things you messaged each  
2 other about?

3 A No. I don't remember.

4 Q Okay. Did there come a point in time in the first part of  
5 February 2015 where you met up with the Defendant face-to-face?

6 A Yes.

7 Q Okay. And do you remember where you met up with him?

8 A I believe that he picked me up from I want to say a  
9 McDonalds around my school. I was supposed to be in school, but I  
10 ditched school to go there to meet up with him.

11 Q Okay. And that was in the first part of February of 2015?

12 A Yes.

13 Q Okay. And where -- did you guys go anywhere?

14 A We went to a room that he had booked at I believe it was the  
15 Rio.

16 Q Okay. And did you have any conversations with him while  
17 you were physically together?

18 A I don't remember what we talked about --

19 Q Okay.

20 A -- anything.

21 Q Did there come a point in time when you talked to him about  
22 engaging in prostitution?

23 A That was the whole vibe. Like that's the reason why we were  
24 getting together.

25 Q Okay.



1 A It wasn't to be friends or to be a couple. It was for that.

2 Q Okay. And when you say that that was the vibe, why do you  
3 describe it as the vibe, that that's how you felt?

4 A Because he came off at -- like to me as a person that wanted  
5 me to do work for him. It wasn't just oh, I want you to myself. I don't  
6 want you to do this. Like come live with me. It wasn't that type of vibe.  
7 It was, I want you to work for me basically.

8 Q Okay. And when you say work, what is -- what are you  
9 meaning by work?

10 A Sex trafficking.

11 Q Okay. And does that involve prostitution?

12 A Yes.

13 Q Okay. And what is prostitution to you from your  
14 perspective?

15 A Me selling my body for money and giving the money to him  
16 basically.

17 Q Okay. Now you said that you were on probation; is that  
18 correct?

19 A Yes.

20 Q Okay. And did you have an ankle bracelet on?

21 A Yes.

22 Q And that was -- you were on probation for engaging in  
23 prostitution; is that correct?

24 A Yes.

25 Q So before you met the Defendant you had previously

1 engaged in those --

2 A I have priors --

3 Q -- activities?

4 A -- yes.

5 Q Okay. And so you had knowledge of that world I guess, is  
6 that --

7 A Yes.

8 Q -- fair to say?

9 A Yes.

10 Q Is that a yes? Okay. Now when -- did there come a point in  
11 time -- well, I'm just going to turn your attention to February 8th of 2015.  
12 Do you recall getting picked up by the Defendant?

13 A Yes.

14 Q Okay. And did he come to Rhodes Ranch?

15 A That was the day that he picked me up from the McDonalds.

16 Q Okay. All right.

17 A And we went to the room and then he dropped me off at  
18 Rhodes Ranch at the end of the day.

19 Q Okay. And did he drop you off at your house or did he drop  
20 you off at the gate?

21 A He dropped me off at the gate because my mom declined  
22 him coming into the gate.

23 Q Okay. And so you got out of the car and then went to your  
24 house?

25 A Walked to me house, yes.

1 Q Okay. And did you get in trouble or anything for that?

2 A Yes, I did.

3 Q Okay. From who?

4 A My mother.

5 Q Now did there come a point in time when the Defendant  
6 picked you up during the nighttime between this February 1st, 2015 and  
7 February 13th, 2015?

8 A Okay. Sorry; I got my dates wrong.

9 Q Okay.

10 A The 13th is when my mom and my probation officer came  
11 and got me from the black van that I was in.

12 Q Okay.

13 A The 8th was when Christian picked me up from my house at  
14 the back gate.

15 Q Okay.

16 A And that's when basically I left with him to get my GPS cut  
17 off and everything. Now I don't remember what day it was is when we  
18 went to the Rio, but I believe it was like two days or three days before  
19 then.

20 Q Two or three days before the 8th?

21 A Yes.

22 Q Okay. Now so I'm going to turn your attention to the 8th  
23 now --

24 A Okay.

25 Q -- when you said that he picked you up, okay. Was that at

1 night -- in the nighttime?

2 A Yes.

3 Q Okay. How -- did he come to your house or did you go  
4 somewhere to meet him?

5 A I walked to the back gate because he wasn't allowed through  
6 the gates. My mom put a no person allowed without her confirmation.  
7 So I told him to pick me up at the back of Rhodes Ranch.

8 Q Okay. And so is that where you went on February 8th?

9 A Yes.

10 Q Okay. Did you tell your mom where you were going?

11 A No. I did not.

12 Q Did you tell your stepdad?

13 A No.

14 Q Okay. Did you have their permission to leave the house?

15 A No.

16 Q So how long do you -- how long of a walk is it do you think  
17 from your house to the back gate?

18 A I kind of jogged because I knew that they'd be coming to look  
19 for me so --

20 Q Who would be coming to look for you?

21 A My mom and my stepdad.

22 Q Okay.

23 A And so it took me like four minutes to get there.

24 Q Okay. And did -- how did you communicate with the  
25 Defendant to come and get you at that time?

1 A I text him through Facebook.

2 Q Through Facebook?

3 A Yes.

4 Q Did you have a working cell phone at that time?

5 A No. I text him through Facebook on the Wi-Fi.

6 Q Okay. So what device did you message him on Facebook  
7 with?

8 A On my phone, but it wasn't working. I can just use Wi-Fi and  
9 I think it was like a Galaxy.

10 Q Okay.

11 A At the time.

12 Q All right. But you could only -- it would only work with Wi-Fi?

13 A Wi-Fi, yes.

14 Q Okay. And so you used that particular phone to message the  
15 Defendant to come get you that night?

16 A Yes.

17 Q Okay. And did he eventually pull up?

18 A Yes.

19 Q Okay. And what happened when he pulled up?

20 A I had a feeling that my mom and step-dad were like coming  
21 immediately so I told him to drive. And as soon as he starts driving I  
22 seen my step-dad in his car and I'm like just keep going, just keep  
23 driving.

24 Q And who did you say that to?

25 A To Christian.

1 Q Was there anybody else in the car?

2 A No. Just me and him.

3 Q And just based on what you remember of that evening --

4 A Uh-huh.

5 Q -- and getting in the car, do you remember what kind of car it  
6 was?

7 A I know that it was either silver or white. It wasn't black or  
8 any other color. I wasn't really too good with cars, so I thought it was a  
9 BMW, but no. Now that I know it's not a B -- it wasn't a BMW.

10 Q Okay. So you remember having a conversation with  
11 Detective Justine Gatus about this case, correct?

12 A Yes.

13 Q Okay. And you had mentioned to her when she asked you  
14 what kind of car it was you said it was a white BMW, is that --

15 A Yes.

16 Q And you said you weren't very good with cars back then?

17 A Yes.

18 Q Okay. And today's testimony you're saying it was something  
19 silver or white; is that correct?

20 A Yes.

21 Q Okay. I'm going to show you what's already been admitted  
22 as State's Exhibit 35. And have you take a look at that. Does that look  
23 familiar with you?

24 A Yes. The top down, the drop top, that's exactly what it was.

25 Q Okay. And that's the car that you got into on February 8th at

1 that night -- on that night?

2 A Yes.

3 Q Okay. So you indicated previously that you saw your step-  
4 dad in his car following you guys; is that correct?

5 A Yes.

6 Q And then you told the Defendant to get going?

7 A Yes.

8 Q Okay. Where did you guys go, if you recall?

9 A When we were trying to get away from my step-dad at this  
10 point and we were cutting between cars, running light, just really just  
11 trying to get away from him. And then when the coast is clear Christian  
12 had took me to Walmart on Boulder Highway.

13 Q Okay. And so you guys were able to lose your step-dad; is  
14 that right?

15 A Yes.

16 Q Okay. And so then you guys went to a Walmart?

17 A Yes.

18 Q And did you go into the store or stay in the car?

19 A I stayed in the car.

20 Q Okay. Who went in?

21 A Christian went in.

22 Q Okay. And how long do you think you were waiting in the  
23 car?

24 A For like a good ten to 12 minutes because at this time they  
25 were calling my bracelet.

1 Q Okay.

2 A They were trying to get in contact with me through my  
3 bracelet.

4 Q All right. So your probation officer can communicate with  
5 you through the bracelet?

6 A Bracelet, yes.

7 Q They can call it and you can hear his voice?

8 A Yes.

9 Q Okay. Did he seem upset or happy or --

10 A No. He was really just like, what are you doing, you need to  
11 come home or if you don't, you know, you're going to get arrested; we're  
12 going to find you.

13 Q Did you go beyond the area you were allowed to on house  
14 arrest?

15 A Yes.

16 Q Okay, all right. Did there come a point in time when the  
17 Defendant came back out from Walmart?

18 A Yes.

19 Q And what happened after that?

20 A I told him that they were trying to get in contact with me  
21 through my bracelet. He said, I've got the tools to cut off the bracelet  
22 now. So we're going to go to my house and we're going to cut it off. I  
23 only live about ten, 15 minutes from here. I'm like, all right. But in my  
24 mind I'm thinking like, this is not going to work. Like they're already on  
25 me. They already, you know, located my GPS and everything. But we



1 made it to his house and from then I got my bracelet cut off.

2 Q Okay. And how did the bracelet get cut off?

3 A It was some type of electric saw, a little tool. I don't know  
4 what really it is but --

5 Q Okay. Was it something that you plugged in?

6 A Yes.

7 Q Okay. And who was cutting the bracelet?

8 A Christian was cutting the bracelet.

9 Q Okay. And did you want him to do that?

10 A At the time, yes.

11 Q Okay. And how long do you think it took to cut off the  
12 bracelet?

13 A My heart was beating because you know, it's a saw on my  
14 leg. So for me it took like hours, but it really only took five minutes.

15 Q Okay.

16 A Five, to six, seven minutes.

17 Q Okay. And after the bracelet was cut off, what happened  
18 next?

19 A And then he gave me -- Christian gave me a towel to wrap  
20 the bracelet in to wipe the fingerprints off and everything. And me, him  
21 and his ex-girl, Laporsha, we all jumped in a car and while we were  
22 driving down the street he told me to throw the bracelet out and I did.

23 Q Okay. And that was while you guys were driving you threw  
24 the bracelet out of the window?

25 A Yes.

1 Q Okay. Where did you go after that?

2 A We went to a suite. I don't remember what's the suite called.  
3 I think it's like Single Suites or something.

4 Q and where approximately was that?

5 A It was by Arizona Charlie's, I think back on Boulder.

6 Q Okay. And that's still here in Las Vegas, Clark County,  
7 Nevada?

8 A Yes.

9 Q Okay. And why did you go there?

10 A Because now at this point it was like okay. It's time to start  
11 the sex trafficking. It's time to start prostitution.

12 MR. MILES: Objection, Your Honor. Argumentative.

13 THE COURT: Overruled.

14 BY MR. MARTINEZ:

15 Q Okay. Now you're using the term sex trafficking. You're 21  
16 years old now; is that correct?

17 A Yes.

18 Q And back then you were 16?

19 A Yes.

20 Q Okay. What did you call it when you were 16?

21 A I called it hoeing.

22 Q Hoeing?

23 A Yes.

24 Q Okay, all right. So back then you weren't having  
25 conversations with the Defendant saying, we're going to go sex

1 trafficking or anything like that, right? It was more like --

2 A It was already established. It was already known for both of  
3 us that this was going to happen.

4 Q Okay. And what was supposed to happen at the suites that  
5 you went to on Boulder Highway?

6 MR. MILES: Objection; Your Honor. I think that misstates the  
7 testimony. The witness already said it was the Single Suites. So him  
8 referencing the suites I think misstates the testimony.

9 THE COURT: Overruled.

10 BY MR. MARTINEZ:

11 Q Okay. You can answer the question. What was supposed to  
12 happen there?

13 A That night we really didn't do anything because at that time I  
14 didn't have a phone. I still didn't have a phone. Yeah, there was Wi-Fi,  
15 but the whole main part was now like we have to get you a phone. So  
16 just stay here for tonight and the next morning we're going to get you a  
17 phone.

18 Q Okay. And who was saying that to you, the Defendant?

19 A Christian, yes.

20 Q Okay. Now did there come a point in time when that  
21 happened, that he bought you a phone or --

22 A Yes.

23 Q -- got you a phone?

24 A Yes.

25 Q Okay. And were you with him when he retrieved the phone?

1 A Yes.

2 Q Okay. And do you remember where that was?

3 A It was a Metro PCS on Desert Inn in Maryland Parkway.

4 Q Okay. And do you remember what color the cell phone was?

5 A It was white.

6 Q Okay. And do you remember what kind it was?

7 A Like a little Android, like a little Galaxy.

8 Q Okay.

9 A Nothing too --

10 Q Like an LG?

11 A -- expensive. The cheapest phone they had there.

12 Q Okay, all right. Now did the Defendant say anything to you  
13 when he gave you the phone?

14 A No.

15 Q Okay. Did he indicate whether or not anything was  
16 programmed in the phone already?

17 A No.

18 Q Okay. Was there anything programmed in the phone?

19 A Yes. There were, I want to say it was a Text Now or text free  
20 app that he logged into and basically from his phone to my phone he  
21 could get all the texts on that text free app. So he could see who I was  
22 texting, he could see who was texting me and he could also reply.

23 Q Okay. And had you used that type of app previously to  
24 knowing the Defendant?

25 A No.

1 Q Okay. That's the first time that you had access to something  
2 like that?

3 A Yes.

4 Q Okay. Now did there come a point in time when the  
5 Defendant took any pictures of you?

6 A Yes.

7 Q Where was that?

8 A We were at his house and in a room that had a green type of  
9 paper wall and he had cameras set up and everything. And that's when I  
10 took the pictures there. And it was I want to say the day that I got the  
11 phone.

12 Q Okay. And did the Text Now app have a separate number for  
13 the app itself?

14 A Yes.

15 Q Okay. And that's different than what the cell number was for  
16 your phone and different than for the Defendant's cell phone; is that  
17 correct?

18 A Yes.

19 Q Okay. Did you have the Defendant's contact information  
20 saved in your white phone?

21 A Yes.

22 Q Okay. And how did you have it saved?

23 A I had his name saved under Chris.

24 Q Okay, all right. And then it had a phone number associated  
25 with that contact; is that correct?

1 A Yes.

2 Q Okay. Now would you and the Defendant text each other  
3 back and forth, not using the TextNow app but just your phones?

4 A Yes.

5 Q Okay. Did there come a point in time when you let Detective  
6 Gatus go through your phone?

7 A Yes.

8 MR. MILES: Objection; Your Honor, I think there's been no  
9 foundation as to when.

10 THE COURT: It was simply a yes or no question.

11 MR. MILES: Yeah. But I still -- okay.

12 THE COURT: You can follow-up on cross.

13 MR. MILES: Okay.

14 BY MR. MARTINEZ:

15 Q You had indicated previously that you met with Detective  
16 Gatus; is that correct?

17 A Yes.

18 Q Okay. And you gave her permission to look through your  
19 phone?

20 A Yes.

21 Q And over that period of time from when you got the phone  
22 from the Defendant to when you got arrested on the 13th from your  
23 probation officer, were you guys texting each other back and forth?

24 A Yes.

25 Q Have you had a chance to look at those text messages?

1 A Yes, I have.

2 Q Okay. And do you remember sending those text messages  
3 and receiving those text messages?

4 A Yes, I do.

5 Q All right. I'm going to approach with what's been -- I'm  
6 going to have you approach with what's been marked as State's  
7 proposed Exhibit 5 and 6.

8 MR. MILES: Was that 5 and 6?

9 THE MARSHAL: Do you want me to show it to her?

10 MR. MILES: Okay.

11 MR. MARTINEZ: Yes, please.

12 BY MR. MARTINEZ:

13 Q And what I want you to do is just look at both of those  
14 proposed exhibits and tell me if you recognize, and flip through the  
15 pages and tell me if you recognize what's depicted on those pages.

16 A Yes. I remember these text messages.

17 Q Okay. And so you remember those text messages. Who are  
18 the text messages between?

19 A It was from me to Chris and from Chris to me.

20 Q Okay. And so you were having conversations with him?

21 A Yes.

22 Q Okay. Is -- now those texts that you're looking at, that's on  
23 State's proposed Exhibit 6; is that correct? Look at the back of it and see  
24 if it says State's proposed Exhibit 6.

25 A Exhibit 6.

1 MR. MARTINEZ: Go on the very back.

2 THE WITNESS: Yes.

3 BY MR. MARTINEZ:

4 Q Okay. That exhibit has the text messages between you and  
5 the Defendant; is that correct?

6 A Yes.

7 Q And does that exhibit fairly and accurately depict the copies  
8 of the texts that you recognize being between you and the Defendant  
9 during that timeframe?

10 A Yes.

11 MR. MILES: Objection; Your Honor. I don't think she's  
12 qualified to make that determination as to whether the text messages are  
13 authentic.

14 THE COURT: Are what?

15 MR. MILES: She's not -- I don't believe she's a custodian of  
16 the records. I would object as hearsay. I don't think she can really -- the  
17 State is showing her proposed Exhibit 6 of the text messages, but I don't  
18 believe she can say this is a true and accurate copy, because she doesn't  
19 have personal knowledge as to whether all those text messages are true  
20 and correct. So I would object as hearsay.

21 MR. MARTINEZ: She --

22 THE COURT: She can testify to what she received and when I  
23 suppose so --

24 MR. MILES: I'll still object.

25 BY MR. MARTINEZ:



1 Q So do you see the dates on those texts?

2 A Yes, I do.

3 Q Okay. And that's in February of 2015?

4 MR. MILES: Objection; Your Honor, I don't think that -- this  
5 hasn't even been moved into evidence, so I think him referring to the  
6 evidence is improper.

7 MR. MARTINEZ: Okay. Well, I'm going to move to admit  
8 these messages now because she said they're a fair and accurate copy of  
9 the text messages that she received and has personal knowledge of  
10 between the two of them. And it's a fair and accurate copy and she -- it's  
11 properly authenticated.

12 MR. MILES: Well, my objection --

13 MR. MARTINEZ: Because she was a part of it.

14 MR. MILES: My objection Your Honor, is for one, hearsay.  
15 And I'm going to cite the appropriate statute for that one as well.

16 MR. MARTINEZ: The Defendant's statements aren't hearsay.

17 MR. MILES: These are text messages and I'm going to state  
18 for the record that it says, a memorandum report, record or compilation  
19 of data in any form, acts or event, or conditions, opinions or diagnostics  
20 made at the time or nearby, or from information transmitted by a person  
21 with knowledge all in the course of ordinary conducted activity as shown  
22 by the testimony or affidavit by the custodian of records, a qualified  
23 person is not admissible in the hearsay rule unless the source of the  
24 information or the method of the circumstances, preparations indicates a  
25 lack of trustworthiness.

1                   Now in those notes it states that where the witness called to  
2 testify was neither shown to be the custodian of the records nor  
3 otherwise qualified to identify them. It was properly admitted into  
4 evidence.

5                   So I would say that this is hearsay. She's not qualified to  
6 make that statement. She's not the custodian of these records. Just  
7 because she said that this is a true and accurate copy of it, I believe  
8 that's improper and I would object as hearsay.

9                   THE COURT: I believe that she's laid the proper foundation  
10 that she was texting back and forth with you on this phone and that she  
11 knew those to be. You can certainly bring up issues regarding  
12 something else, but I think that at this point they're admissible. I'm  
13 going to admit them.

14                  MR. MARTINEZ: So I'd move to admit Exhibit -- State's  
15 proposed Exhibits 5 and 6.

16                  THE COURT: Granted.

17                  THE COURT: That's all the text messages, right? Is that --

18                  MR. MARTINEZ: Exhibit 6 are the text messages. Exhibit 5 I  
19 believe is a call history or contact list.

20                  THE COURT: Okay. Can I see more foundation on 5? 6 is  
21 what she identified as the -- she recognized as the text messages going  
22 back and forth?

23                  MR. MARTINEZ: Sure.

24                  THE COURT: Yeah.

25                  MR. MARTINEZ: That's fine. So 6 is admitted.

1 THE COURT: 6 is good; 5 not yet.

2 [State's Exhibit 6 admitted into evidence]

3 MR. MARTINEZ: Okay.

4 THE COURT: Where do you want them?

5 MR. MARTINEZ: Can you hand 5 and 6 back to her?

6 THE COURT: Sure.

7 MR. MARTINEZ: Thank you.

8 BY MR. MARTINEZ:

9 Q So you had indicated previously that you had saved in your  
10 phone the Defendant's phone number and his contact information as  
11 Chris with a phone number; is that correct?

12 A Yes.

13 Q Okay. So looking on what's already been admitted as Exhibit  
14 6, what is the phone number associated with Chris? Can you see -- do  
15 you see the name Chris on the exhibit?

16 A Yes.

17 Q Okay. And then is there a phone number that's next to his  
18 name on the text message?

19 A Yes.

20 Q What's that phone number?

21 A It is 702-913-2289.

22 Q And is that the number that you have -- you had saved in  
23 your phone for the Defendant?

24 A There were two numbers.

25 Q Okay. But when you first got the phone is that the number

1 that you --

2 A Yes.

3 Q -- had saved for the Defendant in your phone?

4 A Yes.

5 Q Okay. And I'm going to get to the second phone number  
6 later, okay. Now on Exhibit 5, on State's proposed Exhibit 5, is there a  
7 contact -- is there a number and a name associated with that exhibit

8 A Yes.

9 Q Okay. And what's the name on that exhibit?

10 A Chris 2.

11 Q Okay. And what's the phone number on that one?

12 A 702-478-2713.

13 Q Okay. Did there come a point in time when you were  
14 working with the Defendant that he changed phone numbers?

15 A Yes.

16 MR. MILES: Objection; Your Honor, I think a foundation  
17 should be laid for that.

18 MR. MARTINEZ: That is the foundation.

19 MR. MILES: I think more foundation should be laid for that,  
20 Your Honor.

21 THE COURT: Ask some more questions.

22 MR. MARTINEZ: Okay.

23 BY MR. MARTINEZ:

24 Q Was -- did there -- you indicated previously that you were  
25 communicating with the Defendant via text message; is that correct?

1 A Yes.

2 Q Okay. And you had that white cell phone that the Defendant  
3 bought you the whole time?

4 A Yes.

5 Q Between February 9th and February 13th; is that correct?

6 A Yes.

7 Q Okay. And you were communicating -- you indicated  
8 previously that you were communicating with the Defendant via text  
9 through a number associated with the Defendant; is that correct?

10 A Yes.

11 Q Okay. Now in those text messages, in State's Exhibit 6,  
12 what's already been admitted, I want you to flip through the pages and  
13 tell me if there is a contact that says Chris 2 towards the back of that  
14 exhibit.

15 A Yes.

16 Q Now where it says Chris 2, what's the number associated  
17 with Chris 2?

18 A 702-478-2713.

19 Q And why did you have that phone number listed under Chris  
20 2?

21 A Because he told me that he had got a new phone. So I put  
22 Chris 2 to remember in my mind that that's his new number.

23 Q Okay. And did you sometimes have telephone calls with the  
24 Defendant on both of those phones, of Defendant's phone numbers?

25 A Yes. I believe so.

1 Q Okay. So going back to State's proposed Exhibit 5 where it  
2 says Chris 2, and what is -- what do you recognize on State's proposed  
3 Exhibit 5 as that page being? What's it a list of?

4 A Incoming calls, outgoing calls and missed calls.

5 Q Okay. And is there a contact name associated with those  
6 calls?

7 A Yes.

8 Q What is it?

9 A Chris and Chris 2.

10 Q Okay. And what's the phone number that in your text  
11 messages in State's Exhibit 6 that's already been admitted, can you  
12 repeat the phone number for the contact number of Chris?

13 A 702-913-2289.

14 Q And is that contact name and number on State's proposed  
15 Exhibit 5?

16 A Yes.

17 Q Okay. Now I'd like you to go to Chris 2 on this, what's  
18 already been admitted as State's Exhibit 6. Go to the text messages  
19 where it says Chris 2 and say again what the phone number is for Chris  
20 2.

21 A 702-478-273.

22 Q Okay. And now referring your attention back to Exhibit in the  
23 call history, is that Chris 2 contact there with the same phone number?

24 A Yes.

25 Q And is that the contact that you created yourself when the

1 Defendant notified you that he switched phone numbers?

2 A Yes.

3 Q Okay.

4 MR. MARTINEZ: I'd move to admit State's Exhibit 5.

5 THE COURT: Let me see 5 again.

6 MR. MILES: I'm going to object as not properly  
7 authenticated. And I would state before evidence like that can be  
8 admitted into evidence there has to be some type of circumstantial or  
9 direct corroborating evidence of authorship before that could be  
10 admitted into evidence.

11 THE COURT: I'm going to hold off on this one.

12 MR. MARTINEZ: Okay, yeah.

13 BY MR. MARTINEZ:

14 Q Those text messages that you have with Chris 2, which is the  
15 second phone number you had associated with the Defendant; is that  
16 correct?

17 A Yes.

18 Q Okay. Do you recognize those text messages as  
19 conversation between you and the Defendant?

20 A Yes.

21 Q What kinds of -- now I'm going to have you just refer  
22 generally to the text messages as a whole in State's Exhibit 6. What  
23 kinds of things did you guys talk about?

24 A We talked about me having a customer ready and that either  
25 he's going to come to the room or we're going to go to him. And just

1 things like that. Like am I getting ready, am I heading out, what am I  
2 doing.

3 Q Okay. Is there -- do you recall the Defendant texting you that  
4 you had an outcall?

5 A Yes.

6 Q What's an outcall?

7 A An out call is when I go to the customer's house.

8 Q Okay. And do you recall telling the Defendant about how  
9 you felt about doing the outcall at that particular time?

10 A Yes.

11 Q And what did you tell him?

12 A That my vagina hurted [sic], and I really did not feel like  
13 going.

14 Q Okay. And what was the Defendant's response?

15 A Basically that we have to go anyways.

16 Q Okay. And do you recall if he indicated how much that  
17 customer, how much money he had?

18 A No. I don't remember --

19 Q Okay.

20 A -- how much money.

21 Q I'm going to refer you to that Exhibit 6, and have you take a  
22 look at it and see if that refreshes your recollection. I'm going to refer  
23 you to the -- maybe the first page --

24 A Okay.

25 Q -- and look towards the top and just read down and see if you



1 see it there.

2 A Okay, yes. I remember.

3 Q And what did he say the customer had?

4 A He basically was saying that I was missing out on the money  
5 that the customer had for me.

6 Q Okay. And do you remember him saying that the customer  
7 had \$150?

8 A I don't see on --

9 Q Okay.

10 A Yeah. I don't remember how much --

11 Q That's fine.

12 A -- amount of dollars.

13 Q That's okay.

14 MR. MARTINEZ: Can I have the exhibit? Thank you. Okay.

15 So I'm -- if I could publish this, Your Honor?

16 THE COURT: Sure.

17 MR. MARTINEZ: Thank you.

18 THE COURT: Have we marked it yet? Let's mark it as  
19 admitted. Thank you. Sorry.

20 MR. MARTINEZ: All right. The State's publishing State's  
21 Exhibit 6.

22 BY MR. MARTINEZ:

23 Q Can you see it on your screen there?

24 A Yes.

25 Q So I'm just going to for example start with the very first one.

1 There's a number that says 294; is that correct? On the very left hand  
2 side?

3 A Yes.

4 Q And then next to the 294 there's a phone number there; is  
5 that right?

6 A Yes.

7 Q And that was the Defendant's phone number that you got  
8 saved in your phone that you testified previously about; is that correct?

9 A Yes.

10 Q Okay. And then there's a date stamp on there; is that right?

11 A Yes.

12 Q Okay. And then if you go to the right there's a part that says  
13 "incoming"; do you see that?

14 A Yes.

15 Q Okay. And is that a text that you received from Christian?

16 A Yes.

17 Q Okay. Christian?

18 A Yes.

19 Q Okay. And can you see what it says there, the very top one?

20 A Yes.

21 Q What does it say?

22 A "Okay, good. On my way back in a minute."

23 Q Okay. And then the next text, what does that say?

24 A It says, M-I-N, which means minute.

25 Q Okay. And those are texts that you're getting from the

1 Defendant; is that right?

2 A Yes.

3 Q Okay. And then where it says below that there's two  
4 outgoing texts; is that correct?

5 A Yes.

6 Q And are those text messages that you sent him?

7 A Yes.

8 Q And what did you say?

9 A "Okay. Get swishers."

10 Q And what did the Defendant say?

11 A "Meant to say all right."

12 Q Okay. Now you below that ask to get him some clothes -- or  
13 asked him to get you some clothes; is that right?

14 A Yes.

15 Q Okay. And you told him that you were going to go to sleep?

16 A Yes.

17 Q Okay. Now I'm going to point to there, there's an incoming  
18 text message from the Defendant; is that right?

19 A Yes.

20 Q And what does that say?

21 A "You have an outcall."

22 Q Okay. And then what was your response?

23 A I said, "OMFG".

24 Q Okay. So that's kind of like saying oh my god, right?

25 A Yes.

1 Q Okay. And then what did the Defendant say after that?

2 A He said, "LMFAO".

3 Q What does that stand for?

4 A Laughing my ass off.

5 Q Okay.

6 A "Bae, I'm now down the street."

7 Q Okay. And then what did you tell the Defendant?

8 A I was convinced to go to sleep.

9 Q Okay. And what did the Defendant respond with?

10 A "Yeah. But" --

11 MR. MILES: Objection; Your Honor, I don't think that has  
12 been authenticated as being sent by me.

13 MR. MARTINEZ: It's an admitted --

14 THE COURT: Overruled.

15 MR. MARTINEZ: -- exhibit -- okay. You overruled it?

16 THE COURT: I did.

17 MR. MARTINEZ: Thank you.

18 BY MR. MARTINEZ:

19 Q Go ahead.

20 A He said, "Yeah. But he got 150. After this we can go to  
21 sleep."

22 Q And then what was your response?

23 A "My vagina hurts, but fuck it."

24 Q And then what did the Defendant say to you after that?

25 A "Let me know when you there."

1 Q Okay. And then you told him that you were done; is that  
2 right?

3 A Yes.

4 Q And then he said okay and then you said, "Hold up. He's  
5 smoking out"?

6 A Yes.

7 Q Were you talking about the date?

8 A Yes.

9 Q Okay. And then there's that word again, "a'ight".

10 A Yes.

11 Q Is that like saying all right?

12 A Yes.

13 Q Okay. That's what the Defendant said to you?

14 A Yes.

15 Q And then you say, "Going again for a bill"; is that correct?

16 A Yes.

17 Q What does that mean?

18 A I'm going to date him again for another \$100.

19 Q Okay. Now when you said you're going to date him I'm not  
20 trying to embarrass you or make you feel uncomfortable --

21 A That's fine.

22 Q -- but what are you talking about then?

23 A I'm going to have sex with him again for another \$100.

24 Q Okay. So did -- so when you say again, that means you did it  
25 before?

1 A Yes.

2 Q And then you said he smoked you out; is that correct?

3 A Yes.

4 Q Okay. And then you said going again for a bill, so you were  
5 going to do the same thing again for \$100?

6 A Yes.

7 Q Now then the Defendant texts you a question mark; is that  
8 right?

9 A Yes.

10 Q Okay. And when you send somebody a question mark, what  
11 does that typically mean to you?

12 A Like what do you mean, like --

13 Q It's like huh?

14 A Yeah.

15 Q Something like that?

16 A Yeah.

17 Q Okay. They're confused. And then what did he -- what did  
18 the Defendant say after that?

19 A "Oh, a'ight. Cool." With a smiley face.

20 Q Okay. And what was your response?

21 A "Look for the other condom, hurry."

22 Q And then he said, "I got it; come get it"?

23 A Yes.

24 Q And then he asked you where you were at?

25 A Yes.

1 MR. MILES: Objection; Your Honor, it hasn't been  
2 authenticated.

3 THE COURT: This exhibit is in. I'll give you a continuing  
4 objection to this --

5 MR. MILES: Okay.

6 THE COURT: -- exhibit so you won't have to keep phrasing  
7 that same objection, okay.

8 BY MR. MARTINEZ:

9 Q Okay. I'm going to refer you to the very bottom of this now.  
10 This is a weird contraption. I'm sorry about that. Now this is the bottom  
11 of that same page. He said -- I'm going to refer you to the third one from  
12 the bottom and it's an incoming text message. It says, "Do you want to  
13 get your nails done"; is that right?

14 A Yes.

15 Q Okay. And the Defendant asks you that?

16 A Yes.

17 Q Okay. And what did you say?

18 A "Yes. And my hair."

19 Q Okay. And were you able to get your nails done and your  
20 hair done?

21 A No.

22 Q No? What happened?

23 A He just did -- I didn't have the money and he didn't pay for it,  
24 so it never happened.

25 Q Okay. So after the date that you have that was the subject of

1 the text messages that we just read over, what did you do with the  
2 money that he gave you?

3 A I gave it to Christian.

4 Q And why did you give it to Christian?

5 A Because that was basically already established that if I do get  
6 any money from prostitution that it automatically goes to him.

7 Q Okay. And when you gave him the money did he say  
8 anything to you?

9 A No.

10 Q Okay. Did he say any -- like good job or anything?

11 A No.

12 Q Okay. He just took it?

13 A Yes.

14 Q Okay. And so that was an outcall; is that correct?

15 A Yes.

16 Q Okay. And did you ever do an in-call at the suite that you  
17 were talking about on Boulder Highway?

18 A Yes.

19 Q Okay. And was that within the same timeframe that we're  
20 talking about?

21 A Yes.

22 Q In February of 2015?

23 A Yes.

24 Q Okay. And can you tell us what happened with -- when you  
25 had the in-call?



1           A     I got the in-call. I did not know that I was having an in-call.  
2     He just told me, you have an in-call.

3           Q     When you say he, who are you talking about?

4           A     Christian --

5           Q     Okay.

6           A     -- told me that I had an in-call and that he's going to be there  
7     in a couple minutes. So I got myself together a little bit and he went --  
8     Christian went downstairs and he just said, look out for the door.  
9     Somebody's going to be knocking. And within two to three minutes  
10    somebody was knocking.

11          Q     Okay. And was it a male or female?

12          A     It was a male.

13          Q     Okay. Do you know if was an adult male?

14          A     Yes. It was an older male.

15          Q     Older.

16          A     Older white male.

17          Q     Okay. And what -- and again, it's not to embarrass you or  
18    make you feel uncomfortable, but what did you guys -- did you guys do  
19    anything?

20          A     Yes. I had sex with him after he paid me, I really don't know  
21    the exact amount of money, but I had sex with him after he paid me  
22    money.

23          Q     Okay. And was it cash --

24          A     Yes.

25          Q     -- that he paid you? Okay. And did there come a point in

1 time when he left?

2 A Yes.

3 Q Okay. What did you do with that money?

4 A I put it in a drawer and Christian came back up in three  
5 minutes and he asked me where the money was, and I handed it to him.

6 Q Okay. Did he say anything to you at that point when you  
7 gave him the money?

8 A No.

9 Q Okay. Now did there come a point in time when you asked  
10 Christian to drop you off to meet a friend?

11 A Yes.

12 Q Okay. And did you still have your white LG phone with you?

13 A Yes.

14 Q Okay. And that's the one that the Defendant bought you; is  
15 that correct?

16 A Yes.

17 Q Okay. Where did he drop you off?

18 A It was at an Arby's. And I don't remember what streets it  
19 was, but I know it was at Arby's.

20 Q Okay. And who did you tell the Defendant that you were  
21 going to be meeting there?

22 A One of my friends.

23 Q Okay. And did you tell him whether it was a male or female?

24 A No.

25 Q Okay. And who was it that you were going to meet there?

1 A One of my friends, his name is Durrell [phonetic].

2 Q Okay. And did you spend some time with Durrell?

3 A Yes.

4 Q Okay. And did you ever work for him in the same way that  
5 you worked for the Defendant?

6 A No.

7 Q Okay. Did there come a point in time after -- well, how long  
8 did you spend time with Durrell; did you hang out with him?

9 A I spent the night there and in the morning we left to his idol.  
10 And then I couldn't get in, so I went my own way after that.

11 Q Okay. So you said his idol. What does that mean?

12 A He was a singer, so we went down to Bally's because he had  
13 a concert there or something.

14 Q Okay. Or like an audition?

15 A Like an audition, yeah.

16 Q Okay. And then were you communicating with the  
17 Defendant at all during that time through text?

18 A Yes.

19 Q Okay. Were you communicating through phone calls?

20 A No. Not really, no.

21 Q Okay. Now I'm going to turn your attention to the second to  
22 last page of State's Exhibit 6.

23 MR. MARTINEZ: And I'm going to publish this if I may, Your  
24 Honor?

25 THE COURT: Yes.

1 BY MR. MARTINEZ:

2 Q And -- okay. First I'm going to -- we're going to start from the  
3 bottom and I'm going to have you -- count with me, one, two, three, four,  
4 five, six, seven, eight, nine, ten, about ten from the top -- from the  
5 bottom. And I'm going to refer you to the date stamp. What does that  
6 say?

7 A 13/02/2015.

8 Q Okay. And then turning your attention to where the  
9 messages are. Do you see the top one there?

10 A Yes.

11 Q And it says it's an incoming text message; is that right?

12 A Yes.

13 Q Okay. And what does it say?

14 A "You done with makeup and getting dressed?"

15 Q Okay. And how did you respond?

16 A "Yes. Why? Are you outside?"

17 Q And then he said, "Getting on the spot"?

18 A Yes.

19 Q And then you said, "Oh, my twin's going to come see me"?

20 A Yes.

21 Q Okay. What did you mean by that? Do you have a twin?

22 A No. Nashima [phonetic], that's who I call my twin.

23 Q Okay.

24 A And she was going to come get me.

25 Q Okay. And does she have a nickname?

1 A Nana.

2 Q Okay. So you told Defendant that your twin was going to  
3 come see you; is that right?

4 A Yes.

5 Q Okay. And then he said, "Not at the track spot"?

6 A Yes.

7 Q Do you know what that means?

8 A Yes. He's saying, don't bring her to the room --

9 Q Okay.

10 A -- the suite. Don't bring her there.

11 Q So the track spot is the room that was rented at the suite on  
12 Boulder Highway; is that correct?

13 A Yes.

14 Q Okay. And then you asked him, "Why"?

15 A Yes.

16 Q And then you told him what?

17 A "She's not with nobody."

18 Q And then what did you say?

19 A Then I said, "Never mind".

20 Q That's what N-V-M stands for?

21 A Yes.

22 Q Okay. Do you remember why you said that?

23 A Because I just came to the conclusion I didn't want to bring  
24 her up there anyways.

25 Q Okay. And what did the Defendant say after that?

1 A "You got someone on the way."

2 Q And referring to the last page of State's Exhibit 5. An  
3 incoming text, so that's the one after the one that you just read. You  
4 said -- he said, "You got someone on the way", and then what does the  
5 next text say from him?

6 A "That's why."

7 Q Okay. And then what did you say?

8 A And I said, "I meant to say, but she's on her way."

9 Q Okay. And then what did the Defendant say?

10 A "And she's on house arrest, girl."

11 Q And then, "He's coming up"?

12 A "He's coming up."

13 Q Do you know what he was referring -- what was your  
14 understanding as to what he was referring to you as that he's coming  
15 up?

16 A The guy that was on his way.

17 Q Okay. The guy that was --

18 A I was supposed to date.

19 Q Okay. And then the Defendant indicates, I'll put this at the  
20 top, "Text me when he's there"; is that correct?

21 A Yes.

22 Q And then he said, "He's outside"?

23 A Yes.

24 Q And then you -- what did you respond with?

25 A "I'm just coming from getting a swisher."

1 Q And what was the Defendant's response to that?

2 A "What the fuck. You ain't at the house?"

3 Q Okay. And then what did he tell you to do?

4 A "Answer the phone."

5 Q And then what did he ask you?

6 A "Where are you at?"

7 Q And then what did he ask you after that?

8 A "How far are you from the room?"

9 Q And what did you tell him?

10 A "I'm like right here."

11 Q Okay. Was that -- were you -- is that true or not true?

12 A That wasn't true.

13 Q Okay. Where were you?

14 A I was riding around in the car with Nana.

15 Q Okay, all right. And then there's another incoming from the

16 Defendant and what does he say?

17 A "Where you at?"

18 Q And then you responded with the same thing?

19 A "Where you at?"

20 Q Okay. And then you did the question mark?

21 A Marks, yeah.

22 Q Okay. Now when you say that you were driving around with

23 Nana, do you remember where you guys went?

24 A I remember that we went -- when she picked me up we went

25 to a store and we did grab some swishers. And then she told me that

1 she had to pick up her boyfriend's mom at Arizona Charlies. And then  
2 we pulled up there and that was the last time that I went anywhere with  
3 her that day.

4 Q Okay. Did you know what was going to happen at Arizona  
5 Charlies?

6 A No. I did not.

7 Q Okay. What happened once you got there?

8 A I got there, and I was in the back of you know, her  
9 boyfriend's van. And she's telling me like oh, come in here with me right  
10 quick to use the bathroom. And she jumped out and just ran in while I  
11 was still in the van trying to open up the door, but it was jammed. And  
12 as soon as I looked to the front of it trying to go throughout the front  
13 door, my mom and step-dad were running across the windshield and  
14 they opened up the back and grabbed me.

15 Q What was going on in your mind at that point?

16 A I got setup --

17 Q Okay.

18 A -- by my friends.

19 Q All right. And what happened after that?

20 A Then my probation officer came around and put me in  
21 handcuffs and put in back of the police car.

22 Q Okay. And after that did they take your cell phone from you?

23 A Yes.

24 Q Okay. And did there come a point in time after you were  
25 arrested that you spoke with Detective Justine Gatus about the facts and



1 circumstances what you testified to today?

2 A Yes.

3 Q Okay. Now -- and you gave a recorded statement to her; is  
4 that right?

5 A Yes.

6 Q Okay. And describing the events of what you remembered  
7 back then; is that correct?

8 A Yes.

9 Q Okay. And then did you also testify at a preliminary hearing?

10 A Yes.

11 Q Okay. And testifying again; is that right?

12 A Yes.

13 Q Okay. And then did you testify two more times at different  
14 hearings regarding these same things?

15 A Yes.

16 Q Okay. And this was over a couple years; is that right?

17 A Yes.

18 Q Okay. Now did you say everything exactly the same way it  
19 happened that -- in every single testimony that you gave?

20 A That I remember from spot on, yes.

21 Q Okay. But some things -- some details were different; is that  
22 right?

23 A Yes.

24 Q Okay. And were you trying to trick anybody when you  
25 testified that way or were you testifying from the best of your memory?

1           A     I was testifying from the best of my memory that happened  
2 five years ago.

3           Q     Okay.

4           MR. MARTINEZ: Can I have the Court's brief indulgence?

5           THE COURT: Uh-huh. Is everybody okay to push through  
6 'till coming up on 5:00 o'clock? And then we'll just break for the day. We  
7 good?

8 BY MR. MARTINEZ:

9           Q     So I'm going to show you what's been marked as State's  
10 proposed Exhibits 8 through 21. I want you to take a look at those. Flip  
11 through the pages and tell me if you recognize what's on those.

12           MR. MILES: And I would object, Your Honor, to a foundation  
13 to be laid where these images are coming from, these proposed exhibits.

14           THE COURT: Okay. At this point he's just showed them to  
15 her, and he hasn't asked any questions yet or moved them in.

16           MR. MILES: Okay.

17           THE COURT: Okay.

18           THE WITNESS: Yes. I remember these pictures.

19 BY MR. MARTINEZ:

20           Q     Okay. Who took those pictures?

21           A     I did.

22           Q     And do you remember taking those?

23           A     Yes.

24           Q     And did you take them with your phone or with the phone  
25 that the Defendant bought you?

1           A     The phone that the Defendant had brought me.

2           Q     Okay. And was that during the timeframe of between  
3 February 1st, 2015 and February 13th, 2015?

4           A     Yes.

5           Q     Okay. And do those fairly and accurately depict the photos  
6 that you took and are they fair and accurate copies of the photos that you  
7 took with your phone?

8                   MR. MILES: Objection; Your Honor, I'm going to ask for  
9 more foundation to be laid.

10                  MR. MARTINEZ: That's what I'm -- that is the foundation, is  
11 they're fair and accurate copies. She's already testified that she's the  
12 one that took the photos, she recognizes who's in the photos and she  
13 testified with what device she took the photos with and she gave a  
14 timeframe as to when they were taken.

15                  THE COURT: Have you even moved them in yet?

16                  MR. MARTINEZ: That's what I'm trying to do is lay a  
17 foundation.

18                  THE COURT: I know, but you're still asking foundational  
19 questions, correct?

20                  MR. MARTINEZ: I asked my last question and then there was  
21 an objection. I'm responding to the objection and I'd like to move those  
22 into evidence now.

23                  THE COURT: Okay. He is now moving them into evidence.  
24 You may now --

25                  MR. MILES: And I'm going to object --

1 THE COURT: -- make your objection.

2 MR. MILES: -- to that, Your Honor. My objection is going to  
3 remain the same. This is hearsay. Hold on, brief Court's indulgence.  
4 And I would be objecting saying to prove the content of the writing,  
5 recording or photograph, the original writing, recording, photograph is  
6 required.

7 So I would ask that the original be produced. I don't think  
8 these are original -- these aren't original documents. These aren't  
9 pictures of the photos. These are just photos. Where are these photos  
10 coming from?

11 MR. MARTINEZ: She just testified to that.

12 MR. MILES: And I would -- what did she testify to?

13 THE COURT: Is it 8 through --

14 MR. MARTINEZ: Through 21.

15 THE COURT: -- 21? They'll be admitted.

16 [State's Exhibits 8 through 21 admitted into evidence]

17 MR. MARTINEZ: And I --

18 THE COURT: Do you want her to look at them again?

19 MR. MARTINEZ: I just want to publish one, the top one.

20 THE COURT: Okay. Let me just put a number on them.

21 MR. MARTINEZ: Oh, that's fine. I'll keep going.

22 THE COURT: Exhibit number on them.

23 MR. MARTINEZ: Sure.

24 BY MR. MARTINEZ:

25 Q I'm going to show you what's been marked as State's

1 proposed Exhibit 22.

2 THE COURT: Adam.

3 MR. MARTINEZ: And I just -- can you show this to her?

4 THE MARSHAL: To her?

5 MR. MARTINEZ: Yes.

6 THE COURT: Mr. Miles, you've seen all these, correct?

7 MR. MILES: I've seen all these --

8 THE COURT: Okay.

9 MR. MILES: -- Your Honor.

10 BY MR. MARTINEZ:

11 Q Okay. I'm going to -- first I'm going to publish -- before I ask  
12 you questions about that I'm going to publish State's exhibit 8. It's been  
13 admitted. Okay. Who's that?

14 A That's me and Christian.

15 Q And what are you holding?

16 A The phone that he bought me.

17 Q Okay. And what color is it?

18 A White.

19 Q And can you see what that says on the back of the phone?

20 It's an --

21 A LG.

22 Q LG. Do you know where that was? Do you remember where  
23 that was where you took that photo?

24 A In the suite.

25 Q In the suite?

1 A Yes.

2 Q Okay. And you had mentioned Defendant's girl Porsha -- is  
3 her name Porsha?

4 A Yes.

5 Q Okay. And who is the one that rented that suite?

6 A She did.

7 Q Okay. Now if you could look at the proposed exhibit that you  
8 have in front of you, can you look at the back and tell me what the  
9 number is?

10 A The number 22.

11 Q Okay. So showing you what's been marked as State's  
12 proposed Exhibit 22. Do you recognize what's depicted in that photo?

13 A Yes.

14 Q How do you recognize it?

15 A I'm in the same suite with the same phone, same hairdo.

16 Q Okay. And did you take that photo?

17 A Yes.

18 Q And do you remember taking that photo?

19 A Yes.

20 Q And is that a fair and accurate copy of the photo that you  
21 took?

22 A Yes.

23 Q And was that in the timeframe between February 1st, 2015  
24 and February 13th, 2015?

25 A Yes.

1 Q Okay. And does that look like to you the same room as the  
2 other pictures that were already admitted?

3 A Yes.

4 Q Okay.

5 MR. MARTINEZ: Move to admit --

6 MR. MILES: And I'm going to --

7 MR. MARTINEZ: -- this exhibit.

8 MR. MILES: And I'm going to object, Your Honor. In order to  
9 prove the content of the photograph the original photograph must be  
10 offered. And the original hasn't been offered in this case. So still sustain  
11 my objection.

12 THE COURT: The foundation requires a true and accurate  
13 copy. I'm going to go ahead and overrule your objection. And it's  
14 admitted.

15 [State's Exhibit 22 received into evidence]

16 MR. MARTINEZ: And I'd like to publish that -- or have it  
17 admitted and then --

18 THE COURT: Uh-huh.

19 MR. MARTINEZ: -- publish it.

20 BY MR. MARTINEZ:

21 Q Now did there come a point in time when you realized that  
22 you were on Craig's List?

23 A Yes.

24 Q Advertisements?

25 A Yes.

1 Q Okay. How did that come about as far as you realizing that?

2 A I believe a date texted me and said that he found me, found  
3 my ad on Craig's List.

4 Q Okay. And did that date text the TextNow app or did he text  
5 to your cell phone?

6 A The TextNow app.

7 Q Okay. And have you seen any of the Craig's List ads that I'm  
8 referring to?

9 A Yes.

10 Q Okay. And was there -- what do you remember from the ad?

11 A Just the picture of me and the TextNow number going  
12 across.

13 Q The Text Now number going across?

14 A The picture, yes.

15 Q Okay.

16 MR. MARTINEZ: Now, Your Honor, I have State's proposed  
17 Exhibit 4, which contains a certification of business records from Craig's  
18 List affidavit --

19 THE COURT: Okay.

20 MR. MARTINEZ: -- along with three advertisements. And so  
21 pursuant to NRS 52.260 and 51.135 NRS, I'd move for its admission now.

22 MR. MILES: I'm going to object, Your Honor. And it's very  
23 clear from -- you said NRS 52 point what?

24 MR. MARTINEZ: NRS 52.260 and NRS 51.135.

25 MR. MILES: Now it states in that statute the contents of the



1 record made in the course of ordinary regular conducted activity in  
2 accordance with NRS 51.135, if otherwise admissible may be proved by  
3 the original or copy of record which is authenticated by a custodian of  
4 the record or other qualified person in an affidavit.

5 Now if we look at the statute that he's referring to --

6 THE COURT: I believe he -- I think Mr. Martinez is saying he  
7 has the affidavit there as required by the statute.

8 MR. MILES: He said he's moving to -- yeah.

9 MR. MARTINEZ: That's correct.

10 MR. MILES: Can I --

11 THE COURT: Right. And --

12 MR. MILES: I'm still -- I still -- so pursuant to that statute that  
13 he's referring to, the statutes says that you must be custodians of the  
14 records to testify to the truthfulness of the documents. She's not the  
15 custodian of the records for the documents, it's hearsay. She can't  
16 testify and she has no personal knowledge to -- as to whether these  
17 documents --

18 THE COURT: Ramsey. Excuse me. Ramsey, would you grab  
19 me the exhibit please?

20 THE MARSHAL: Yes, ma'am.

21 MR. MARTINEZ: And I'm not asking her to authenticate the --

22 THE COURT: I know you're not.

23 MR. MARTINEZ: -- affidavit. It's --

24 THE COURT: I know.

25 MR. MARTINEZ: The rules allow for a custodian of records

1 affidavit business records. And I think that affidavit follows the statute.

2 MR. MILES: I still have some objections, Your Honor. I  
3 actually wasn't finished.

4 MR. MARTINEZ: I apologize.

5 THE COURT: I just need to -- I just needed to see what we're  
6 talking about, Mr. Miles, so I can -- okay. Go ahead. Continue with your  
7 objection.

8 MR. MILES: Okay. Brief Court's indulgence. The statute that  
9 he's referring to I will state again. For the record what it says, it says the  
10 testimony -- she's not qualified. She's not the custodian of the record.  
11 She has -- she doesn't have any personal knowledge as to whether this is  
12 a true and accurate copy of the records from Craig's List. He has the  
13 affidavit but she's not the custodian to testify as to whether this is a true  
14 and accurate copy from Craig's List.

15 MR. MARTINEZ: I'm not asking her to do that.

16 MR. MILES: Well, he's moving it -- he's trying to admit it into  
17 evidence and the statute is clear, she has to be a qualified person with  
18 personal knowledge --

19 THE COURT: Okay.

20 MR. MILES: -- to be able to authenticate these documents.

21 THE COURT: He's got the affidavit of Williams C. Powel who  
22 is the director of law enforcement relations of Craig's List out of San  
23 Francisco, California. He has the certification of the business records.  
24 He's moving them in through that custodian of records. Not through the  
25 witness.

1 MR. MILES: Yeah. But it says that the original custodian of  
2 records is required --

3 THE COURT: By affidavit --

4 MR. MILES: -- before it's --

5 THE COURT: -- that's what this is.

6 MR. MILES: No. It says --

7 THE COURT: Okay. Well, I'm going to --

8 MR. MILES: All right.

9 THE COURT: -- you've made your objection for the record.

10 MR. MILES: To hearsay.

11 THE COURT: I'm going to overrule it and admit them --

12 MR. MILES: Objection, hearsay. It doesn't comply with the  
13 statute.

14 THE COURT: -- as a business record.

15 [State's Exhibit 4 admitted into evidence]

16 THE COURT: Oh, sorry.

17 BY MR. MARTINEZ:

18 Q And you had indicated previously that on the Craig's List  
19 advertisements that you saw there -- they were photos of you with a  
20 phone number across it; is that correct?

21 A Yes.

22 MR. MARTINEZ: If I may publish, Your Honor?

23 THE COURT: You may.

24 MR. MARTINEZ: May I approach, Your Honor?

25 THE COURT: You may.

1 MR. MARTINEZ: Thank you.

2 BY MR. MARTINEZ:

3 Q Now on that -- where it says on the bottom page 3 of 5, but  
4 it's actually the second page of the exhibit, do you see the photograph  
5 there?

6 A Yes.

7 Q Who's that?

8 A That's me.

9 Q And are you taking that photo?

10 A Yes.

11 Q Okay. And do you see a phone number that's on that photo?

12 A Yes.

13 Q What does it say; can you see?

14 A 702-291-2355.

15 Q Okay. And now referring your attention to a highlighted  
16 portion, where it says "record created" do you see that yellow highlight?

17 A Yes.

18 Q What does it say the date is on that?

19 A Monday, February 3rd, 2015.

20 Q Okay. Is it possible it says February 9th?

21 A Oh, did say I February 9th, I'm sorry.

22 Q That's okay.

23 A I don't have my glasses.

24 Q That's all right. And that's during the timeframe that we're  
25 talking about, between February 1st, 2015 and February the 13th, 2015; is

1 that correct?

2 A Yes.

3 Q Okay. Now did you create this advertisement?

4 A No.

5 Q Okay. Do you know who did?

6 A Christian?

7 Q How do you know that?

8 MR. MILES: Objection, Your Honor. There's no foundation  
9 how she's knows that information. I would say that was hearsay also.

10 THE COURT: Okay. He's asking right now.

11 BY MR. MARTINEZ:

12 Q How do you know that?

13 A Because I didn't even know how to post of Craigslist, and me  
14 making this without out calls for, to the -- I don't know nothing about  
15 posting on Craigslist --

16 Q Okay.

17 A -- and I know a stranger didn't just take my picture and post it  
18 with the number to my text now.

19 Q Okay.

20 A So --

21 Q Is that number that's across the photo, is that the text, "Now  
22 at Number," that you and the Defendant shared?

23 A Yes.

24 Q Now turning you attention to the next page. Your picture is  
25 to be the same type of advertisement; is that right?

1 A Yes.

2 Q The same photo?

3 A Yes.

4 Q But a different words describing the ad; is that right?

5 A Yes.

6 Q Okay. And do you see where the highlighted portion is,  
7 where it says, "record created"?

8 A Yes.

9 Q Okay. And is that Monday, February 9th?

10 A 2015?

11 Q Yes.

12 Q Okay. Did you create this ad?

13 A No.

14 Q Okay. Did you provide the Defendant selfies that you took of  
15 yourself?

16 A Yes. I sent numerous pictures that I had in the past, to his  
17 phone.

18 Q Okay. And did he ask you to do that?

19 A Yes.

20 Q And did he ever talk to you about that he was going to be  
21 placing these ads?

22 A Not on Craigslist.

23 Q Okay. Did he mention other sites?

24 A I believe he told me on Back Page.

25 Q Okay. Now going to the third page of this. Do you recognize

1 these photos?

2 A Yes.

3 Q And who are they?

4 A It's me.

5 Q In both of them?

6 A Yes.

7 Q And do you see the number that's across both of those?

8 A Yes.

9 Q The same text "now at number"?

10 A Yes.

11 Q Okay. And then Monday, February 9th, 2015 is when it was  
12 created?

13 A Yes.

14 Q So the one on the left, the left photo is a selfie that you took;  
15 is that correct?

16 A Yes.

17 Q And then you provided that to the Defendant?

18 A Yes.

19 Q Okay. State's Exhibit 22 has been admitted. Is that this  
20 photo?

21 A Yes.

22 Q Okay. And you took that photo; is that right?

23 A Yes.

24 MR. MARTINEZ: Okay. There is a stack of State's Exhibits 8  
25 through 21. I'm not going to publish all them; I'm going to publish the

1 top one and then the jury can review them later.

2 THE COURT: Okay.

3 BY MR. MARTINEZ:

4 Q This is State's Exhibit 9. Did you take this photo?

5 A Yes.

6 Q Okay. And who is that in there?

7 A That's me and Christian.

8 Q And that's a photo got from Christian, is that right?

9 A Yes.

10 Q I want to go back to what you talked about a little bit when  
11 you first met face-to-face with the Defendant. You said that he picked  
12 you up at a McDonald's and you were ditching school; is that right?

13 A Yes.

14 Q And then you guys went to the Rio?

15 A Yes.

16 Q Okay. Now I want you to think back and try to remember.

17 Did you guys have a conversation at all about engaging in prostitution?

18 Did he give you any rules, or what he expected you to do?

19 A Yes. He told me all --

20 MR. MILES: Object, Your Honor. I would object, as this  
21 hasn't been authenticated by any direct or circumstantial, corroborating  
22 evidence.

23 MR. MARTINEZ: So the --

24 THE COURT: Overruled.

25 MR. MARTINEZ: Thank you.



1 THE WITNESS: He told me all the things that comes with the  
2 prostitution.

3 BY MR. MARTINEZ:

4 Q What did he say comes with it?

5 A That no dating black male, no having sex for money with  
6 black male. Basically, like if I work for him I'm only working for him.  
7 There's no other male pimps that can be in my life, and all the money  
8 that I make goes to him.

9 Q And then what would happen with the money, what was the  
10 expectation there?

11 A Basically just -- just fantasies, and just, oh, I'm going to buy  
12 us house, and cars, and we're going to be straight, and you won't have  
13 to need for nothing, nails, hair, shoes, clothes.

14 Q Okay. And were there times when you were with the  
15 Defendant that you got your nails done?

16 A No.

17 Q Did you ever get your hair done?

18 A No.

19 Q Okay. And did he buy you a house or anything like that?

20 A No.

21 Q Okay.

22 MR. MARTINEZ: The Court's indulgence.

23 THE COURT: Sure

24 [Counsel confer]

25 BY MR. MARTINEZ:

1 Q You had mentioned before, you talked about an out call  
2 happening; is that correct?

3 A Yes.

4 Q Okay. How did you get to that particular location?

5 A Christian drove me.

6 Q Okay. And then that's when the sexual activity happened,  
7 after he drove you to that location?

8 A Yes.

9 Q Okay. Did the Defendant go with you into the residence that  
10 you went into?

11 A No. He stayed in the car.

12 Q Okay.

13 MR. MARTINEZ: Pass the witness, Your Honor.

14 THE COURT: Mr. Miles.

15 CROSS-EXAMINATION

16 BY MR. MILES:

17 Q Good morning, Gabrielle.

18 A Good morning.

19 Q Have you been testifying truthfully this whole time?

20 A Yes.

21 Q You've been testifying truthfully?

22 A Yes.

23 Q Okay. Let me ask you a question, and I'm going to show you  
24 State's Exhibit 6. Now you did testify for the State that you never got  
25 your nails done; is that correct?

1 A Yes.

2 Q Okay.

3 MR. MILES: The Court's indulgence.

4 BY MR. MILES:

5 Q First, let me ask you this, would it be fair to say that these  
6 text messages that the State has admitted to evidence is in a true, fair -- I  
7 mean, true or correct copy of the text messages; would it be fair to say  
8 that?

9 A No.

10 Q Now you did have a cellular phone with you between the  
11 dates of February 8th, 2015 and February 13th, did you?

12 A I did.

13 Q You didn't have your phone with you?

14 A I did.

15 Q You did. Okay. You testified extensively in this case, haven't  
16 you?

17 A Yes.

18 Q In prior hearings?

19 A Yes.

20 Q Have you testified truthfully in all those hearings?

21 A Yes.

22 Q And you were under oath? Okay. so do you recall testifying  
23 at that hearing that you didn't have a phone with you between the dates  
24 of February 8, 2015 and February 13; do you recall saying that?

25 A No.

1 Q Would it refresh your recollection if I showed you that?

2 MR. MILES: Okay. Court's indulgence.

3 [Pause]

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

5 THE COURT: Sure.

6 MR. MILES: And I would like to show the witness proposed  
7 exhibit -- Defense proposed Exhibit J. And I'll actually move for the  
8 admission of the evidence, Your Honor.

9 THE COURT: Hang on a second. Can I see it? Ms. King, may  
10 I see that? Thanks.

11 MR. MILES: Actually, if you could direct her attention to  
12 page --

13 THE COURT: Are you refreshing recollection?

14 MR. MILES: Well --

15 THE COURT: What are you doing here?

16 MR. MILES: Well, right now I'm asking her if she said that.

17 BY MR. MILES:

18 Q And I think your testimony was, did you testify under oath  
19 that you didn't have a phone with you between the dates of February 8,  
20 2015 and February 13th?

21 A No. I said, "I did have a phone. "

22 Q You did have a phone?

23 A Yes.

24 Q So is there any reason to believe -- well, let me ask you this;  
25 do you recall testifying at the hearing that you didn't have a phone with

1 you, between the dates of February 8, 2015 and February 13th, 2015?

2 A That I did or didn't?

3 Q That you didn't have a phone with you?

4 A I did have a phone --

5 Q What do --

6 A -- so, yes.

7 Q -- you recall testifying to that, that you didn't have a phone?

8 A I don't recall testifying to that.

9 Q You don't recall testifying to that?

10 A No.

11 Q So would it refresh your recollection if I showed you that  
12 here today? So if you could --

13 MR. MILES: Your Honor, if you could refer to page 28, lines 2  
14 through 7. And I'd actually for the admission of the evidence at this  
15 time, too?

16 THE COURT: State?

17 MR. MARTINEZ: I --

18 MR. MILES: It's prior inconsistent statements.

19 MR. MARTINEZ: I guess I haven't seen that, and I'm not sure  
20 which hearing date he's talking about.

21 MR. MILES: The hearing date, Your Honor, is actually, if you  
22 want me to -- is actually January 29th of 2018.

23 THE COURT: Will you hand this to the State, so I can see  
24 what we're talking about?

25 THE MARSHAL: Okay.

1 MR. MILES: January 29th, 2000 --

2 THE COURT: I'm not clear. Are you offering as --

3 MR. MILES: Prior inconsistent statements.

4 MR. MARTINEZ: I think she said she didn't remember. So I  
5 think with the refreshing recollection point --

6 THE COURT: I don't --

7 MR. MARTINEZ: I don't know.

8 THE COURT: I don't recall her saying she doesn't remember  
9 anything. It seems to me that she's answered everything, but I could be  
10 mistaken, so --

11 MR. MILES: Yes.

12 THE COURT: -- tell me --

13 MR. MILES: Her testimony was she didn't recall making  
14 those statements. And by her saying she didn't recall making those  
15 statements is an admission that those statements are inconsistent. So I  
16 would actually --

17 THE COURT: Which statements are we referring to?

18 MR. MILES: We're referring to the transcript of her testimony  
19 on January 29th of 2018.

20 THE COURT: Well, just ask her, what you want to ask her  
21 from that date. Did you -- whatever you want to ask her. Did you say,  
22 this, on that date. Just read it out of the transcript --

23 MR. MILES: Okay.

24 THE COURT: -- and she can either agree or not.

25 MR. MILES: Okay.

1 MR. MARTINEZ: And what page are you referring to?

2 MR. MILES: Twenty-eight. I'm going to referring to page 28,  
3 proposed Exhibit J, page 28.

4 BY MR. MILES:

5 Q So if I was to ask you at that hearing quote: "So the time that  
6 you left your house on February" -- I mean, Court's indulgence.

7 If, Mr. Martinez, were to ask you: "So the time that you left your  
8 home on February 8 to the time you got arrested on February 13th you  
9 had a cell phone with you," you wouldn't have answered, "No," is that  
10 your testimony?

11 A No, I would have answered, yes.

12 Q You would have answered, yes.

13 MR. MILES: Okay. So I'm going to move for the admission  
14 of this evidence, Your Honor, at this time. These prior inconsistent  
15 statements.

16 THE COURT: Can I see that again. State, what's your  
17 position?

18 MR. MARTINEZ: Well, Your Honor, my position is, I don't  
19 think it's an appropriate way to admit a transcript, and it doesn't have the  
20 entire context of what she's saying.

21 MR. MILES: Well, she's the declarant, she's testifying at the  
22 trial, her --

23 THE COURT: Okay. I need to know specifically what  
24 statement you want in; you don't get the whole statement. You get the  
25 inconsistent portion, if there is one. So what statement in here are you

1 saying is inconsistent --

2 MR. MILES: Page 28.

3 THE COURT: -- with her testimony. Okay.

4 MR. MILES: Page 28.

5 MR. MARTINEZ: So I think she can look at it, and then she  
6 can say whether she said that or not, without it being admitted.

7 MR. MILES: I mean, the State has pretty much admitted their  
8 evidence the same way I'm trying to admit my evidence, Your Honor. So  
9 I'm just, you know --

10 THE COURT: Well, they have not, that's not true.

11 MR. MILES: Okay.

12 THE COURT: I'm not holding anybody to any different  
13 standard.

14 MR. MILES: Okay.

15 THE COURT: You're both required to follow the law,  
16 regardless. There's a way to do transcripts, and there's a way to not.

17 MR. MILES: Okay.

18 THE COURT: We don't have transcripts in at this point by the  
19 State. So I need to know what you want to come in?

20 MR. MILES: I want -- well, at this -- okay, can we do it like  
21 this, because I don't want all these exhibits to get messy with this  
22 testimony. If I admit certain pages, can it just come in through the same  
23 exhibit, can we do it like that, instead of making it the whole entire  
24 exhibit?

25 THE COURT: At this point I'm not admitting any of these



1 page.

2 MR. MILES: Okay.

3 THE COURT: You can ask her the question.

4 BY MR. MILES:

5 Q Okay. Did you testify on the stand that you did have a phone  
6 with you between the days of February 8th, 2015 and February 13th of  
7 2015?

8 A That I did not have a phone?

9 Q That you did not have a phone --

10 A No.

11 Q -- with you?

12 A I did not testify that I did not have a phone. I always --

13 Q So --

14 A -- had a phone.

15 Q So if you could direct your attention to --

16 MR. MILES: Actually, can you give that to the witness, Your  
17 Honor?

18 THE COURT: Yeah. Just a minute.

19 BY MR. MILES:

20 Q Now can you read over that document, without stating it on  
21 the record? And can you let me know when that refreshes your  
22 recollection.

23 [Witness reviews document]

24 THE WITNESS: Uh-huh.

25 BY MR. MILES:

1 Q Did that refresh your recollection?

2 A Uh-huh.

3 Q So you did make those statements, didn't you?

4 A Yes, I did. But they did not say, "Did you have a cell phone  
5 with you that's working," I said --

6 Q Well, I'm not asking you to refer to the evidence at this time, I  
7 appreciate that --

8 A Uh-huh.

9 Q -- but you did state that you didn't have a phone with you  
10 between the dates, and it is line 2 through 7.

11 A Uh-huh.

12 Q Okay. So you did make those statements.

13 MR. MILES: At this time, Your Honor, I'm going to move for  
14 the admission of that exhibit.

15 THE COURT: Okay. The exhibit doesn't --

16 MR. MILES: Well, page 28 --

17 THE COURT: The exhibit does not come in, the statements  
18 come in, and I believe she's put them in. If you want to, because there's  
19 been a little bit of back and forth, if you want to have her repeat the  
20 statements, you want to repeat the question to be clear, her answers will  
21 come in, the transcript will not; that's how it's done, okay.

22 MR. MILES: Okay.

23 THE COURT: So if you want to go ahead --

24 MR. MILES: Why is that, Your Honor, I'm just kind of unclear  
25 about why the transcripts are not coming in. I'm not clear, I'm sorry?

1 THE COURT: Because that's the law, and I'll discuss it --

2 MR. MILES: Okay. So --

3 THE COURT: I can't give you -- that's --

4 BY MR. MARTINEZ:

5 Q So you are agreeing that you did make those statements.

6 That you testified that you didn't have a phone with you?

7 A I made these statements.

8 Q You made those statements. Okay. So you did testify for the  
9 State though, that you did have a phone with you?

10 A Yes.

11 Q Okay. So can you explain that to me, because I'm not  
12 understanding that. You was under oath at that time, weren't you?

13 A Are you going to let me explain? Okay. So like I was just  
14 trying to say, the question here, was, "So at the time you left your house  
15 on February 8th to the time you got arrested on February 13th you had a  
16 cell phone with," and I said, "No."

17 Q I've been --

18 MR. MILES: Your Honor, that --

19 BY MR. MILES:

20 Q Yeah. You had a cell phone with you, and you said, "No,"  
21 you didn't?

22 A Right.

23 Q So you're saying, no, you didn't have a cell phone with you;  
24 is that correct.

25 A Yes, but ---

1 Q Okay.

2 THE COURT: I think she's trying to answer the question, Mr.  
3 Miles, if you give her a minute.

4 THE WITNESS: The cell phone that I'm thinking they're  
5 talking about is a cell phone that did not work. So basically to me that's  
6 not a phone.

7 BY MR. MILES:

8 Q I'm not understanding your testimony. Can you say that  
9 again for me?

10 A The cell phone that they're -- I'm thinking they're referring to,  
11 was the cell phone that did not work. So in my mind that's a not a cell  
12 phone to me. If it's not working that's not a cell phone to me.

13 Q Okay. Now --

14 A But it says here, "When did you get the cell phone"?

15 Q Now I'm going to show you --

16 A That's the whole --

17 Q -- State's Exhibit 6, again. Now these text messages,  
18 wouldn't you agree that these text messages -- you testified for the State  
19 that you an alleged alcohol on February 10th, didn't you?

20 A Yes.

21 Q You weren't with me on February 10th, were you?

22 A I don't remember.

23 Q So if you will show your recollection if I showed you  
24 testimony regarding that?

25 A Yes.

1 Q Okay.

2 A Yes.

3 MR. MILES: Your Honor, if we could hand the witness back  
4 the evidence and refer her to pages 25, 26.

5 THE COURT: Sure. We're refreshing recollection, right?

6 MR. MILES: Yeah. Refreshing recollection.

7 THE COURT: Okay.

8 [Witness reviews document]

9 BY MR. MILES:

10 Q And if you could look at, without stating for the record, if you  
11 could look at page 25, starting at line 7 -- I mean, excuse me. If you  
12 could look at -- yes, if you look at page 25, starting at line 7. Starting at  
13 line 7, following to the next page on page 26. I'm asking you if that  
14 refreshes your recollection?

15 [Witness reviews document]

16 THE WITNESS: Yes.

17 BY MR. MILES:

18 Q So you testified that you wasn't with me from February 10,  
19 2015 to February 11, 2015, didn't you?

20 A It says here February 8th between, and February -- March  
21 4th. It doesn't say nothing about --

22 MR. MILES: Your Honor, that misstates the testimony. If I  
23 could get back the evidence that misstates the testimony at the  
24 evidentiary.

25 THE COURT: Can I have that back, please?

1 MR. MILES: As a matter of fact, Your Honor, I have a more  
2 effective way I can do the examination. I'll just ask her if she made these  
3 statements, and I'll just do it myself.

4 THE COURT: Perfect.

5 MR. MILES: I don't think it's going to work like that.

6 THE COURT: I think.

7 BY MR. MILES:

8 Q Okay. So let's go back through this again. If I were to ask  
9 you, quote -- if I were to ask you quote: "Okay. Now before" -- the  
10 Court's indulgence.

11 Now you testified that you were with a friend named Durrell;  
12 didn't you --

13 A Yes.

14 Q -- at one point in time? Okay. What date was that?

15 A I don't remember.

16 Q You don't remember?

17 A No.

18 Q So if I was to ask you at the evidentiary hearing if you were  
19 with Durrell on February 10th, did you make those statements --

20 A I don't remember.

21 Q -- at any point in time during any hearing?

22 A I don't remember.

23 Q You don't remember. So if I was to ask you if you were with  
24 Durrell you wouldn't have state -- if I was to ask you, what day were you  
25 with Durrell, you wouldn't have stated February 10th?

1           A     I don't remember.

2           Q     You don't remember?

3                   MR. MARTINEZ: Can you refer me to where you're reading  
4 that from?

5                   MR. MILES: I'm reading that from -- are you looking at that --

6                   MR. MARTINEZ: Which page, yes.

7                   MR. MILES: Twenty-five to 26.

8                   MR. MARTINEZ: Okay. So 25, and you're asking -- I'm sorry,  
9 Your Honor, I'm just trying to figure out where -- what line are you on,  
10 16?

11                   MR. MILES: Seven. Starting from 7 because the foundation  
12 was for there, 7 through -- leading to the page from 6, page 6.

13                   MR. MARTINEZ: Okay. Well, Your Honor, he didn't read the  
14 question that he asked correctly. And she actually --

15                   THE COURT: Okay. So what's your objection?

16                   MR. MARTINEZ: My objection is that he's mischaracterizing  
17 what's in the transcript.

18                   MR. MILES: I don't think I'm mischaracterizing the transcript,  
19 Your Honor. But I will -- I'll just ask another question.

20                   THE COURT: Let me ask you to -- let me suggest this to you.  
21 It'll be cleaner and easier. Don't try paraphrasing, or you know, putting a  
22 little preliminary in it, just cut it directly, ask the question and the answer,  
23 as it exists in the transcript, directly.

24                   MR. MILES: Okay.

25                   THE COURT: Were you asked, blah, blah, blah? Did you

1 respond, blah, blah, blah.

2 MR. MILES: Okay. Court's indulgence.

3 THE COURT: Would this be an okay time to break is  
4 everybody --

5 MR. MILES: I can start right now, Your Honor. I'm sorry, I  
6 can start right now, if that's fine.

7 THE COURT: My staff was just asking for a restroom break.  
8 So I was just making sure that nobody else needed one? Everybody  
9 good until 5:00? No hands, we're staying, okay. Go ahead.

10 MR. MILES: Actually, the evidence got kind of moved over  
11 when she got it. Hold on let me --

12 THE COURT: I can't hear, what is it this?

13 MR. MILES: The evidence kind of moved -- my -- Court's  
14 indulgence.

15 BY MR. MILES:

16 Q So if Martinez were to ask you, quote: "So the time that you  
17 left your house on February" --

18 MR. MARTINEZ: Sorry, what page are you --

19 MR. MILES: Oh, I'm going to refer to page 28.

20 THE COURT: If you let the State follow along and then --

21 MR. MILES: Okay.

22 THE COURT: -- it just goes more smoothly, because they  
23 know --

24 MR. MILES: Page 28.

25 THE COURT: -- what you're talking about.



1 MR. MILES: Line 1 through 4.

2 BY MR. MILES:

3 Q If the State were ask to you -- line 2 through 4. If the State  
4 would ask you, so the time that you left your house on February 8th, to  
5 the time that you got arrested on February 13th, you had a cell phone  
6 with you, would you have responded, "No."

7 THE COURT: The question isn't would you have -- "it's did  
8 you."

9 MR. MILES: Did you respond --

10 THE COURT: If you're trying to figure out what she said in  
11 the transcript it's did you, not would you have --

12 MR. MILES: Okay.

13 THE COURT: -- because that's --

14 BY MR. MILES:

15 Q Okay. Did you respond, "No"?

16 THE COURT: There you go.

17 THE WITNESS: No.

18 BY MR. MILES:

19 Q No, you didn't?

20 A No.

21 MR. MILES: Okay. At this time, Your Honor, I'm going to  
22 move for the admission of this document, page 28, for prior inconsistent  
23 statements?

24 THE COURT: I believe she has already answered that she did  
25 testify that way, so this is --

1 MR. MILES: No, she said --

2 THE COURT: -- asked and answered.

3 MR. MILES: -- she didn't, Your Honor. She said she didn't  
4 testify to that.

5 THE COURT: This time she did. But the last time you had  
6 her look at it --

7 MR. MARTINEZ: That's correct.

8 MR. MILES: -- she acknowledge that she did in fact testify.

9 MR. MARTINEZ: That's correct.

10 THE COURT: So this has been asked and answered already.  
11 You have established that at the time -- well, at the time of that  
12 testimony she indicated that when she left home she did not have a cell  
13 phone. She then went on to explain it was because -- she said that  
14 because the phone that she had didn't work. And that's the state of it, so  
15 unless -- I think we're good there.

16 MR. MILES: Okay.

17 BY MR. MILES:

18 Q Now let's just start from the beginning --

19 THE COURT: Unless there's no objection by the State, do  
20 you want to just put that page --

21 MR. MILES: Well, I'm pretty sure he's going to object, Your  
22 Honor.

23 THE COURT: -- of the transcript in?

24 MR. MILES: -- Your Honor.

25 MR. MARTINEZ: No. I'd rather the jury be able to hear the

1 whole -- see the whole thing, not just a partial statement made from a  
2 question that was asked in the middle of a hearing. I don't think that  
3 gives the jury really an appropriate or a proper context as to why --

4 MR. MILES: Well, we could admit --

5 MR. MARTINEZ: -- the answer was. I'm going to redirect and  
6 let her look at the rest of what her statement was --

7 THE COURT: Okay.

8 MR. MARTINEZ: -- and the things that I asked, to clarify. But  
9 I'm not -- I oppose -- I object to admitting a partial --

10 THE COURT: Okay.

11 MR. MARTINEZ: -- page of a transcript that's over 70 pages  
12 long.

13 THE COURT: Okay.

14 MR. MILES: If we could stipulate to admitting the pages that  
15 he believes will clearly -- I mean, I guess for whatever position he has, I  
16 have no problem admitting his pages in there too, if he thinks it will  
17 clarify her testimony; that's fine with me; if that's what he wants to do?

18 THE COURT: If you guys agree on it, I'll let whatever in.

19 MR. MARTINEZ: Your Honor, as an officer of the court, I  
20 think we should probably discuss this outside the presence of the jury.

21 THE COURT: I'm guessing that's true. So I know we were  
22 going to go further, but we have to settle this outside your presence. So  
23 I'm going to go ahead and take our evening break now, ladies and  
24 gentlemen. We're going to take the evening recess.

25 During this recess you're admonished not to talk or converse

1 among yourselves, or with anyone else or with anyone else on any  
2 subject connected with this trial, or read, watch or listen to any report, or  
3 commentary of the trial, of any person connected with this trial, by any  
4 medium of information, including, without limitation to newspapers,  
5 television, the internet and radio.

6 [Court and clerk confer]

7 THE COURT: I'm sorry, guys. Or read, watch or listen to any  
8 report, or commentary on the trial, or any person connected with this  
9 trial, by any medium of information, including, without limitation to  
10 newspapers, television, the internet and radio, or form or express any  
11 opinion on any subjected connected with the trial, until the case is finally  
12 submitting to you. And no legal or factual research or investigation or  
13 recreation of the testimony on your own.

14 Have a good night and drive safe.

15 THE MARSHAL: All rise for exiting jurors.

16 THE COURT: See you tomorrow at 1:00, okay.

17 [Outside the presence of the jury.]

18 MR. MARTINEZ: Can we have Gabby wait in the conference  
19 room while we --

20 THE COURT: Sure. The record will reflect we're outside the  
21 presence of the jury. The witness is leaving the courtroom, and I suspect  
22 we're going to discuss the potential of the entire statement coming in,  
23 and the problems that will ensue if that happens.

24 MR. MILES: I think --

25 THE COURT: I'm guessing.

1 MR. MILES: If I could start off, Your Honor, I think --

2 THE COURT: You sure can.

3 MR. MILES: I've followed -- I've tried to follow the rules of  
4 evidence as far as I can. I think the hearsay exception is clear. "The  
5 declarant testifies at the trial of a hearing and is subject to cross-  
6 examination concerning a statement and the statement is in consistent  
7 with declarant's testimony."

8 She's the declarant, her statement was inconsistent. I'm  
9 trying to get them into evidence, for some reason it's not happening. I  
10 mean, my motions were clear on the reason why. I feel like --

11 THE COURT: Okay.

12 MR. MILES: I feel like the State is not wanting this admitted  
13 into evidence because --

14 THE COURT: My guess is --

15 MR. MILES: -- how the prejudicial effect that she's --

16 THE COURT: -- they do, but go ahead.

17 MR. MARTINEZ: Your Honor, what I'm afraid of, and as I  
18 stated previously, and as you pointed out, she admitted to saying, no,  
19 and that's how the statement comes in, because she acknowledged that  
20 she said it. She was shown a copy of the transcript, she said what she  
21 said in response to a question, and that's how the statement comes in.  
22 The transcript doesn't need to be admitted, because she acknowledged  
23 the statement.

24 And if we admit just a little portion of a transcript I don't  
25 think it gives the jury a proper context. I'm going to redirect with some

1 questions before and after, because it explains exactly what she's trying  
2 to say. But I don't think that we do that through admitting a transcript.  
3 He's getting the statement in by impeaching her, by showing her what it  
4 is, and she's acknowledged it, and the jury will hear that.

5           If we admit the entire transcript there's going to be  
6 argument. There's things that have nothing to do with the trial that are  
7 normally inadmissible. If the Defendant wants the whole the thing in,  
8 then he can have it in, but there's things that go on in these hearings that  
9 normally a jury should not here. But he's sounding like he wants it in, if  
10 that's his request then that's fine.

11           MR. MILES: I think this is how we should --

12           THE COURT: That's the --

13           MR. MILES: I think this is how we should --

14           THE COURT: Let me just explain --

15           MR. MILES: Okay.

16           THE COURT: -- to you. The danger is, the statements come  
17 in. If you start bringing in portions of transcript, now you're highlighting  
18 one portion of testimony over another portion of testimony, and then  
19 you start admitting it, and then the other side has the right to put in the  
20 remainder, to put everything in context.

21           My guess is, there's stuff in her statement you don't want in.

22           MR. MILES: See, Your Honor, see there's actually a statute  
23 for that. If they believe there's relevant testimony or evidence, for the  
24 evidence I'm admitting, they could be -- they could require me to admit  
25 that into my evidence, I have no problem doing that. I don't think that's

1 the problem. I really don't believe that's the problem.

2 THE COURT: The evidence is in -- the statement is in --

3 MR. MILES: Okay.

4 THE COURT: -- it's simply not in by way of transcript.

5 MR. MILES: Because I --

6 MR. MARTINEZ: It's in the record.

7 MR. MILES: I think it was the same way the State did the  
8 evidence, they asked is it a true and accurate copy, all of this stuff, I'm  
9 doing the same exact thing. Did you testify at the hearing? Was that -- I  
10 mean, I'm doing everything that I can as far as following the rules of  
11 evidence, but for some reason I'm not sure exactly why it is it's not  
12 getting -- what exception is applying that's not getting the statement in.  
13 He's staying, okay the statement doesn't need to come in, but the law is  
14 clear --

15 MR. MARTINEZ: That's not what I'm saying.

16 MR. MILES: Oh, you said that the statement doesn't need to  
17 come in because she's testified --

18 THE COURT: The statement is in. The inconsistent  
19 statement is in front of the jury. They know that at the time of the  
20 previous testimony she said, "No, I didn't have a phone with me." And  
21 she knows that when Mr. Martinez asked her she said, "Yes, I did have a  
22 phone," or whatever the inconsistency is. So --

23 MR. MILES: Well, because she's denying it, Your Honor,  
24 that's the thing. I'm asking her, did she say that, she's saying the total  
25 opposite of what I'm saying --

1 THE COURT: No, she didn't. She said that, we can have it  
2 read back, she said that on the stand.

3 MR. MILES: I mean, yes, if we could please have it read back.  
4 I think that would clarify it --

5 THE COURT: Can you find that?

6 MR. MILES: -- yes, if we could have it read back.

7 MR. MARTINEZ: I mean, I think they both happened. So she  
8 acknowledged it --

9 THE COURT: She said both.

10 MR. MARTINEZ: -- in one hand, and then he asked again,  
11 and then she said no.

12 MR. MILES: Yes.

13 MR. MARTINEZ: So the statement is in. The Defendant is  
14 getting what he wants, she said, "No." I'm not disputing that. So the  
15 statement comes in, "No," that's what she said.

16 MR. MILES: All right.

17 MR. MARTINEZ: I'm not objecting to that statement coming  
18 into the jury.

19 MR. MILES: I mean, I just kind of feel like Your Honor that his  
20 legal arguments have no merit. I mean, I'm doing everything, there's no  
21 -- he's not saying why it can't be admitted. He's giving me reasons why  
22 it shouldn't be admitted; he's not saying that there's something as far a  
23 rule of evidence that precludes it. What's precluding these statements  
24 from coming in, that's what I'm trying to figure out, why --

25 MR. MARTINEZ: They are Christian --



1 MR. MILES: No, I'm talking about this --

2 MR. MARTINEZ: -- they're coming in. She acknowledged it --

3 MR. MILES: The evidence --

4 MR. MARTINEZ: -- and it came in. Her statement came in,  
5 that's the exception.

6 MR. MILES: If we could read back the testimony, I think that  
7 will clarify everything, if we can read back the testimony?

8 [Court and clerk confer]

9 MR. MILES: And, Your Honor, I will say right here, it says  
10 right in the notes of decisions. Prior inconsistent statements, obviously  
11 it's not a preliminary hearing, but it says prior inconsistent statements  
12 made at a preliminary hearing were admissible for all the purposes  
13 where the witness were under oath and subject to cross-examination by  
14 Defendant's counsel at the preliminary hearing and at the trial.

15 THE COURT: They are admissible, and they are admitted.  
16 The question is, how do they come in. The testimony is out there now.

17 MR. MILES: Okay.

18 THE COURT: What I'm not agreeing to do is to highlight that  
19 testimony by transcript form. Because now you've taken some  
20 testimony by the witness, and you made it somehow arguably more  
21 important than any other testimony. It's been acknowledged. If you  
22 guys want to let the entirety of the transcript in, anything you guys agree  
23 to I'm fine with. But otherwise I don't see where we would highlight one  
24 testimony over another. She's testified both ways now.

25 MR. MILES: Okay. Well, I -- so I understanding, why is --

1 why can't this evidence be admitted because of --

2 THE COURT: The evidence is admitted.

3 MR. MILES: Okay. Okay.

4 THE COURT: The transcript can't be admitted because  
5 overkill of the statement, if you will. I mean, that would be like Mr.  
6 Martinez coming in and asking her questions on the stand, and then  
7 saying, okay, now I want this part of this part of the transcript in where  
8 she said he was pimping me out, and my vagina hurt, and blah, blah,  
9 blah.

10 I want to highlight that testimony, so we're just going to put  
11 that in, so when the jury goes back to the room, they have this record of  
12 her -- of the parts of her testimony that I like, instead of just arguing and  
13 remembering what the testimony was, you're trying to put in some  
14 concrete evidence of it that --

15 MR. MILES: So you're saying if -- so I understand, you're  
16 saying if I compile the whole transcript, then it can be admitted into  
17 evidence I have no problem doing that.

18 THE COURT: No, no. If they agree, otherwise, no. There are  
19 rules of evidence and you have gotten in the portion that's inconsistent,  
20 and that's it. So I think really --

21 MR. MILES: But she denies it, that's the thing. That's why I  
22 want to read it back, she's denying that she ever said the statement. So  
23 how else can I go about this. I said, "Did you say that?" She said, "No, I  
24 didn't?" I had her read it, she said, "No."

25 THE COURT: She did say, don't you remember that whole --

1 MR. MILES: Yeah --

2 THE COURT: -- thing where she said I said, no, but I meant  
3 that's because the phone didn't work, and so I was just saying I didn't  
4 have a phone that worked, no. But then down her, and she started to  
5 say, and then you cut her off. Down here I said I didn't get a phone  
6 basically that worked, until Christian bought it for me.

7 MR. MARTINEZ: She acknowledged that she said that.  
8 That's how the statement comes in, it's in. The jury heard that. They've  
9 also heard you say that she said, no, and she said that she said no.

10 MR. MILES: Yeah --

11 MR. MARTINEZ: And she's trying to explain what she meant  
12 by that, and I'll get to that on redirect, but the statement came in.

13 THE COURT: You understand, testimony is evidence?

14 MR. MILES: Yes, I understand that.

15 THE COURT: Okay. Your evidence is in.

16 MR. MILES: Okay. It's not --

17 THE COURT: And that's where we are.

18 MR. MILES: I'm just not --

19 THE COURT: So I've explained it to you the best I can. Part  
20 of the -- it's hard to be your own lawyer?

21 MR. MILES: Well, because I mean, I just think that -- I mean,  
22 I'm not going to -- I'm not going to go back and forth with you, about --

23 THE COURT: Okay. Your record is your record, and I  
24 disagree, absent something changing. At this point I believe the  
25 evidence in front of the jury. So we'll come back at 1:00. Should we

1 come back at 12:45 in case there's issues outside?

2 MR. BECKETT: Yeah.

3 MR. MARTINEZ: That's fine.

4 THE COURT: 12:45. Mr. Miles you're going to bring your  
5 jury instructions with you at that time, right?

6 MR. MILES: Tomorrow?

7 THE COURT: Yeah. I thought that's what you said.

8 MR. MILES: I'm not sure, because -- I mean, I'm going to  
9 really break down the rules of evidence tonight and make sure all of this  
10 comes in. And I'm going to look at every --

11 THE COURT: Okay.

12 MR. MILES: -- all the case law I can about how this could be  
13 admitted into evidence.

14 THE COURT: Do that, okay.

15 MR. MILES: So it might be --

16 THE COURT: So then --

17 MR. MILES: -- a long cross-examination.

18 THE COURT: -- let's meet here at 12:45, because I suspect  
19 we're going to do this again.

20 MR. MILES: 12:45.

21 THE COURT: Uh-huh.

22 MR. MILES: Okay.

23 THE COURT: All right.

24 MR. BECKETT: Thank you.

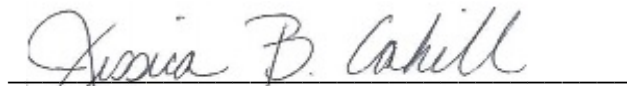
25 MR. MARTINEZ: Thank you.

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THE COURT: The Court's in recess.

[Proceedings concluded at 4:57 p.m.]

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



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