

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Elizabeth A. Brown
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MICHAEL MANZANO RODEROS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Docket No. 83785

Appeal from a Judgment of Conviction
Following a Jury Trial and Verdict
Eighth Judicial District Court, Clark County
The Honorable Michelle Leavitt, District Judge
Case No. C-19-343096-1

**APPELLANT'S APPENDIX
VOL. 2 OF 2**

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CERTIFICATE OF SERVICE

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AFFIRMATION

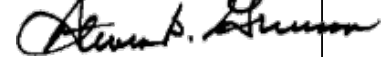
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/s/ Leslie Park

Leslie A. Park, Esq.

2-7-22

Date



DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

MICHAEL MANZANO RODEROS,

Defendant.

CASE NO. C-19-343096-1

DEPT. NO. XII

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

WEDNESDAY, AUGUST 11, 2021

RECORDER'S TRANSCRIPT OF PROCEEDINGS
JURY TRIAL - DAY 2

APPEARANCES:

For the State:

SAMUEL R. KERN
Deputy District Attorney

For the Defendant:

LESLIE A. PARK, ESQ.

RECORDED BY: SARA RICHARDSON, COURT RECORDER

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1 LAS VEGAS, NEVADA, WEDNESDAY, AUGUST 11, 2021, 9:24 A.M.

2 * * * * *

3 [Outside the presence of the jury]

4 THE COURT: Okay. You can bring the panel in.

5 [In the presence of the jury panel]

6 THE COURT: Okay. If you'll please remain standing and raise your right
7 hand so the clerk can administer the oath of service.

8 [The Jury Panel was sworn in by the Clerk]

9 THE COURT: Okay. You may have a seat.

10 Okay. Good morning, ladies and gentlemen. You are admonished that
11 no juror may declare to a fellow juror any fact relating to this case of his or her own
12 knowledge and if any juror discovers during the trial or after the jury's retired that he
13 or she or any other juror has personal knowledge of any fact in controversy in this
14 case, he or she shall disclose such situation to myself in the absence of the other
15 jurors. This means that if you learn during the course of this trial that you were
16 acquainted with the facts of this case or the witnesses and you've not previously told
17 me of this relationship, you must then declare that fact to me.

18 Again, I want to remind you that if there's anything you need to
19 communicate to the Court that you do so in the courtroom in the presence of both
20 sides. Myself, the attorneys, the parties, and the staff in Department 12, with the
21 exception of the marshal, are not permitted to have any communication with you
22 whatsoever outside of the courtroom. So we may see you during recesses, at the
23 end of the day or in the beginning of the day because we will use the same hallways
24 and sometimes the same elevators. We will not acknowledge you. We won't
25 respond if you say hello. Please do not be offended by that. We're all just

1 maintaining our responsibility to maintain the integrity of the jury system. So if
2 you're outside the courtroom and there's something you need to communicate to the
3 Court, you let the court marshal know and the court marshal can communicate it to
4 the Court.

5 What I will now say is intended to serve as an introduction to the trial of
6 this case. It is not a substitute for the detailed instructions on the law which I will
7 give you at the close of the case and before you retire to consider your verdict. This
8 is a criminal case commenced by the State of Nevada, which I may sometimes refer
9 to as the State, against the defendant, Mr. Michael Roderos. The case is based on
10 an information. The clerk will now read that information to the ladies and gentlemen
11 of the jury and state the plea of the defendant to that information.

12 [The Clerk read the Second Amended Information aloud]

13 THE COURT: Thank you very much.

14 This case is based on the information which has just been read to you
15 by the clerk of the court. You should distinctly understand that the information is
16 simply a charge and that it is not in any sense evidence of the allegations it
17 contains. The defendant has entered a plea of not guilty to the information. The
18 State, therefore, has the burden of proving each of the elements as alleged in their
19 charging document by proof beyond a reasonable doubt.

20 As the defendant sits here today, he is presumed innocent. The
21 purpose of this trial is to determine whether the State of Nevada will meet their
22 burden of proof. It is your primary responsibility as jurors to find and determine the
23 facts. Under our system of criminal procedure, you are the sole judge of the facts.
24 You are to determine the facts from the testimony you hear and the other evidence,
25 including exhibits introduced in court. It is up to you to determine the inferences

1 which you feel may be properly drawn from the evidence.

2 The parties may sometimes present objections to some of the
3 testimony or other evidence. It is the duty of a lawyer to object to evidence which he
4 or she believes may not properly be offered, and you should not be prejudiced in
5 any way against the lawyer who makes objections on behalf of the party he or she
6 represents. At times I may sustain objections or direct that you disregard certain
7 testimony or exhibits. You must not consider any evidence to which an objection
8 has been sustained or which I've instructed you to disregard.

9 Anything you may have seen or heard outside the courtroom is not
10 evidence and must also be disregarded. Remember, statements, arguments, and
11 opinions of counsel are not evidence in the case. However, if the attorneys stipulate
12 as to the existence of a fact, you must accept the stipulation as evidence and regard
13 that fact as proved. You must not speculate to be true any insinuation suggested by
14 a question asked the witness. A question is not evidence and may considered only
15 as it supplies meaning to the answer.

16 You must not be influenced in any degree by any personal feeling of
17 sympathy for or prejudice against the State or the defendant. Both sides are entitled
18 to the same fair and impartial consideration. In considering the weight and value of
19 the testimony of any witness you may take into consideration the appearance,
20 attitude, and behavior of the witness; the interest of the witness in the outcome of
21 the case, if any; the relation of the witness to the defendant or the State; the
22 inclination of the witness to speak truthfully or not; and the probability or
23 improbability of the witness's statement and all of the facts and circumstances in
24 evidence. Thus, you may give the testimony of any witness just such weight and
25 value as you believe the testimony of the witness is entitled to receive.

1 There are two kinds of evidence, direct and circumstantial. Direct
2 evidence is testimony by a witness about what that witness personally saw or heard
3 of did. Circumstantial evidence is testimony or exhibits which are proof of a
4 particular fact from which if proven you may infer the existence of a second fact.
5 You may consider both direct and circumstantial evidence in deciding this case.
6 The law permits you to give equal weight to both but it is for you to decide how much
7 weight to give to any evidence.

8 Opening statements and closing arguments of the attorneys are
9 intended to help you in understanding the evidence and applying the law, but they
10 are not evidence. No statement, ruling, remark, or comment which I make during
11 the course of the trial is intended to indicate my opinion as to how you should decide
12 the case or to influence you in any way in your determination of the facts. At times I
13 may even ask questions of witnesses. If I do so, it is for the purpose of bringing out
14 matters which I feel should be brought out and not any way to indicate my opinion
15 about the facts or to indicate the weight I feel you should give to the testimony of the
16 witnesses.

17 I may also find it necessary to admonish the attorneys and if I do, you
18 should not show prejudice against a lawyer or his or her client because I have found
19 it necessary to admonish him or her.

20 Until the case is submitted to you, you must not discuss it with anyone,
21 even with your fellow jurors. After it is submitted to you you must discuss it only in
22 the jury room with your fellow jurors. It is important that you keep an open mind and
23 not decide any issue in the case until the entire case has been submitted to you
24 under instructions from myself.

25 The trial will proceed in the following manner: The deputy district

1 attorney will make an opening statement which is an outline to help you understand
2 what the State expects to prove. Next, the defendant's attorney may, but does not
3 have to make an opening statement. Opening statements serve as an introduction
4 to the evidence which the party making the statement intends to prove. The State
5 will then present its evidence and counsel for the defense may cross-examine the
6 witnesses. Following the State's case, the defendant may present evidence and the
7 deputy district attorney may cross-examine the witnesses. However, as I have said,
8 the defendant is not obligated to present any evidence.

9 After all of the evidence has been presented I will instruct you on the
10 law. After the instructions on the law have been read to you, each side has the
11 opportunity to present oral argument. What is said in closing argument is not
12 evidence. The arguments are designed to summarize and interpret the evidence.
13 Since the State has the burden of proving the defendant guilty by proof beyond a
14 reasonable doubt, the State has the right to open and close the arguments. After
15 the arguments have been completed, you will then retire to deliberate upon your
16 verdict.

17 Again, let me remind you that until this case is submitted to you do not
18 talk to each other about it or anyone who has anything to do with it until the end of
19 the case when you go to the jury room to decide upon your verdict. Do not talk with
20 anyone else about this case or about anyone who has anything to do with it until the
21 trial has ended and you have been discharged as jurors.

22 Anyone else includes members of your family and your friends. You
23 may tell them you are a juror in a criminal case, but don't tell them anything else
24 about it until after you have been discharged by the Court. Do not let anyone talk to
25 you about the case or about anyone who has anything to do with it. If someone

1 should try to talk to you, please report it to me immediately by contacting the court
2 marshal. Do not read any news stories or articles or listen to any radio or television
3 reports about the case or about anyone who has anything to do with it.

4 As jurors you will be given the opportunity to ask written questions of
5 any of the witnesses called to testify in this case. You are not encouraged to ask
6 large numbers of questions because that is the primary responsibility of the
7 attorneys. Questions may be asked but only in the following manner: After both
8 lawyers have finished questioning the witness and only at this time, if there are
9 additional questions you would like to ask the witness, you may then seek
10 permission to ask that witness a written question. Should you desire to ask a
11 question write your question down with your juror number on a full sheet of clean
12 paper and raise your hand. All questions from jurors must be factual in nature and
13 designed to clarify information already presented.

14 In addition, jurors must not place undue weight on the responses to
15 their questions. The court marshal will pick up your question and present it to the
16 Court. All questions must be directed to the witness and not to the lawyers or to the
17 judge. After consulting with counsel, I will then determine if your question is legally
18 proper. If I determine that your question may properly be asked, I will ask it. No
19 adverse inference should be drawn if the Court does not allow a particular question.

20 So I just want to make sure everyone understands, if I excuse a
21 witness, I will not ask them to come back to answer a question from a juror. So if
22 there's a question you want to ask a witness, I just ask that you get my attention so I
23 can instruct the witness to stay. Once I allow them to step down and excuse them
24 from their subpoena, I will not require them to come back to the courthouse.

25 So when the State calls their witness, they get to do what we call direct

1 examination, the defense gets to do cross. After cross, the State gets to do redirect
2 and then after redirect the defense gets to do recross. So both sides have, like, two
3 opportunities to question a witness. When they are done, at that time and only at
4 that time, you'll know because I'm going to turn to the witness, I'm going to thank
5 them for being here, and I'm going to tell them that they are excused from their
6 subpoena. That's when you should get my attention. If I see that a juror has, you
7 know, wants my attention, I will instruct the witness to stay. I'll give you plenty of
8 time to write down your question. I just ask that you do it then because I have the
9 witness here.

10 So you have blank paper in the back of your notebooks. So you can
11 use that paper to write a question down. Again, you use a full sheet of paper, write
12 your question down and, again, I want to make sure you understand, I have to ask
13 the question exactly as you write it down. So if it doesn't make sense, I mean, I
14 can't interpret it or change the words, I have to ask it exactly how you write it down.
15 So keep that in mind because you want, obviously, if you're going to ask a question,
16 you want the witness to understand what the question is. Put your juror number on
17 it, the court marshal will pick it up after you're done and present it to the Court.

18 You have been given these juror notebooks. They were all on your
19 chair when you came in this morning. The instructions that I've given you are in
20 there. The instructions for juror questions are in there. So if you want to look back
21 and review anything, you may and then, of course, there are the blank sheets of
22 paper in the back. You are permitted to take notes during this trial.

23 When you go back to deliberate upon your verdict, you will not have a
24 transcript of the proceedings. So when all of you go back to deliberate, it will be
25 your memory collectively that will prevail during jury deliberations. And if there are

1 any notes that you have taken, you will be able to discuss those notes and use them
2 during your deliberation.

3 However, these notebooks, they have to remain in the courtroom at all
4 times until I excuse you to deliberate upon your verdict. So when we take a rest and
5 at the end of the day, I just ask that you put them on your chair. At the end of the
6 day, the court marshal is instructed by myself to pick those notebooks up, put them
7 in a safe place. I will not permit anyone to read your personal notes, nor will I read
8 your personal notes. You have my word that your notes will be kept confidential and
9 when you come back the next day, your notebook will be sitting there on your chair
10 for you.

11 When I do excuse you to deliberate upon your verdict, you will be able
12 to take that notebook with you and anything in your notebook, obviously, you will be
13 able to use during the -- during jury deliberations.

14 So at this point, I'm going to allow the State to address the jury panel in
15 their opening statement.

16 MR. KERN: Thank you, Your Honor.

17 Turn this on. Test, test. All right.

18 Ladies and gentlemen, this case is about accountability, plain and
19 simple. We are all responsible and accountable for our own actions, responsible
20 and accountable for our actions with respect to our family, our spouse, our children.
21 There's no excuse for defendant laying his hands on his wife, Samantha Roderos.
22 There's no excuse for him putting his hands on his daughter, Noelani Roderos in
23 anger. That's what he did and that's what the evidence will show he did.

24 Now, you're going to hear from the victims in this case, Samantha and
25 Noelani. They're outside right now and they'll come in and tell you about what

1 happened and it's been three years since that stressful event and so I'm going to
2 give you an outline of basically -- the basic facts of what happened that day. Now,
3 just as kind of a preface, as a background of who they are, Samantha Roderos is
4 defendant's wife, still is. They were married about a month before this event
5 happened. They were together for a while before that. They worked together. They
6 met at work and had a romance for several years. They had a two-year-old son
7 together, Sabrien. At the time of this event he was two years old.

8 And Noelani was living with her biological mom and chose to come and
9 live with Michael, the defendant, and Samantha because she wanted to be there.
10 There were issues in the house that both of them were aware of, but nonetheless,
11 they had made the decision to be there. And, in fact, on August 18th of 2019, three
12 years ago, they had gone to -- Samantha and Noelani had gone together, to a
13 K-Pop convention and they had spent the weekend there. It was the weekend
14 before Saman -- or Noelani was to begin her junior year of high school.

15 They got back from Los Angeles where the convention was a little bit
16 later than they expected and when they returned, defendant who was home with
17 their two-year-old, Samantha and his two-year-old son, had been drinking and
18 Samantha came in and discovered that, that had been an issue for them in the past,
19 and she started talking to him about it. She was disappointed with that fact.

20 Noelani went up to her room to unpack and -- from her journey, get
21 ready for school the next day, and Samantha and defendant got into more of an
22 argument. And as the argument went on, Noelani came downstairs and she got
23 involved too. Defendant got angry, words were exchanged. He pushed Noelani,
24 pressed her up against the garage door and pretended to jab at her. Samantha
25 sees this and she doesn't know whether or not Noelani's getting hit at that point in

1 time, so she intervenes. She comes over and tries to get between the two of them.
2 Defendant grabs her by the hands and twists them.

3 Well, that gives Noelani the opportunity to escape. She goes up to her
4 room and she figures she needs to get out of there. She needs to get to safety.
5 She's had enough. So she calls her friend, her friend Kenzie, to come pick her up or
6 I guess come have her dad come pick her up.

7 Defendant by that point in time had separated from Samantha and he
8 comes up to Noelani's room and in Noelani's room he sees what's going on, more
9 words are exchanged. He knocks the bag over, hits her in the face twice. Now,
10 Samantha hears this going on, hears when Noelani tries to escape, falls down trying
11 to go down the stairs, and Noelani will tell you that defendant tried to grab at her
12 then to drag her, she runs back into her room, and so Samantha at this point, she's
13 packing up to leave too, she's done too.

14 So the two of them manage to get packed up, Samantha her bags,
15 Noelani hers, and Samantha takes Sabrien and they're both getting ready to leave.
16 They walk down the stairs and defendant's down there. He's -- he's upset. He
17 doesn't want them to leave. So he pushes, he grabs the bags, he tries to stop them
18 from leave. Samantha again intervenes to allow Noelani the opportunity to escape
19 that situation. Noelani runs out into the street where her friend's dad is waiting with
20 the car and she gets in it and leaves. Samantha manages to escape too.

21 In this chaos and confusion, Samantha had given Noelani her phone
22 and so Samantha doesn't have a phone at that point as she's driving to her friend's
23 house where she plans on staying. The friend's father, Kenzie's father, being a
24 responsible adult, hears what's going on, drives a couple blocks away and decides
25 to call the police. So police respond to that scene just -- not to the house, but to

1 where they're at a couple blocks away and they take the statements. They take
2 Noelani's statement, she's distressed, she's crying. She's got a mark over her eye.
3 And they make contact eventually with Samantha as well and Samantha responds
4 to the scene too and she gives a statement as well and those statements were the
5 basis for the officers determining that they had probable cause to make an arrest.

6 But when they go to defendant's house, they can't make contact with
7 him. Now, you'll see that the garage door is partially open, the lights are on in the
8 garage, officers get there, they knock on the door, they ring the doorbell a bunch of
9 times, they're flashing lights at the house to try to get him to come out to talk to
10 them. But he never comes out. So they leave. After about eight minutes they
11 figure they have to leave, they'll try again. And the next day defendant goes to work
12 and that's where he's arrested for this event.

13 This is a horrible event in these two women's lives, not something they
14 ever would have wanted to happen. And after this, Samantha actually tries to work
15 it out with defendant for -- for a while. They are living together and she eventually
16 gets to the point where she realizes this isn't going to work and she needs to make a
17 separation.

18 Noelani ends up having to go live with her biological mother. She lives
19 there for a couple years. She graduates high school, gets a job, and she decides
20 that she once again wants to live with Samantha. Noelani might tell you that she
21 feels guilty for what happened. She feels guilty because she called for help and
22 when she did that person called law enforcement. She feels responsible for what
23 happened when she was 16 years old.

24 But, ladies and gentlemen, this is not Noelani's fault. There's one
25 person responsible for defendant's actions and that's the defendant. He's

1 responsible for his own actions. And at the end of the evidence, I'm going to ask
2 you to hold him accountable for what he did, child abuse, battery domestic violence,
3 and coercion domestic violence.

4 THE COURT: Thank you.

5 Ms. Park.

6 MS. PARK: Thank you.

7 Good morning, everyone, thank you for being here today. Again, I'm
8 Leslie Park. I represent Michael Roderos. Michael Roderos is a husband, he's a
9 father, he's a provider. That's who he is. He loves his family very much.

10 On this particular day there was an argument between he and
11 Samantha. Noelani involved herself in this argument. Everyone was heated.
12 Everyone was arguing with each other. It was a bit chaotic to say the least. But
13 there are two sides to every story and I know that you will consider that.

14 I will ask that you pay very close attention to the testimony and use your
15 common sense in analyzing that testimony and I'm certain that if you do those things
16 that at the end of this case you will find Michael Roderos not guilty. Thank you.

17 THE COURT: Thank you very much.

18 The State may call their first witness.

19 MR. KERN: The State calls Samantha Roderos.

20 MS. PARK: Your Honor, I'd like to invoke the exclusionary rule, please.

21 THE COURT: Okay. Are there any other witnesses?

22 MR. KERN: Yes.

23 ///

24 ///

25 ///

1 THE COURT: Thank you.

2 If you'll raise your right hand so you can be sworn in.

3 **SAMANTHA RODEROS,**

4 [having been called as a witness and first duly sworn, testified as follows:]

5 THE CLERK: Thank you. You may have a seat.

6 THE WITNESS: Thank you.

7 THE CLERK: And please state and spell your first and last name for the
8 record.

9 THE WITNESS: Samantha Roderos.

10 THE CLERK: Can you spell that please?

11 THE WITNESS: S-A-M-A-N-T-H-A, R-O-D-E-R-O-S.

12 THE COURT: Thank you.

13 MR. KERN: May I?

14 THE COURT: You may.

15 MR. KERN: Thank you, Your Honor.

16 **DIRECT EXAMINATION OF SAMANTHA RODEROS**

17 BY MR. KERN:

18 Q Ms. Roderos, I understand that you were -- you had to work last night?

19 A Uh-huh.

20 Q And what time --

21 THE COURT: Is that a "yes"?

22 THE WITNESS: Yes, sorry.

23 BY MR. KERN:

24 Q Oh, wait. Yeah, sorry. And just as kind of a ground rule is if you could
25 answer audibly to the questions --

1 A Okay.

2 Q -- because we have to make a record. Thank you.

3 So you did have to work last night?

4 A Yes.

5 Q What time did you have to work to?

6 A 4:00 a.m.

7 Q I'm so sorry. All right.

8 A That's okay.

9 Q Where do you work?

10 A Varian Medical Systems.

11 Q What is that?

12 A It's a company that trains -- well, we create oncology equipment, cancer

13 treatment equipment that goes into hospitals.

14 Q Okay. And what do you do in -- at Varian?

15 A I train service engineers from all around the world how to work on the

16 equipment, how to install it, maintain it, service it, all that good stuff.

17 Q All right. So that explains the late hours.

18 A Yeah, so last night I was teaching engineers from Kenya.

19 Q Okay.

20 A So, yeah.

21 Q All right. And you -- you do have a slight accent. Where are you from

22 originally?

23 A England.

24 Q All right. How long have you lived in Las Vegas?

25 A 16 years.

1 Q Okay. Was it directly to Las Vegas from England?
2 A Yes, it was, yeah.
3 Q Do you know Michael Roderos?
4 A I do.
5 Q All right. How do you know him?
6 A He's my husband.
7 Q Okay. Do you see him here in court?
8 A Yes, I do.
9 Q Will you point him out and describe an item of clothing he's wearing?
10 A That's him.
11 Q Can you just describe an item of clothing?
12 A Gray shirt.
13 MR. KERN: Okay. May the record reflect the witness has identified the
14 defendant?
15 THE COURT: So reflected.
16 BY MR. KERN:
17 Q When did you and Michael first meet?
18 A We actually worked together at Varian.
19 Q Okay.
20 A Yeah.
21 Q And how long did you work together?
22 A Nine years, maybe ten years.
23 Q All right.
24 A Yeah.
25 Q And did you guys have a romantic connection when you first started

1 working together or how did that play out?

2 A No. We just started chatting and talking to each other, just general
3 colleagues.

4 Q All right.

5 A And then we started working together on a product and then we -- we
6 ended up going out to China to teach together and we kind of hooked up, as it were.

7 Q Sure. Okay. Did you eventually move in together?

8 A Yes, we did. Yeah.

9 Q Okay. Do you have any children?

10 A Yes, we do. One son.

11 Q And who is that?

12 A That's Sabrien.

13 Q All right. How old is he now?

14 A He's almost 5. He's 4 and a half at the moment. Yeah.

15 Q Okay. Did you live together at 594 Campus Oaks Court in Las Vegas,
16 Nevada, Clark County?

17 A Yes, we did.

18 Q Was that the first place you lived together or were there others before
19 that?

20 A No. I moved in to his house about seven years ago and that was in
21 Falling Snow and then we got a house together at Fabiano and then we moved into
22 Campus Oaks actually purchasing the house together.

23 Q Okay.

24 A Yeah.

25 Q So did -- when did Noelani come to stay with you guys?

1 A She came to stay with us on a week-on, week-off type of basis.
2 Q All right.
3 A And that was all the way from the start.
4 Q Okay. At some point did she live there pretty consistently?
5 A She did. After her, I think it was her 13th birthday, 14th birthday, she
6 started staying with us pretty -- all the time because she didn't want to go live with
7 her mom anymore.
8 Q That Campus Oaks residence, is that a house that you and Michael had
9 purchased together?
10 A Yes.
11 Q All right. So both of you were financially responsible?
12 A Yeah.
13 Q Did you guys share an income or have split incomes?
14 A We still had separate incomes.
15 Q Separate incomes?
16 A Yeah.
17 Q So did you each pay your portion of the bills then?
18 A I paid the mortgage and the bills and he paid for food and some of the
19 bills.
20 Q Now, were there -- were there some signs of alcohol use when you
21 guys were dating?
22 A Absolutely, yeah.
23 Q Okay. And how did those affect you?
24 A I guess I was kind of a little bit too in love, so it was just, oh, it's okay,
25 he drinks, it's not as bad as I thought it was. You know.

1 Q Okay. So you figured you could manage and work through it?

2 A Yeah.

3 Q Did there come a point where you decided that wasn't going to work

4 and he needed to cut down on his alcohol?

5 A Yeah. Absolutely. We had discussions multiple times about him

6 reducing the amount of alcohol he would drink. Like, I didn't want him to stop, but,

7 you know, cut it back a little bit, but it always ended up a little bit of an argument or

8 me being --

9 Q Sorry, I didn't catch that last part.

10 A There was always a little bit of an argument or him sort of telling me

11 that I was overreacting and that he could maintain his alcohol so it was okay.

12 Q Okay. And was that alcohol use, was it every day? Was it --

13 A Uh-huh.

14 Q Okay. Was it during the day -- daytime?

15 A Well, after work normally.

16 Q Okay.

17 A But it was as soon as he came home from work until he went to bed.

18 Q All right.

19 A Yeah.

20 Q Do you know about how much he was drinking at that point?

21 A I don't know quantities, but I know that when I cleared out the house

22 when we sold, there were cases upon cases of beer boxes left, lying around

23 everywhere.

24 Q So you guys got married, about when did that happen?

25 A July of 2019, whenever it was.

1 Q All right. So that was about a month before --
2 A Yeah.
3 Q -- the events of August 8th of 2019?
4 A Uh-huh.
5 Q All right.
6 THE COURT: Is that a "yes"?
7 THE WITNESS: Yes. Sorry. I'm sorry.
8 BY MR. KERN:
9 Q Now, on August 18th, 2019, had you and Noelani gone to L.A.?
10 A Yes. We'd just come back from a K-Pop convention.
11 Q K-Pop convention.
12 A Yeah.
13 Q What is a K-Pop convention?
14 A It's a Korean convention where you go and listen to K-Pop music, like,
15 BTS, Pink Black, people like that and it's, you know, eat the food, look at the beauty
16 stuff, go get clothing, things like that.
17 Q Okay.
18 A Yeah.
19 Q How was that?
20 A It was fun.
21 Q All right. And so Noelani's your stepdaughter?
22 A Yes, she is.
23 Q At this point.
24 A Yeah.
25 Q All right. 16 years old?

1 A Yes. Or was back then.

2 Q Was back then?

3 A Yeah.

4 Q She's 19 now?

5 A 18.

6 Q 18. Were you running a little bit late coming back from the K-Pop
7 convention?

8 A Not anything beyond what we had already explained because we
9 were -- we left the convention at lunch time when the hotel checked out, then we
10 went to the K-Town in L.A. to go get some items, and then we just drove home. We
11 weren't on a schedule on a, you know, you had to be home by 9:00 o'clock type of
12 thing. It was just we were on our way home normally.

13 Q Okay.

14 A Yeah.

15 Q What time did you arrive home? And if you don't recall specifically --

16 A Yeah, honestly, I don't know. It wasn't late. It was still daylight outside,
17 so between 6:00 and 9:00, I guess. It was in the evening. Yeah.

18 Q Okay. Okay. And I realize that it's been three years at this point.

19 A Uh-huh.

20 Q So if you don't remember something it's okay to say I don't remember,
21 that's perfectly fine. All right?

22 A Okay. Uh-huh.

23 Q When you got back, what was Michael doing?

24 A He was in the garage drinking.

25 Q All right. And how could you tell that he was drinking?

1 A Because he was always in the garage drinking. There were cans of
2 beer in -- on his desk in the garage.

3 Q All right. And were you disappointed to find him drinking?

4 A A little bit, yeah.

5 Q Okay. Was he -- now, he was home with Sabrien at that point?

6 A Yes, he was.

7 Q Okay. Did that discussion turn into an argument?

8 A Yeah, it did because I'd expected him not to be quite as drunk when I
9 got home, especially because he was looking after Sabe.

10 Q Got it. All right. And as that argument went on what happened?

11 A It kind of just got more and more heated and then, you know, I -- it was
12 kind of one of those, you know, you're acting like my ex-wife, and I said, you know,
13 I'm not acting like your ex-wife, I'm just trying to get you to realize that you need to
14 cut down the drinking, you know, you've been in charge of Sabe for this weekend,
15 you know, I just need you to step up and stop.

16 Q Okay.

17 A Yeah.

18 Q Did Noelani become involved at some point?

19 A Yeah. She did. She got involved because Mike said that he hadn't
20 called me his, you know, stop acting like your ex-wife and I said you do it all the
21 time. It ended up being a, you know, I-said-you-said-type-of-thing. And we said, all
22 right, go get Noelani because she can prove that you keep calling me your ex-wife.

23 Q Okay.

24 A So that's why she got involved in the argument.

25 Q So I just want to clarify, was it Michael's idea to get Noelani or your

1 idea?

2 A He told me to go get her.

3 Q Okay. And Noelani at this point wasn't in the garage with you?

4 A No. She was upstairs in her bedroom.

5 Q Okay. Did you go get her?

6 A I did. I did.

7 Q And when Noelani came down, how did that go?

8 A She had heard the shouting up through the garage because her
9 bedroom was directly above it, so she asked me what was going on and I explained
10 that her dad was, you know, getting angry with me because I told him he needed to
11 stop drinking and she said, all right, come on, let's go deal with it. So we went into
12 the garage together.

13 Q All right. And how did Michael react when Noelani came down?

14 A He sort of was being defensive and Noelani started saying, you know,
15 that you do call Sam, you know, you keep saying to Sam that she's acting like mom
16 when she's not and, yeah, it just got worse after that.

17 Q All right. And did it become physical after that?

18 A [No audible response]

19 Q Is that a "yes"?

20 A Yes, I'm sorry. Yes.

21 Q Okay. Can you describe what happened when it became physical?

22 A So Mike made his way across the garage and myself and Noelani were
23 standing by the door that leads into the house and he got up into Noelani's face and
24 started kind of prodding her and threatening towards her.

25 Q Okay.

1 A And she kept asking him to step back and step away from her and he
2 wouldn't.

3 Q And -- and so I just want to be clear, where was Noelani standing and
4 where was Michael standing?

5 A So the door was here, Noelani had her back to the door and then Mike
6 was standing directly in front of her and then I was standing off to one side actually
7 in the body of the garage.

8 Q All right. And did -- or was Noelani pushed up against the door --

9 A Yeah.

10 Q -- because Michael was standing --

11 A So close.

12 Q -- started pushing or pressing against her?

13 A Yeah.

14 Q Did he make any motions as though he was going to hit her?

15 A Yes, he did.

16 Q What did he do?

17 A He looked like he was going to try and hit her in the stomach.

18 Q Okay. And could you tell if he made contact or not?

19 A I couldn't because of the way I was angled behind him slightly, but --

20 Q All right. Was he saying anything at the time?

21 A He was just accusing her of being disrespectful, saying that he could,
22 you know, do what he wanted to her because he was her dad. Yeah.

23 Q Did you decide to intervene?

24 A I did. I stepped in because she was -- she couldn't go any further back
25 and he wasn't listening to her when she was asking to go away. So I stepped in and

1 kind of moved him into him the main garage with me.

2 Q Okay. And at some point did he get physical with you?

3 A Yes, he did. He grabbed hold of me and started twisting my fingers and

4 twisting my wrists 'round, and then he started shouting at me to let go when he was

5 the one holding on to me and twisting my hands.

6 Q Any idea why he'd say that?

7 A I don't know.

8 Q Okay. And can you kind of describe a little bit more how he was

9 grabbing and twisting your hands?

10 A Yeah, just kind of in a -- I know this sounds stupid, but like a mercy,

11 mercy where you twist them 'round and then twist them back on themselves.

12 Q Okay. So what part of his hands were on yours?

13 A He had his -- like this.

14 Q So it was like grasping through your fingers?

15 A Yeah.

16 Q Okay. And then twisting them like the game of mercy?

17 A Like that, yeah.

18 Q Okay. All right. About how long did that go on for?

19 A A minute, two minutes.

20 Q Okay. Obviously, not something you wanted him to be doing?

21 A No, no. It was very painful.

22 Q Okay. And did you -- were you holding on to him at all while --

23 A No. Just because he had me like this and I'm like, Let go, and he was

24 like, You let go, you let go, and I'm like, You're the one holding me, I'm not --

25 Q All right.

1 A Just let go of my hands, you know.

2 Q Okay. Did Noelani get out of the garage?

3 A At that time she was shouting at him to let go of me and then when he

4 finally let go I said to her, All right, come on, let's go, and we both went inside the

5 house.

6 Q At that point what was your -- what was your next move?

7 A To get out.

8 Q Okay.

9 A Yeah. I knew that what was happening was just going to escalate

10 further, so I told her to go upstairs to her room and go pack a bag so we could leave.

11 So she went up to her room to pack and I went up to my room to get my stuff and to

12 get Sabe's stuff so we could all leave the house and get away from the situation.

13 Q Okay. Did -- so did Noelani go to her room?

14 A Yeah.

15 Q And you went to your room?

16 A Yeah, yeah.

17 Q And you were packing your bags?

18 A Yeah.

19 Q Did you still kind of have bags already packed or --

20 A I did but my brain automatically went into coping mode where I was like,

21 okay, I need to get my work clothes because tomorrow's Monday and I need to go in

22 because I'm teaching. So even though I had a bag full of clothes already from the

23 weekend, they weren't appropriate work clothes, so I was dumping them out to put

24 in, you know, my work pants, my work shoes, and things like that.

25 Q And what about Noelani, could you hear anything going on over in her

1 room?

2 A To start with, no. I just assumed she was in her room. And then a
3 good couple of minutes later I heard a bang and a scream and I heard her run past
4 and heard her door slam shut and her sobbing in her room.

5 Q Okay.

6 A And then I went to see what was going on and she had her door locked
7 and I was like, Come on, you know, open the door, it's me, and that's when she
8 opened the door and I saw her eye was all kind of black and her glasses had
9 vanished and she was in hysterics.

10 Q Okay. All right.

11 A Yeah.

12 Q So I'm going to show you what's been marked as State's Proposed
13 Exhibit Number 4.

14 THE RECORDER: You have to push the button at the -- no, on the other side
15 of the ELMO.

16 MR. KERN: The other side of the ELMO.

17 THE RECORDER: The blue -- yeah.

18 MR. KERN: Ah, that one, the big one.

19 THE RECORDER: Yep.

20 MR. KERN: And, I apologize, may I approach, Your Honor?

21 THE COURT: You may.

22 BY MR. KERN:

23 Q And do you recognize that photograph?

24 A I do, yeah.

25 Q Okay. How do you recognize it?

1 A I saw it when -- what do you call it -- I saw all of the evidence when it
2 was first taken by the police and everything. Yeah.

3 Q And do you recognize the person in that photograph?

4 A Yes, I do.

5 Q Who is that?

6 A That's Noelani, that's my stepdaughter.

7 Q All right. Is that a fair and accurate depiction of how she looked when
8 you saw her that night?

9 A It's a little bit washed out, but, yeah, the -- the bruise was all the way
10 down on the side of her face coming down up on to her eye, but the photo makes it
11 a little bit --

12 Q Washed out?

13 A -- washed out, certainly, yeah.

14 Q But otherwise fair and accurate?

15 A Yeah, yeah, absolutely.

16 MR. KERN: May I publish State's Proposed 4?

17 THE COURT: Are you going to move to admit it first?

18 MR. KERN: I think we actually stipulated on the --

19 MS. PARK: I don't think we did on the record.

20 MR. KERN: We didn't on the record. I think we have a stipulation for State's
21 Proposed Exhibits.

22 THE COURT: Okay. So no objection, Exhibit 4 can be admitted; is that
23 correct, Ms. Park?

24 MS. PARK: That's correct.

25 THE COURT: Okay. And you may publish.

1 **[STATE'S EXHIBIT 4 ADMITTED]**

2 MR. KERN: Thank you, Your Honor.

3 BY MR. KERN:

4 Q And so, again, this photograph is taken later but it's consistent with her
5 appearance when you saw her that night?

6 A Yeah.

7 Q But for the fact that the bruising is actually kind of washed out in the
8 picture?

9 A Yeah.

10 Q And it was darker when you saw it?

11 A Uh-huh.

12 Q Okay.

13 THE COURT: Is that a "yes"?

14 THE WITNESS: Yeah, it was obvious enough to see it when I opened up the
15 door. It was black already.

16 BY MR. KERN:

17 Q Okay. All right. So how is Noelani at that point?

18 A She was crying in hysterics, her glasses, she's got really bad eyesight,
19 so she has to have her glasses and she'd lost her glasses so she was panicking that
20 she couldn't see. She was crying horrendously and I was like, Okay, we've got to
21 go, we've got to get our stuff so, you know, get yourself together just a little bit so we
22 can finish packing so we can get out.

23 Q Okay. And did you guys finish packing?

24 A We managed to, but when we were in the upstairs area Mike had come
25 up and he sort of said we're not leaving and he tried to take the bags away from us.

1 Q Okay. In the upstairs area he tried to take the bags away from you?
2 A Yeah.
3 Q All right. And where is Sabrien in all this?
4 A So he was around my legs all the time because he, obviously, we're --
5 there's a lot of shouting and crying at this point, and when we were upstairs, when
6 Mike tried to take the bags away from us, that's when Sabe got knocked over.
7 Q Okay. So how did Sabrien get knocked over?
8 A I guess when the bags were being jostled about --
9 Q Okay.
10 A -- he was right there and he just got pushed.
11 Q All right. All right. And so he's pulling the bags, sorry, this is upstairs
12 you said?
13 A Uh-huh.
14 Q Okay. Is that a "yes"?
15 A Yes. I'm sorry, yeah.
16 Q All right. And at that point he's pulling the bags from you?
17 A Yes.
18 Q Okay. Is he pulling the bags from Noelani?
19 A Not at that point.
20 Q Not at that point, okay. And were you able to pull the bags back?
21 A Yeah, he just -- I said, Come on, just let us go and he was like, okay,
22 and he let go of the bags so we could then go downstairs.
23 Q Okay. Once you got downstairs was he willing to let you go?
24 A No, he wasn't. He tried to block us again and he took Noelani's bags
25 that time and they had a bit of a scuffle by the sofa.

1 Q Okay.

2 A And then finally I was like, okay, this -- just let us go, this is ridiculous,
3 just let us go and --

4 Q And so I just want to -- if you could describe, you said he was blocking
5 you. How was he blocking you?

6 A He was standing in front of the door and he wasn't letting me unlock the
7 door to try and get out the house.

8 Q Okay. And when you say a bit of a scuffle, what is that?

9 A A fight because he was again stopping Noelani, he had Noelani's bag in
10 her hand and he was trying to get it off of her to not let her go with anything.

11 Q Okay. So was there pushing involved?

12 A Yeah.

13 Q And Michael pushing Noelani?

14 A Yeah.

15 Q All right. As he was trying to get the bags from her?

16 A Yeah.

17 Q Okay. Is that a "yes"?

18 A Yes, I'm sorry.

19 Q Perfect. Nah, you're -- you're -- how much sleep are you going off of
20 right now?

21 A About two hours.

22 Q Two hours' sleep, okay.

23 A Yeah.

24 Q You're doing great.

25 When -- so you finally say that's enough, let us go, and does he

1 eventually then let you leave?

2 A Yeah. He sort of just runs out of steam and just steps away and by that
3 time Noelani's friend's -- or Noelani's friend's dad, I should say, turns up in a car and
4 I get Noelani into the car so she can go and then I get myself and Sabe into our car
5 and I drive off to my friend's house. Yeah.

6 Q Okay. So when you were downstairs trying to get out the door, how
7 long did that take you to actually get?

8 A Five, ten minutes.

9 Q All right.

10 A I mean, it was a good period of time that we couldn't leave the house.

11 Q Okay. Where he was stopping you, blocking you, ordering you there?
12 Okay.

13 So you were able to leave with Sabrien?

14 A Uh-huh.

15 Q Is that a "yes"?

16 THE COURT: Is that a "yes"?

17 THE WITNESS: Yes. Sorry.

18 MR. KERN: Thank you.

19 BY MR. KERN:

20 Q And where did you go?

21 A I drive to my friend's house.

22 Q Okay. And was the intent to just stay there, let him cool off, or what
23 were you thinking?

24 A Yeah. It was -- I knew that going back to the house was a bad idea and
25 my friend's got a little casita off to the side of her house, so she -- I kind of -- I

1 assumed that it was okay for me to go and stay there for a few days when
2 everything calmed down a little bit.

3 Q Okay.

4 A Yeah.

5 Q So this is a friend that you felt pretty comfortable with asking --

6 A Yeah, yeah.

7 Q Okay.

8 A Yeah, because I wasn't able to phone her to pre-warn her because I
9 gave my phone to Noelani because in the struggles she lost her phone, so she
10 disappeared off with my phone and I just knew I could head to my friend's house.

11 Q Okay.

12 A Yeah.

13 Q Okay. And you knew Noelani at that point was with her friend?

14 A Yeah.

15 Q And getting safety and you had Sabrien?

16 A Yeah.

17 Q Okay. Did you get a phone call from police asking you to come back
18 and give a statement?

19 A I did, yeah. I got all the way to my friend's house and got Sabe inside
20 and calmed down a little bit and then I don't remember who called me because
21 someone called my friend to say, hey, we need Sam to come back because the
22 police are here and everything.

23 Q Okay. And did you go back and give a statement?

24 A I did. Yeah.

25 Q All right. And at that point you didn't have your phone so you weren't

1 able to call the police?

2 A Right.

3 Q All right. Would you have called police?

4 A I would have because it had got to that level that it was just beyond a

5 family argument at that point.

6 Q Okay. And when you got there did you give your statement to police?

7 A Yes, I did.

8 Q All right. Did you give a written statement to the police?

9 A Yes, I did.

10 Q And told them what had happened?

11 A Yeah.

12 Q Okay.

13 A Yes.

14 Q And did you give -- so after all this did you stay working at Varian?

15 A I did. I still work at Varian.

16 Q Okay. And did -- did Michael stay working at Varian?

17 A He did for a couple of days and then the police were called because he

18 came on site and so after that he got fired.

19 Q Okay.

20 A Because Varian doesn't tolerate any sort of domestic violence or any

21 aggression like that.

22 Q Okay. All right.

23 A Yeah.

24 Q Did you and Michael end up living together for a little while after this?

25 A We did. So he stayed out of the house for about a month and then he

1 went to court for the first hearing and then --

2 Q And I don't want to get into anything that happened in --

3 A Okay.

4 Q -- in court hearings or anything like that, just with respect to --

5 A Oh, no, but I was just saying that he came back after that first hearing.

6 Q Okay.

7 A Yeah.

8 Q Okay. And how long did you live together after that?

9 A We were only together again for about two or three weeks.

10 Q Were you going through counseling?

11 A Yes, I did in the end.

12 Q Okay. And what made you decide to start making a separation?

13 A Really the counselor helped me see that I was -- I was overlooking
14 everything too much, you know, it was okay that he was drinking, it was, you know,
15 normal that he was drinking, and the counselor made me realize that that's not a
16 normal thing. You know, that someone, you know, everyone is allowed to have a
17 beer, everyone's allowed to have a glass of wine, but there's certain levels that you
18 get to and I really had to think, not just, you know, that I love Mike and that's what
19 was going on but he was being, you know, it's not safe for me and the kids to be
20 there when he was drinking that much.

21 Q Okay.

22 A And he couldn't see that he was having issues drinking. So, you know,
23 I -- it's the ultimatum, it's either the drink or it's me and the family and --

24 Q Okay.

25 A -- sadly I decided that it was -- the family was more important than

1 anything else, so.

2 Q Okay. And so the two or three weeks where he was living at the --

3 A Uh-huh.

4 Q -- at the house, there was an issue with -- was there an issue with Child
5 Protective Services?

6 A Yes.

7 Q Okay.

8 A Yeah, yeah.

9 Q And were you allowed to have Sabrien at the house if he was there?

10 A So to start with the document said that he could be in the house with
11 Sabrien. But then Child Protective Services turned up and they actually Sabe from
12 daycare because Mike was in the house with him alone while I was still at work.

13 Q Okay. All right. Is that part of the reason that he -- you stopped living
14 with him --

15 A Yes.

16 Q -- in the same house?

17 A Yeah. I chose my son over my husband.

18 Q Okay. And then after that was eventually when you spoke with the
19 therapist?

20 A The counselor, yeah. Yeah.

21 Q Okay. Was it -- did you still see him for purposes of visitation with
22 Sabrien?

23 A Yes, I did.

24 Q And did you eventually move out of that Campus Oaks property?

25 A Yes. I moved out in February of this year.

1 Q All right. And so just, pretty sure I said it, but everything that we
2 described as far as the -- the battery -- and was at that 594 Campus Oaks --

3 A Yes, it was.

4 Q -- in Clark County?

5 A Yeah.

6 Q So, you know, I guess the -- why did you keep trying to make it work?

7 A I loved him. I still love him.

8 Q Okay.

9 A But there's only so much that, you know, one person should go through
10 and I've chosen my kids over him now. You know, I need to make sure that my
11 son's safe. I need to make sure that Noelani's safe, even though she's now an
12 adult, but she's still my baby, so, you know, it's better for me and the kids to be
13 away from him --

14 Q Okay.

15 A -- while he works out what's, I guess, more important.

16 MR. KERN: All right. Thank you.

17 The State'll pass the witness.

18 THE COURT: Thank you.

19 Cross-examination.

20 MS. PARK: Thank you, Your Honor.

21 **CROSS-EXAMINATION OF SAMANTHA RODEROS**

22 BY MS. PARK:

23 Q Good morning, Samantha.

24 A Good morning.

25 Q So you had stated that when you came home he was in the garage

1 drinking. Was there -- was that when the argument started or were there other
2 things that happened in between that?

3 A Well, we were away for the weekend, so there was nothing else.

4 Q Okay.

5 A You know, we came in the house, we said hi. I went out to the garage
6 and, yeah.

7 Q Okay.

8 A Yeah.

9 Q So there was no other reason for the argument?

10 A Not -- if there was, it was almost three years ago, so honestly, I don't
11 remember. It's just I walked in and he was drinking again.

12 Q Okay. So you said you were arguing because you said he continued to
13 compare you to his ex-wife?

14 A Uh-huh.

15 Q And it was you that said, well --

16 THE COURT: Just, was that a "yes"?

17 THE WITNESS: I'm sorry, yes. I'm sorry, ma'am.

18 THE COURT: That's okay.

19 Go ahead.

20 BY MS. PARK:

21 Q It was you that said ask Noelani?

22 A Uh-huh.

23 THE COURT: Was that a "yes"?

24 THE WITNESS: Yes.

25 ///

1 BY MS. PARK:

2 Q And you went to get Noelani?

3 A Mike told me to go get her.

4 Q Okay. But you chose to go do that to prove your point to him, correct?

5 A Yes, I did.

6 Q Okay. And you stated Noelani confirmed what you had said?

7 A Yes.

8 Q All right. And then you said she was up against the door and it looked
9 like he was going to do something.

10 A Uh-huh.

11 Q Did he actually do something?

12 A He moved his arm towards, I just didn't see if he made contact.

13 Q Okay. So you're not indicating that he actually did anything physical to
14 her at that moment?

15 A No, at that point, no. I don't believe he did. But, again, I can't state yes
16 or no because I didn't see contact.

17 Q Okay. Now, you also indicated that Noelani's by the door and he's in
18 front of her. You said you move him to -- what were your words -- moved him to
19 the --

20 A Main body of the garage.

21 Q Yes.

22 A Yeah.

23 Q How did you move him?

24 A I put my hand in between the two and I asked him to step back, but I
25 didn't put -- I -- there was no contact between myself and him.

1 Q Okay. So he voluntarily just backed up?
2 A He stepped back, yeah.
3 Q Okay. And then you say that he grabbed your hands, were you holding
4 on to him?
5 A No. He snapped and grabbed me.
6 Q Okay. Were you in front of him? Were you behind him?
7 A Beside him.
8 Q You were beside him?
9 A Uh-huh.
10 Q And he grabbed both your hands?
11 A Yes, ma'am.
12 Q How did he do that? When you were beside him?
13 A So it's really hard to explain. The door to the house was here, there
14 was shelving here, so you had to step around the mess. I was standing here. He
15 stood here and he turned and he grabbed me.
16 Q Okay. But you had -- you had moved him at that point?
17 A I had. I had moved him away from Noelani.
18 Q Okay. And you said Noelani went upstairs after that?
19 A Once that bit of the incident had happened, yeah, both myself and
20 Noelani had gone upstairs.
21 Q Okay. So there was nothing -- he didn't do anything physical to Noelani
22 at that point that you know of?
23 A When we went upstairs, I went into my bedroom and I didn't see
24 anything else because I was in my bedroom.
25 Q All right.

1 A Yeah.

2 Q So you didn't see any -- any physical contact between him and --

3 A No. All I heard --

4 Q -- Michael and Noelani?

5 A All I heard was the bang, the scream, and then the hysterics that came

6 afterwards.

7 Q Okay. But you don't know exactly what happened?

8 A No. I wasn't there.

9 Q Okay. So I want to go back to you moving him again. You said that

10 you put your hand in front, did you push him back?

11 A No.

12 Q So you just put your hand there and he just --

13 A I just asked him to back up, like, Come, Mike, get away from Noelani,

14 you know?

15 Q Okay. So you were gesturing to him?

16 A Yeah. Yeah.

17 Q Like this?

18 A Yeah.

19 Q Okay. And you talked about when you and Noelani went to leave.

20 A Uh-huh.

21 Q You said that there was a struggle between Michael and Noelani.

22 A Yes.

23 Q Meaning back-and-forth struggle?

24 A As in she had the bags in her hand and he was pulling to get them

25 away from her.

1 Q Okay.

2 A So wasn't going to let them up because if she let them up, she might

3 have not --

4 Q And she said she was leaving with her friend?

5 A Yeah.

6 Q And she wasn't 18, was she?

7 A No, she was 16.

8 Q Okay. Do you know if she could have gone to her mother's, her

9 biological --

10 A She didn't want to go to her mom's.

11 Q Okay.

12 A Mike gave her a choice that she either stayed in the house, went to her

13 mom's or ended up in juvie.

14 Q Okay. So as her parent, he had said to her, You can go to your

15 mom's?

16 A Yes.

17 Q But he didn't want her just leaving with a friend?

18 A Yes.

19 Q Okay.

20 A But he knows that she would rather not be anywhere near her mother.

21 Q Understood, but she was under 18 and he is her parents?

22 A Yes.

23 Q Okay.

24 A But I'm also her stepmom, but that means really nothing here.

25 MS. PARK: All right. I have nothing further at this time.

1 THE COURT: Any redirect?

2 MR. KERN: No, Your Honor.

3 THE COURT: Okay. Thank you very much for your testimony here today.
4 You may step down and you are excused from your subpoena.

5 THE WITNESS: Okay. Thank you so much.

6 THE COURT: And thank you for coming early this morning after you had
7 worked all night.

8 THE WITNESS: Thank you.

9 THE COURT: I appreciate it. Thank you.

10 And you may call your next witness.

11 MR. KERN: The State calls Noelani Roderos.

12 THE CLERK: Please raise your right hand.

13 **NOELANI RODEROS,**

14 [having been called as a witness and first duly sworn, testified as follows:]

15 THE CLERK: Thank you. Please have a seat and state and spell your first
16 and last name for the record.

17 THE WITNESS: Noelani Roderos, N-O-E-L-A-N-I, R-O-D-E-R-O-S.

18 **DIRECT EXAMINATION OF NOELANI RODEROS**

19 BY MR. KERN:

20 Q All right. And, Ms. Roderos, is it okay if I call you Noelani?

21 A Yeah.

22 Q Is that a "yes"?

23 A Yes.

24 Q Okay. And just for purposes of our conversation here, if you could
25 answer audibly to the questions because they're making a record of what we say

1 here.

2 A Yes, of course.

3 Q Okay. Thank you.

4 So, how old are you today?

5 A I'm 18.

6 Q Or, I mean, not to the day, but how old are you now?

7 A I'm 18.

8 Q 18, okay. And do you live with Samantha?

9 A I do.

10 Q All right. So back in August of 2019, were you living with Samantha

11 and Michael?

12 A I was, yes.

13 Q Okay. Why were you living there instead of with your biological mom?

14 A I didn't have a good relationship with my mother.

15 Q All right. And so that was your choice to --

16 A Yes.

17 Q -- to stay there and live there?

18 When -- do you remember about how old you were when you moved in

19 with them?

20 A I think I was, like, 12 or 13.

21 Q All right. And so Michael is your biological father?

22 A Yes.

23 Q Do you see here Michael here in court today?

24 A I do. Yes.

25 Q And can you point him out and describe an item of clothing he's

1 wearing?

2 A He's wearing a navy blue shirt, long sleeve.

3 MR. KERN: All right. May the record reflect the witness has identified the
4 defendant?

5 THE COURT: So reflected.

6 BY MR. KERN:

7 Q And were you staying at the 594 Campus Oaks Court, Las Vegas,
8 Nevada, in Clark County, address?

9 A I was, yes.

10 Q So when you were staying there were there issues with Michael's
11 drinking?

12 A Yes.

13 Q All right. What -- what happened? Or, I guess, can you just broadly
14 describe what issues you were having?

15 A Of that night or just in general?

16 Q No. Just -- just leading up to that night.

17 A There was a lot of arguing between my stepmom and my father. He
18 had a constant drinking problem. He was always in the garage drinking. If he
19 wasn't with us, he was grabbing a beer, going back to the garage or he was at work.
20 It just -- he was never really there. He was always just drinking. That's all I can
21 really say.

22 Q All right. And did that affect your day-to-day life?

23 A Yes.

24 Q All right. Did it affect your ability to get good rest at the home?

25 A Yes.

1 Q How so?

2 A He would be blasting music in the garage at night whenever I was trying

3 to go to sleep, while drinking. Whenever I would say -- ask him to turn it down, he

4 wouldn't, if he did he would turn it down to maybe two notches and then continue

5 drinking.

6 Q Okay. Nonetheless, you chose to stay there?

7 A Yes.

8 Q And how about Samantha? Do you guys have a good relationship?

9 Bad relationship?

10 A We have a good relationship.

11 Q All right. And did you in 2019?

12 A Yes.

13 Q And you have a little brother, right?

14 A I do.

15 Q All right. That's Sabrien?

16 A Yes.

17 Q Okay. And he was two years old at the time?

18 A Yes.

19 Q Now, on August 18, 2019, you would have been 16 years old?

20 A 15.

21 Q Okay. I'll have to fix that.

22 And you were born -- your birthday is May 9, 2003, right?

23 A Yes.

24 Q All right. I'll do that math later, all right.

25 Were you going to high school?

1 A I was.

2 Q And were you going into your junior year of high school?

3 A Junior year, yes.

4 Q All right. Where at?

5 A Liberty High School.

6 Q All right. Did you and Samantha decide to take a trip on the weekend

7 before you started school?

8 A We did. Yes.

9 Q What did you go do?

10 A We went to KCON L.A.

11 Q All right. And was that your idea or hers?

12 A It was kind of a mix.

13 Q Okay. And for -- KCON is Korean pop convention; is that right?

14 A Yes.

15 Q I think Samantha told us that, okay.

16 A Yep.

17 Q Did you have a good time?

18 A I did, yeah.

19 Q All right. Now, on August 18, 2019, you guys were traveling back from

20 L.A. to -- to your house; is that right?

21 A Yes.

22 Q Here in Nevada? All right. Did -- do you remember what time you got

23 back?

24 A It was around, like, 4:00 or 5:00.

25 Q All right. When you got back where was Michael?

1 A In the garage.

2 Q Okay. And did you have any conversations with Michael?

3 A Yeah. Whenever we got in, he asked us why we were so late and then

4 he proceeded to ask us what we wanted for dinner.

5 Q Okay. Did you tell him what you wanted for dinner?

6 A I did, I just don't remember what I said.

7 Q Okay. Where did you go when you got home? Or in the house?

8 A Oh, we were just unpacking our stuff, we were bringing it in from the

9 car.

10 Q Okay. Okay. And so did you eventually go to your room to unpack?

11 A I did. Yes.

12 Q All right. And did Samantha stay down in the garage?

13 A I don't remember where she went.

14 Q Okay. What did you do when you got upstairs?

15 A I unpacked all my stuff.

16 Q All right. Did you call anybody?

17 A I did.

18 Q Okay.

19 A Yeah.

20 Q And who was that?

21 A His name was Hayden.

22 Q Okay. So just a friend --

23 A Yeah, just a friend.

24 Q -- to let him know you're back and --

25 A Yeah.

1 Q -- everything? Okay.

2 Did you -- were you aware of an argument going on?

3 A I was. Yes.

4 Q Okay. Could you hear the argument?

5 A I could.

6 Q Were you asked to come downstairs at some point?

7 A Yes, I was.

8 Q Who asked you to come downstairs?

9 A Sam.

10 Q And did you go downstairs?

11 A I did.

12 Q When you got downstairs, what happened?

13 A We were in the garage and my dad and Sam had been arguing. The

14 argument had turned to me because they wanted me down there and he started

15 getting in my face and he started yelling at me. At one point I was up against the

16 door because he had cornered me and I remember his, like, hand going right next to

17 my stomach like he was about to punch me, but he didn't, he stopped there. And

18 then that's whenever I had left, I went upstairs.

19 Q And when you say he had -- you said he had cornered you, what do

20 you mean?

21 A So, he was, like, there was a door, I was pressed up against the door,

22 and he was right in front of me.

23 Q Okay.

24 A I couldn't get past him. I couldn't get him to go further away from me to

25 be able to talk to him.

1 Q Okay.

2 A So I wasn't able to move other than going inside.

3 Q Okay. Was he pressing up against you or how was -- how was he

4 holding you?

5 A My hands were on him.

6 Q Okay.

7 A To try to, like, not get him up against me.

8 Q Okay.

9 A Yes.

10 Q He was pushing against your hands?

11 A Yes.

12 Q And for the record, she's holding her hands up at about chest height.

13 A Yeah.

14 Q Close to her body.

15 A Yeah.

16 Q All right. So, and as he's doing that, you said that he made punching

17 motions?

18 A He had put, like, he had went to go punch me in the stomach, but then

19 he had stopped right before.

20 Q Okay. Okay.

21 A So, yeah.

22 Q So he didn't actually punch you in the stomach?

23 A No, he didn't actually punch me.

24 Q All right. And then when you -- was he saying anything when you --

25 when he did that?

1 A I don't remember what he was saying, I just know that it happened.
2 Q Okay. So did Samantha intervene to -- while you were being pushed
3 up against the door?
4 A She did, yes.
5 Q Okay. And how did she intervene?
6 A She told him to get off me. She started yelling and then I don't
7 remember how he got off me, but I think his attention turned and then he had her
8 wrists.
9 Q Okay.
10 A And then I had left.
11 Q All right. Did you see him holding her?
12 A Yes.
13 Q Her wrists? Okay.
14 And can you describe, kind of, how he was holding them?
15 A It's like his hands were up and then her hands were kind of like back
16 because he was pushing on her a little bit.
17 Q Okay. All right. For the record --
18 A But it was like right on the wrist, yeah.
19 Q Okay. For the record, the witness is holding her hands above, shoulder
20 height, both hands --
21 A It was like, yeah, a little bit above shoulder height.
22 Q Okay. All right. And so at that point you got out?
23 A Yeah.
24 Q All right. And so you didn't see how that ended?
25 A No.

1 Q All right. So when you went up -- did you go back upstairs?

2 A I did.

3 Q Okay. What were you going to do?

4 A I was packing.

5 Q All right. But why were you packing?

6 A Huh?

7 Q Why were you packing?

8 A I was going to leave.

9 Q You were going to leave?

10 A Yes.

11 Q Okay. And did you call anybody?

12 A I did. I called my best friend at the time, McKenzie Roberts.

13 Q Okay. And what -- did you ask her to come pick you up?

14 A Yes.

15 Q Did Michael come back upstairs?

16 A Yes.

17 Q And what happened then?

18 A He threw my bag and he said that I had three options: To either stay, to

19 leave and go to juvie, or go live with my mom. And I said I couldn't live here and

20 then something had happened and he had hit me twice on my face.

21 Q Okay. So when he said you can go live with your mom, were -- was

22 that a viable option?

23 A Yes, it was. But she never -- we had called her and she never just

24 picked up the phone.

25 Q So you actually tried to contacted your mom?

1 A Yeah, we tried calling her twice.

2 Q Okay.

3 A Yeah.

4 Q Okay. And no answer there?

5 A No.

6 Q So that takes your options down to go to juvie or stay in the house?

7 A Yeah.

8 Q Okay. So you said that something happened and he hit you in the face.

9 A Yeah.

10 Q So what was that something?

11 A I was standing up, I was, like, by my TV, and he was just yelling at me

12 and then I had said something, I don't remember what I said, but he had smacked

13 me twice across the face.

14 Q How did he smack you?

15 A It was back handed, and it was just kind of like across and it hit the side

16 of my glasses on the left eye. And then it -- my glasses didn't fully fly off, but then I

17 looked at him again and then I got hit again in the same place.

18 Q Okay. And your glasses flew off?

19 A They were still on.

20 Q They were still on?

21 A Yeah.

22 Q Okay. Okay.

23 A They were just broken.

24 Q Oh, they're broken?

25 A Yeah.

1 Q Okay. All right. So when you -- you said he back handed you --
2 A Uh-huh.
3 Q -- and you had a -- on the left side of the face?
4 A Yes.
5 Q So is he left-handed then?
6 A Yes.
7 Q Okay.
8 MR. KERN: And, Your Honor, we have stipulated to these exhibits,
9 permission to publish State's --
10 THE COURT: Okay. Tell me what the exhibit numbers are --
11 MR. KERN: I'm sorry.
12 THE COURT: -- that you have stipulated to. Is it just everything?
13 MR. KERN: That's correct. Ms. Park?
14 THE COURT: Okay. So what are the exhibits?
15 THE CLERK: I have 1 through 5.
16 MR. KERN: I'm sorry?
17 THE COURT: So 1 through 5?
18 MR. KERN: 1 through 5, correct.
19 MS. PARK: Yes.
20 THE COURT: And they're -- okay. So 1 through 5 are admitted and you may
21 publish.
22 MR. KERN: Thank you, Your Honor.
23 **[STATE'S EXHIBITS 1 THROUGH 5 ADMITTED]**
24 BY MR. KERN:
25 Q All right. And so showing you what's --

1 MR. KERN: I guess I'm going to move to admit based on the stipulation
2 between the parties to admit 1 through 5.

3 THE COURT: Right. They're all admitted.

4 MR. KERN: They're all admitted? Thank you. I missed that part if you said it.
5 I'm sorry.

6 THE COURT: That's okay.

7 MR. KERN: All right.

8 BY MR. KERN:

9 Q Showing you State's Exhibit Number 4 -- that is not coming through that
10 well, but for our purposes do you recognize that as accurate depiction of the bruising
11 over your eye caused by Michael hitting you twice?

12 A Yes, at the time.

13 Q Okay. And Samantha had testified earlier that this is kind of a washed
14 out picture; is that correct?

15 A Yes.

16 Q All right. So the bruising was actually darker on your face?

17 A Yes.

18 Q All right. So after you went to -- after you got hit in the face, your
19 glasses were broken, what did you do next?

20 A He had took me downstairs because I was scared. So we walked down
21 with him, that's whenever we tried to contact my mother and then she didn't answer.
22 So we got about halfway down the stairs and I had said something and then I lost
23 my footing a little bit, so I almost fell, and as I was about to fall, my father tried to
24 turn around and grab my ankle to drag me down the stairs.

25 Q Okay.

1 A But before he was able to I had caught myself and I was able to run
2 upstairs. I went to my room and I locked my door.

3 Q Okay. You said tried to grab your ankle, like, how did he try to grab
4 your ankle?

5 A It was just like he kind of -- it almost looked like he was lunging, but he
6 just reached for my ankle to try to grab it to try to get me to go downstairs.

7 Q All right. And you were able to move out of the way before he grabbed
8 it?

9 A Yes.

10 Q Okay. Went to your room, locked your door, and at that point what
11 were you doing?

12 A I had continued to try to pack a little bit. I didn't get a lot packed just
13 because I was still kind of freaking out and then Sam came and knocked on my
14 door.

15 Q Okay. And were you guys going to leave together at that point or at the
16 same time at least?

17 A Yeah. We were trying to leave at the same time.

18 Q Okay. So were you able to eventually make it down the stairs?

19 A Yes.

20 Q All right. And when you got down the stairs, were you able to exit the
21 house?

22 A Not really. I was able to exit eventually, but as I was leaving my dad
23 was in front of the door and he wasn't letting us leave.

24 Q Okay. What was he doing to stop you from leaving?

25 A I just remember him in front of me. I know that he was really close to

1 me. I remember him, like, trying to grab my bags. I don't know if he got them or
2 what happened after that.

3 Q Okay. When you say trying to grab your bags --

4 A Yeah.

5 Q -- was he -- did he have a hold of the bags?

6 A I don't remember.

7 Q All right. And was he blocking the door?

8 A Yes.

9 Q Now, do you remember him pushing you?

10 A No.

11 Q All right. And you had -- after this event, after your friends had come
12 by, you gave a statement to officers, correct?

13 A Yes.

14 Q All right. And do you remember giving a written statement as well?

15 A I do.

16 Q Would looking at a copy of your written statement perhaps refresh your
17 recollection as to whether or not you were pushed as you were trying to leave?

18 A Uh-huh.

19 Q Is that a "yes"?

20 A I can look at it, I mean, if --

21 Q Okay.

22 A Yeah.

23 MR. KERN: May I approach?

24 THE COURT: You may.

25 MR. KERN: Sorry. I'm going to show, this is page 2 of her written voluntary.

1 MS. PARK: Okay.

2 BY MR. KERN:

3 Q And just looking at that right -- or the last sentence of that paragraph.

4 A Uh-huh.

5 Q And just tell me when you're done.

6 A I'm done.

7 Q Does reviewing that refresh your recollection as to whether or not you

8 were pushed at the time?

9 A A little bit, but not fully.

10 Q Okay. And so you don't remember telling or writing in your voluntary

11 that night that Sam told me to leave and I did right before I got shoved into the

12 couch or into the car and said to go?

13 A I remember being told to leave and I remember getting in the car.

14 Q Okay. Don't remember getting shoved?

15 A I remember him in front of me and I remember not -- it not being easy to

16 get out.

17 Q Okay. And you don't remember your dad pushing you?

18 A [No audible response]

19 Q Okay. Fair enough. It's been three years.

20 So fair to say though that your recollection of the events that night

21 would have been a littler clearer than they are here three years later?

22 A Yes.

23 Q Okay. Any reason to think that if you wrote it in there it didn't happen?

24 A No.

25 Q So you get out and you go to -- is it Kenzie's dad's car?

1 A Yes.

2 Q And once you got into the car what happened?

3 A He tried to get of the car to go see my dad, but Sam had stopped him

4 and just told him to take me away.

5 Q Uh-huh.

6 A So we had got around the corner and we parked and he called the

7 police.

8 Q Okay. All right. Did the police arrive?

9 A They did.

10 Q And did you give them a statement?

11 A Yes.

12 Q All right. Were you still pretty emotional at that point?

13 A Yes.

14 Q All right. From what had happened?

15 A Yes.

16 Q And when -- you told the police what happened that night?

17 A Yes.

18 Q Okay. And did you have Samantha's phone at that point?

19 A I did.

20 Q Okay. Do you know how they were able to get a hold of Samantha?

21 A I remember giving them someone named Candace's phone number,

22 but I don't remember if we were able to get through to her, if they were able to get

23 through to her.

24 Q Okay. Okay. So --

25 A I just know that she had got there.

1 Q All right. So you weren't able to call her yourself?

2 A No.

3 Q All right. And then so did Samantha arrive?

4 A Yes.

5 Q When Samantha arrived did she go give police her own statement?

6 A Yes.

7 Q All right. After that, what did you do?

8 A I had to get permission from the police to be able to leave with Kenzie.

9 Q Okay.

10 A Permission from the police to get from Sam and then I had went, talked

11 to Sam, got my -- she packed a couple more bags for me, and then I had left to go

12 see -- to go to Kenzie's house.

13 Q Okay. Okay. So after all this, where -- did -- did you go to school the

14 next day?

15 A I went to school on the Tuesday.

16 Q On the Tuesday?

17 A Yes.

18 Q Okay. And did you still have a bruise?

19 A I did.

20 Q How did that bruise develop over the --

21 A It got darker and then after, I think about, maybe a week, it started

22 turning yellow and then it went away.

23 Q Okay. So you had to go to school with the bruise?

24 A Yes.

25 Q That he gave you?

1 A Yes.

2 Q When -- where did you live?

3 A I lived with Kenzie for about three days before I was forced to go live

4 with my biological mother.

5 Q And did you end up staying with your biological mother after that?

6 A I did.

7 Q How long did you stay there?

8 A Like, two years.

9 Q Okay.

10 A Two, going on three.

11 Q All right. And you graduated high school?

12 A Yes.

13 Q All right. And you're working now?

14 A Yes.

15 Q Did you -- did you end up moving back in with Samantha?

16 A I did.

17 Q Okay. How did you feel about this when it happened?

18 A At first I was just all -- my emotions were just kind of everywhere.

19 Q Uh-huh.

20 A After the incident I had started feeling guilty like it was my fault the

21 family was torn apart, if I had just not called Kenzie, you know, we wouldn't have to

22 get in contact with the police and then my family wouldn't be split up.

23 Q You felt that way even though you're -- you're 16 at the time?

24 A Yeah.

25 Q All right.

1 A It -- yeah, it was hard, it was really hard, especially being apart from
2 Sam and Sabe. Sorry. It was just hard.

3 Q I'm sorry.

4 MR. KERN: State'll pass the witness.

5 THE COURT: Cross-examination.

6 MS. PARK: Thank you, Your Honor.

7 **CROSS-EXAMINATION OF NOELANI RODEROS**

8 BY MS. PARK:

9 Q Noelani, you testified that you -- you weren't physically touched in the
10 garage?

11 A No.

12 Q Okay. You said you could have went through the door to get away from
13 him, the door you were against?

14 A Yes.

15 Q But you didn't do that, you stayed there for a bit?

16 A Yes, because I was scared.

17 Q Okay. And the two of you were arguing?

18 A Yes.

19 Q Okay. Then you went back upstairs, there was no issue with that,
20 correct?

21 A Yes, because he was in the garage.

22 Q Okay. And you said that you were in your room packing and your father
23 came in.

24 A Yes.

25 Q Okay. You said you said something to him, you don't remember what it

1 was?

2 A Yes.

3 Q You don't remember --

4 A I don't remember.

5 Q -- or you don't want to say what it is?

6 A I don't remember.

7 Q You don't remember?

8 A Yes.

9 Q Okay. And then you said that he hit you on the side of the face?

10 A Yes.

11 Q Okay. You said your glasses were broken?

12 A Yes.

13 Q Did you have your glasses?

14 A They were on my face, yes.

15 Q And after he allegedly did this you still had your glasses on your face?

16 A Yes.

17 Q Okay. Did the glasses potentially cause some kind of injury to you

18 because -- because they were on your face?

19 A The only one that I could think of would be the nose one because of the

20 nose piece. The side was not the glasses.

21 Q Okay. And so what did you do with your glasses after you were done?

22 A I had just kept them the way they were and I had walked downstairs

23 with my father.

24 Q You said you had them in your hand?

25 A No. They were still on my face just because I didn't want to move. I

1 didn't want to go --

2 Q They were still on your face?

3 A Yes.

4 Q Okay. Okay. And you said when you were going down the stairs you

5 lost your footing and started to fall?

6 A Yes.

7 Q And you said he tried to grab you to pull you down the stairs?

8 A Yes.

9 Q You said he was lunging for you as you started to fall?

10 A Yes. But not at me, my body, he was lunging for my ankle.

11 Q Okay. But did he grab your ankle and drag you down the stairs?

12 A No, he wasn't able to because that's whenever I was able to get up and

13 I got away.

14 Q How do you what his intention was?

15 A Because his hand was going near my ankle.

16 Q Okay. But you were falling at the time?

17 A Yes.

18 Q Okay. And you don't know -- you said that when you were in your room

19 you don't know what you said to him and from there your glasses are broken?

20 A Yes, because I was hit.

21 Q Okay. And do you know -- and you say that was in response to

22 something you said to him?

23 A It was after I had said something, yes.

24 Q Okay. And you still don't remember what that was?

25 A No.

1 Q Okay.

2 MS. PARK: And Court's indulgence.

3 BY MS. PARK:

4 Q Did your father tell you that you weren't going to your friend's house?

5 A I don't remember.

6 Q Okay. Well, did he give you a choice of where you could go when you

7 said you wanted to leave?

8 A He told me I could go to juvie, I could stay with him, or I can go to my

9 mother's house.

10 Q Okay. And you didn't want to go to your mom's?

11 A I called my mom, so I was willing to go to my mother's.

12 Q Did he call your mom?

13 A We both did, we tried.

14 Q Okay. So he did try to call your mom so that you could go to her

15 house?

16 A Yes.

17 Q Okay. And your mom didn't answer. Do you know where your mom

18 lives?

19 A Currently, yes. At the time, no.

20 Q Okay. Did he know where your mom lived?

21 A I don't know.

22 Q Okay. Did you ever misplace your glasses at any time?

23 A I know that whenever I was in the car with Kenzie I didn't have my

24 glasses.

25 Q Okay. But you said they were still on your face?

1 A They were on my face whenever I left my room.

2 Q Okay.

3 A But I believe whenever I fell down the stairs they had fell off me too, but

4 whenever I almost fell down the stairs.

5 Q Okay. You had something about when your father would play the

6 stereo really loud.

7 A Yes.

8 Q And you said he would turn it down a few decibels?

9 A A few.

10 Q Okay.

11 A But not enough to really make an impact.

12 Q Was that every day?

13 A Yes.

14 Q Not just on the weekend?

15 A It wasn't just the weekend. It got to be progressively worse as time

16 went on.

17 Q And you had chosen to live with your dad, did he have full custody of

18 you?

19 A It was still technically split, but because I was legal at the time, the

20 police couldn't take me back to my mother's house and we were going to go to trial

21 so that my dad could get full custody, it just never happened.

22 Q Okay. Was that pending?

23 A I don't know. I wasn't made aware of it.

24 Q Okay. Was that something you wanted to happen?

25 A At the time.

1 MS. PARK: Okay. All right. I have nothing further. Thank you.

2 THE COURT: Any redirect?

3 MR. KERN: No, Your Honor.

4 THE COURT: Okay. Thank you very much for your testimony here today.

5 You may step down and you are excused from your subpoena.

6 THE WITNESS: Thank you.

7 THE COURT: Thank you for being here.

8 At this time we're going to take a recess. During this recess you must
9 not discuss or communicate with anyone including fellow jurors in any way regarding
10 the case or its merits either by voice, phone, email, text, Internet, or other means of
11 communication or social media; read, watch, or listen to any news or media
12 accounts or commentary about the case; do any research such as consulting
13 dictionaries, using the Internet, or using reference materials; make any investigation;
14 test a theory of the case; re-create any aspect of the case; or in any other way
15 investigate or learn about the case on your own, form or express any opinion
16 regarding this case until it's finally submitted to you.

17 And we'll be in recess for the next 15 minutes. Thank you.

18 THE MARSHAL: All rise for the jury.

19 [Recess at 10:54 a.m.; proceedings resumed at 11:27 a.m.]

20 [In the presence of the jury panel]

21 THE MARSHAL: All rise for the jury.

22 THE COURT: Does the State stipulate to the presence of the panel?

23 MR. KERN: Yes, Your Honor.

24 THE COURT: And the defense?

25 MS. PARK: Yes, Your Honor. Yes, Your Honor.

1 THE COURT: Okay. You may call your next witness.
2 MR. KERN: State calls Richard Vala.
3 THE CLERK: Please remain standing, raise your right hand.
4 **RICHARD VALA,**
5 [having been called as a witness and first duly sworn, testified as follows:]
6 THE CLERK: Thank you. Please have a seat and state and spell your first
7 and last name for the record.
8 THE WITNESS: Richard Vala, R-I-C-H-A-R-D, V-A-L-A.
9 MR. KERN: May I? Thank you, Your Honor.
10 THE COURT: You may.
11 **DIRECT EXAMINATION OF RICHARD VALA**
12 BY MR. KERN:
13 Q And, Officer Vala, where do you work?
14 A I work for South Central Area Command, Las Vegas Metropolitan
15 Police Department.
16 Q What do you do there?
17 A I'm a patrol officer.
18 Q Okay.
19 A On swing shift.
20 Q How long have you worked there?
21 A Four years.
22 Q How many?
23 A Four year -- it'll be four years --
24 Q Four years.
25 A -- in just a couple of days.

1 Q Okay. Were you on duty on August 18, 2019?

2 A I was.

3 Q And did you respond to a call at about 9:30 that evening regarding a
4 domestic violence?

5 A I did.

6 Q Did you respond to a residence initially or was it somewhere else?

7 A The call was at a residence but our person reporting was just down
8 the -- at a intersection nearby.

9 Q Okay. About how far from the residence?

10 A One block, few hundred feet, so.

11 Q All right. When you arrived at that -- where the person reporting was,
12 did you make contact with Noelani Roderos?

13 A Yes, I did.

14 Q How did she appear when you made contact with her?

15 A She was visibly upset. She was crying. She was not quite hysterical
16 but definitely stressed out.

17 Q And did she tell you what had happened that night?

18 A Yes, she did.

19 Q Now, did she, after telling you what had happened, also give or write a
20 voluntary statement?

21 A She did.

22 Q Okay. In that voluntary statement do you recall whether she mentioned
23 trying to leave the house and being pushed by Michael Roderos?

24 A Yes, she did. She also told me verbally prior to writing the statement
25 that that had happened.

1 Q Okay. And was -- that pushing was to keep her from leaving the
2 house?

3 A Yes.

4 Q Now, did she have any injuries on her?

5 A Yes. She had an injury, I think it was to her right eye, it could be her left
6 eye, sorry.

7 Q That's okay.

8 A I have to remember, right eye, definitely black and blue bruising was
9 going to be, like, a black eye and --

10 Q I'm going to show you State's Exhibit Number 4.

11 A Left eye.

12 Q All right. And is that the mark that you saw on her left eye that night?

13 A Yes, and you could also see there's a small cut on her nose as well.

14 Q All right. And she -- did she describe that as a result of being hit by
15 Michael Roderos?

16 A Yes, she did.

17 Q Now, I'm going to show you State's Exhibit Number 3. Is that a fair and
18 accurate depiction of Noelani that night?

19 A Yes, it is.

20 Q That's a very blurry depiction of her that night?

21 A Yes. Still her.

22 Q And then was medical called to check her out?

23 A Yes.

24 Q All right. And showing you State's Exhibit Number 2; is that a fair and
25 accurate depiction of her being checked out by medical?

1 A Yes, it is.

2 Q Okay. And she appears to be in distress; is that fair to say?

3 A Yes.

4 Q So after Noelani gave her statements, did you try to make contact with

5 Samantha Roderos?

6 A Yes, I did. We called her on the phone. She said that she was at a

7 friend's house but that she would return to the scene.

8 Q Okay. And did she return to the scene?

9 A Yes, she did.

10 Q And did she give a statement as well?

11 A Yes, she did.

12 Q And were those statements made separately? Like, Noelani and

13 Samantha gave their statements separately?

14 A Yes. They were never around each other up until after the statements

15 were made.

16 Q Okay. Were the statements pretty consistent?

17 A Yes, they were.

18 Q All right. And based on what they told you had happened and the fact

19 that she had a -- or Noelani had an injury, did you believe that you had at that point

20 probable cause to make an arrest?

21 A Yes, we did.

22 Q All right. And was -- were you given an address where

23 Michael Roderos was likely to be?

24 A Yes, we did.

25 Q Was that 594 Campus Oaks Court, Las Vegas, Nevada, in

1 Clark County?

2 A That's correct.

3 Q I guess real quick, before you left there did you contact C.P.S.?

4 A Yes, I did.

5 Q Okay. Is that because Noelani was a minor?

6 A Yes.

7 Q All right. Did you go to the address where Michael Roderos was likely
8 to be?

9 A Yes. And we were told that his truck was still in the parking lot -- or the
10 driveway.

11 Q Okay.

12 A And it was.

13 Q Okay. And you were given a description of that truck?

14 A Yes, we were.

15 Q And that was by Samantha or Noelani?

16 A I believe it was both provided the same description of the vehicle.

17 Q When you arrived there was that truck -- you said that truck was in
18 driveway?

19 A Yes. It was still parked in the driveway.

20 Q Okay. I'm going to show you State's Exhibit Number 5; do you
21 recognize this -- this photograph?

22 A Yeah. That's the garage door to the residence.

23 Q Okay. And that was the residence where you were trying to make
24 contact with Mr. Roderos?

25 A Yes.

1 Q Now, what did you do to try to make contact with him?

2 A We knocked loudly. I believe we knocked on the garage and the door.

3 We were speaking outside pretty loudly to each other, me and the other officer.

4 Q Okay.

5 A We were shining our lights inside the residence. We knocked several,

6 several times.

7 Q Did you ring the doorbell?

8 A Yes. Several times.

9 Q And was the doorbell audible outside of the house?

10 A Yes, it was.

11 Q Okay. And is that -- that garage door there appears to be slightly open,

12 is that accurate?

13 A That is correct.

14 Q All right. So were you able to make contact?

15 A No. We were never able to make contact.

16 Q All right. So about how long do you think you were trying?

17 A At least about 15 minutes.

18 Q Okay. Did you, when you were trying to make contact, was that in

19 hopes of either making an arrest or having an interview?

20 A Yes. We wanted to conduct an investigation and determine if --

21 Q Okay.

22 A -- you know, his side of the story matched, you know, matched up.

23 Q Any question that somebody inside the residence would have been able

24 to hear you?

25 A There is no doubt.

1 Q Okay. But nonetheless he never came out?

2 A No.

3 Q And you didn't make entry into the residence?

4 A No, we could not.

5 Q Why not?

6 A Because there was no exigency. Both the other two people were
7 outside of the residence and we had no reason to believe anybody else was in
8 danger.

9 Q Okay. So you can't just knock down the door to go in in this
10 circumstance?

11 A No, we cannot.

12 Q Okay.

13 MR. KERN: State'll pass the witness.

14 THE COURT: Cross-examination.

15 MS. PARK: Thank you, Your Honor.

16 **CROSS-EXAMINATION OF RICHARD VALA**

17 BY MS. PARK:

18 Q Officer Vala, did you make an attempt to phone Michael Roderos?

19 A I do not remember if I tried to call him on the phone or not.

20 Q Okay. Would you normally try to do that?

21 A I depends. Sometimes we -- if we have the phone number available, if
22 we believe they have a phone, like if it's still in their possession or not, but I do not
23 recall if we tried to call him or not.

24 Q Okay. So based on testimony from -- or interviewing two other people,
25 would you say your report is one sided?

1 A Well, yes, he was not available to provide his side of the story.

2 Q Okay. And Noelani said that -- told you that Michael Roderos had hit

3 her?

4 A I believe he -- she said that he slapped her, pushed her, and then tried

5 to drag her down the stairs.

6 Q Okay. So in the incident where she said that he tried to slap her, did

7 she say with what hand?

8 A I believe she said with his left hand, I believe.

9 Q Would reviewing your report refresh your recollection?

10 A It would.

11 MS. PARK: May I approach the witness, Your Honor?

12 THE COURT: You may.

13 MS. PARK: Thank you.

14 MR. KERN: Your Honor, I'm going to object to hearsay here.

15 THE WITNESS: So, right hand.

16 THE COURT: Okay. What's -- okay, just a minute.

17 She hasn't asked any questions yet, so.

18 MR. KERN: Well, she --

19 THE COURT: I don't know what she's going to ask, but she's just asked him

20 to review it. I'm assuming you're going to take it back and then she can ask the

21 question and I'll entertain the objection.

22 BY MS. PARK:

23 Q Okay. I can phrase it by saying what -- do you recall what you wrote in

24 your report as to --

25 A I do not.

1 THE COURT: Okay. Sorry. I'm sorry.

2 BY MS. PARK:

3 Q So did Noelani indicate that he had used his left hand or right hand to --

4 MR. KERN: May we approach, Your Honor?

5 THE COURT: Sure.

6 [Bench conference transcribed as follows:]

7 MR. KERN: So I'm objecting to hearsay. It's -- if it was impeachment she
8 should have asked her and confronted her with that statement.

9 THE COURT: Right, that's what I'm wondering is that I don't recall you asking
10 her left hand, right hand because it is hearsay.

11 MS. PARK: But it's a statement to the officer.

12 THE COURT: So.

13 MS. PARK: Okay.

14 THE COURT: I mean, correct me if I'm wrong, but did you ask her any of
15 these questions and did she deny it?

16 MS. PARK: She said that it was the left hand.

17 MR. KERN: But you didn't confront her with the -- with the other statement.

18 MS. PARK: But it's the officer's written report that says right hand.

19 THE COURT: Okay. Say that again, she said that he hit her with what?

20 MS. PARK: The left hand, back handed her with the left hand.

21 THE COURT: The left hand. Okay.

22 MR. KERN: And so in order to be admissible as impeachment evidence
23 hearsay has to -- the witness has to be confronted with the statement, given an
24 opportunity to explain it.

25 THE COURT: Right.

1 MS. PARK: But I think it's the officer's report, it's not her written statement.
2 THE COURT: Okay. But, I mean, but did you say did you tell the police it
3 was the right hand?
4 MS. PARK: Okay.
5 THE COURT: I mean, I don't recall that.
6 MS. PARK: Okay.
7 THE COURT: Okay. So the objection's sustained.
8 MS. PARK: Okay.
9 [End of bench conference]
10 BY MS. PARK:
11 Q So, Officer Vala, Noelani was a -- was a minor, correct?
12 A I believe she was 16 years old, so, yes.
13 Q Okay. Did -- does a minor have the right to just leave a parent's home
14 and go wherever they want?
15 MR. KERN: May we approach, Your Honor?
16 THE COURT: Sure.
17 [Bench conference transcribed as follows:]
18 MR. KERN: It's a legal conclusion outside the scope.
19 THE COURT: Right. Right. I mean, I think that is --
20 MS. PARK: Okay. Okay.
21 THE COURT: I don't know if this officer is competent.
22 [End of bench conference]
23 THE COURT: So the objection's sustained.
24 MS. PARK: Okay.
25 ///

1 BY MS. PARK:

2 Q So when you spoke with Samantha, you spoke with Samantha that
3 evening?

4 A Yes, I did.

5 Q Okay. And did -- did Samantha indicate to you that she had seen any
6 of -- any physical contact between Noelani and Samantha?

7 MR. KERN: Your Honor, may we approach?

8 THE COURT: Yeah, sorry.

9 [Bench conference transcribed as follows:]

10 MR. KERN: These -- these witness witnesses' statements are already in.

11 MS. PARK: Okay.

12 MR. KERN: If we want to impeach them, then we have to do it at the time that
13 they're actually on the stand.

14 THE COURT: What do you mean they're already in? They've been admitted
15 into evidence?

16 MR. KERN: No. The -- the witnesses' statements or their testimony is
17 already in, so.

18 THE COURT: Okay.

19 MR. KERN: But so this is all along the same impeachment track. But she
20 needs to be -- they need to be confronted with it.

21 MS. PARK: But he was just saying that their stories were consistent, so that's
22 why -- the only reason I'm asking him that.

23 THE COURT: Okay. I'm sorry, I'm having a hard -- I mean, these masks, it's
24 just difficult to hear, I apologize, so.

25 MS. PARK: So, I mean, he's saying that their stories were consistent, that's

1 the only reason I'm asking him that.

2 THE COURT: Who's saying that?

3 MS. PARK: The officer.

4 MR. KERN: The officer, the officer did say that their stories are consistent, so
5 if it's just his statement, then I guess that's --

6 THE COURT: I mean, the problem is, I mean, it's hearsay. You have to have
7 an exception, and I don't know what the exception is. I mean, was she confronted
8 with this statement? She has to be confronted with the statement, deny it and then
9 you can bring in the officer to do the prior inconsistent.

10 MS. PARK: Okay. I was just asking if -- he had said that on direct, so I was
11 just asking on cross.

12 THE COURT: Thank you.

13 MS. PARK: Okay.

14 [End of bench conference]

15 BY MS. PARK:

16 Q So, Officer, did -- you interviewed Samantha?

17 A I did.

18 Q You interviewed Noelani?

19 A I did.

20 Q And, I guess, would you say their stories were -- were identical?

21 A I wouldn't say a hundred percent, perfect identical, no.

22 Q Okay. And did you -- did you send Noelani somewhere to stay or did
23 you --

24 A I didn't send her anywhere. She was staying at her friend's house.

25 Q Okay. And that was, I mean, did she -- was she supposed to go to her

1 mother or was that something not up to you?

2 A Her mother gave her permission.

3 Q Okay. You spoke to her mother?

4 A I believe her mom -- her stepmom, Samantha was there.

5 Q Stepmom? Okay.

6 A And was aware that she was going to her friend's house.

7 Q Okay. All right.

8 MS. PARK: I have nothing further. Thank you.

9 THE WITNESS: Okay.

10 THE COURT: Thank you.

11 Any redirect?

12 MR. KERN: No, Your Honor.

13 THE COURT: Okay. All right. Go ahead.

14 JUROR NO. 7: Do you want it?

15 THE COURT: Pardon?

16 JUROR NO. 7: I wrote something.

17 THE COURT: Perfect. You can hand it to the court marshal.

18 Right. The officer just needs the piece of paper. I don't need the whole

19 notebook.

20 JUROR NO. 7: Okay.

21 THE COURT: Thank you.

22 All right. Can the parties approach?

23 [Bench conference transcribed as follows:]

24 THE COURT: I'm not going to allow this in. This will need to be marked too,

25 Court's Exhibit next in line.

1 I don't think it's relevant but [indiscernible].
2 MR. KERN: I don't think he's going to know or --
3 THE COURT: Well --
4 MR. KERN: Well, actually Samantha already testified that she left him at
5 the -- at the friend's house, so.
6 MS. PARK: Yeah.
7 THE COURT: I mean, I don't think it's appropriate to ask that.
8 MS. PARK: I don't -- I don't either.
9 MR. KERN: Yeah. Yeah.
10 THE COURT: Okay. All right. So it will be marked.
11 [End of bench conference]
12 THE COURT: Okay. At this time the question will be marked as Court's
13 Exhibit next in line and the Court is not going to ask that question.
14 Is there anything else before I excuse the officer? Okay.
15 Officer, thank you very much for your testimony here today.
16 THE WITNESS: Thank you, Your Honor.
17 THE COURT: You may step down and you excused from your subpoena.
18 THE WITNESS: Thank you.
19 THE COURT: You may -- you may call your next witness.
20 MR. KERN: Thank you, Your Honor. State calls Mariandely Perez.
21 **MARIANDELY PEREZ VILLAFANE,**
22 [having been called as a witness and first duly sworn, testified as follows:]
23 THE CLERK: Thank you. Please have a seat and state and spell your first
24 and last name for the record.
25 THE WITNESS: Spell you said?

1 THE CLERK: Yes. State and spell it.

2 THE WITNESS: First name's Mariandely, M-A-R-I-A-N-D-E-L-Y. First last
3 name is going to be Perez, P-E-R-E-Z. Second last name is going to be Villafane,
4 V-I-L-L-A-F-A-N-E.

5 MR. KERN: May I?

6 THE COURT: You may.

7 MR. KERN: Thank you, Your Honor.

8 **DIRECT EXAMINATION OF MARIANDELY PEREZ VILLAFANE**

9 BY MR. KERN:

10 Q And, Officer Perez, where do you work?

11 A Right now I'm work at Las Vegas Metropolitan Police Department at
12 Summerlin Area Command.

13 Q Okay. How long have you worked for Metro?

14 A About four years.

15 Q On August 19th, 2019, were you on duty?

16 A Yes

17 Q Did you receive information that a Michael Roderos had -- there was
18 P.C. to make -- or a warrant to make an arrest on a Michael Roderos?

19 A Yes.

20 Q And did you receive information about his location?

21 A Yes.

22 Q Was that a business location?

23 A Yes.

24 Q Located at 6883 Spencer Street?

25 A Correct.

1 Q And was that Mr. Roderos's place of work?
2 A Uh-huh.
3 Q Did you go to his place of work?
4 A Yes.
5 Q Did you make the arrest there?
6 A Yes.
7 Q And so this would be, again, August 19th, 2019?
8 A Yes.
9 Q All right.
10 MR. KERN: State'll pass the witness.
11 THE COURT: Any cross?
12 MS. PARK: No, Your Honor.
13 THE COURT: Okay. Thank you very much for your testimony here today.
14 THE WITNESS: Thank you, Your Honor.
15 THE COURT: You may step down and you are excused from your subpoena.
16 THE WITNESS: Thank you.
17 THE COURT: And you may call your next witness.
18 MR. KERN: At this time the State is -- does have a couple issues, but we're
19 going to rest.
20 THE COURT: Okay. So you've called all your witnesses?
21 MR. KERN: We've called all of our witnesses.
22 THE COURT: Okay. Can I just have the parties approach for a moment?
23 [Bench conference transcribed as follows:]
24 THE COURT: I just wanted to get an idea of how long we need to have the
25 jury out. So do you have any witnesses?

1 MS. PARK: He wants to take the stand.

2 THE COURT: Okay. He wants to testify. So how long do you think that will
3 take?

4 MS. PARK: Maybe, between all parties 30 minutes.

5 THE COURT: Okay. Maybe -- oh, 30 minutes total?

6 MS. PARK: I don't know, I mean --

7 MR. KERN: I don't know.

8 THE COURT: Okay.

9 MS. PARK: 30 to 45.

10 THE COURT: Okay. I was thinking maybe an hour.

11 MR. KERN: Yeah. And, Judge, I do have to just calculate the age. I thought
12 she was 16 at the time maybe she was 15. So I'll have to calculate the age as far
13 as the information goes. I might just have to make an amendment with respect to
14 that. But --

15 THE COURT: Okay. What did she say? Didn't she say --

16 MS. PARK: She said 15.

17 MR. KERN: She said 15.

18 THE COURT: Oh, she said 15.

19 MR. KERN: Yeah, so.

20 THE COURT: Okay. So you're not going to rest yet, you'll rest after lunch?

21 MR. KERN: Yes, thank you.

22 THE COURT: Okay. And then we'll have your client testify. So I don't know
23 if we're going to be able to get to instructions. We're -- I'll excuse them for like an
24 hour -- why are you raising your eyebrows?

25 MR. KERN: Oh, no, no, no. I'm not.

1 THE COURT: Okay.

2 MR. KERN: Not at you.

3 THE COURT: I was like, what? So I'll let them go for about an hour and 15
4 minutes. And then so we'll have them come back at, like, 1:15 and then you'll rest
5 at that time, you'll figure out the computer issues, right?

6 MR. KERN: I -- God willing. Yes.

7 THE COURT: Pardon?

8 MR. KERN: God willing, yes.

9 THE COURT: Okay. And if you want to publish, you can.

10 MR. KERN: Okay. All right.

11 THE COURT: Or you can just do it in your closing statement.

12 MR. KERN: All right.

13 THE COURT: And then actually before lunch I'll canvass him as well on his
14 right to testify.

15 MS. PARK: Okay. Okay.

16 THE COURT: Okay. So we'll have them come back -- we'll have them come
17 back at 1:30.

18 MS. PARK: Okay.

19 THE COURT: Okay.

20 MR. KERN: Okay.

21 THE COURT: All right. Thank you.

22 MR. KERN: Thank you.

23 [End of bench conference]

24 THE COURT: Okay. Ladies and gentlemen, we're going to be in recess for
25 lunch. During this recess you're admonished not to discuss or communicate with

1 anyone including fellow jurors in any way regarding the case or its merits either by
2 voice, phone, email, text, Internet, or other means of communication or social media
3 or read, watch, or listen to any news or media accounts or commentary about the
4 case or do any research such as consulting dictionaries, using the Internet, or using
5 any reference material or to make any investigation; test a theory of the case;
6 re-create any aspect of the case; or in any other way investigate or learn about the
7 case on your own or form or express any opinion regarding the case until the matter
8 is finally submitted to you.

9 And we'll be in recess 'til 1:30. Thank you very much.

10 THE MARSHAL: All rise.

11 [Outside the presence of the jury panel]

12 THE COURT: Okay. The record will reflect this hearing is taking place
13 outside the presence of the jury panel.

14 And, Mr. Roderos, you understand that you have heard all of the
15 evidence that will be introduced against you at the time of this trial?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Okay. Because the district attorney has indicated he is going
18 to rest his case.

19 THE DEFENDANT: With the exception of the body cam. I don't --

20 THE COURT: It's been admitted.

21 THE DEFENDANT: Okay. That's the only thing -- well, you asked. That's
22 the only thing that I have not seen or heard.

23 THE COURT: What do you mean you haven't seen or heard it?

24 THE DEFENDANT: The -- I haven't. I haven't seen or heard the video cam.

25 THE COURT: You haven't seen the body cam?

1 THE DEFENDANT: No, ma'am.

2 THE COURT: Okay.

3 MR. KERN: You can --

4 THE COURT: Okay.

5 MS. PARK: Okay.

6 THE COURT: All right. You'll make it available?

7 MR. KERN: Certainly.

8 THE COURT: So that -- okay. All right.

9 Under the constitution of the United States and under the constitution of
10 the State of Nevada you cannot be compelled to testify in this case; do you
11 understand that?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: And you may at your own request, give up this right and take
14 the witness stand and testify. If you do, you'll be subject to cross-examination by
15 the deputy district attorney and anything that you may say be it on direct or
16 cross-examination will be the subject of fair comment when the deputy district
17 attorney speaks to the jury in his closing argument; do you understand that?

18 THE DEFENDANT: I do.

19 THE COURT: If you choose not to testify I will not permit the deputy district
20 attorney to make any comments to the jury because you have not testified; do you
21 understand that?

22 THE DEFENDANT: I do.

23 THE COURT: And if you elect not to testify, I will instruct the jury but only if
24 your attorney specifically requests as follows: The law does not compel a defendant
25 in a criminal case to take the stand and testify and no presumption may be raised

1 and no inference of any kind may be drawn from the failure of a defendant to testify.

2 And do you understand these rights?

3 THE DEFENDANT: Yes.

4 THE COURT: Okay. And are you further advised that if you have a felony
5 conviction and more than ten years has not elapsed from the date that you have
6 been convicted or discharged from prison, parole, or probation whichever is later,
7 and the defense has not sought to preclude that from coming before the jury and
8 you elect to take the stand and testify, the deputy district attorney in the presence of
9 the jury will be permitted to ask you the following: Have you been convicted of a
10 felony, what was the felony, when did it happen; however, no details may be gone
11 into. Do you understand that?

12 THE DEFENDANT: I do.

13 THE COURT: And does the State have any priors that they are going to ask
14 him about?

15 MR. KERN: No, Your Honor.

16 THE COURT: Okay. All right.

17 MR. KERN: There's, I guess, two possible concerns, if the door is opened to
18 any instances of prior domestic violence, that could be an issue, so any statements
19 like I would never do anything or lay my hands on somebody like that could possibly
20 open the door to something else coming in.

21 THE COURT: What? Does he have prior misdemeanor DVs?

22 MR. KERN: No. He's actually -- so there is a prior instance of domestic
23 violence against Samantha Roderos.

24 THE COURT: Okay.

25 MR. KERN: I know that there are prior instances against Kimberly, his

1 ex-wife. But with regard to Samantha specifically, she did, during our interview, tell
2 me about one other instance.

3 THE DEFENDANT: I do not. There is nothing. That was never --

4 THE COURT: Okay. So it was -- it didn't lead to a conviction?

5 MR. KERN: Didn't lead to a conviction, that's correct.

6 THE DEFENDANT: Or an arrest.

7 THE COURT: Okay. But you're, I guess, putting him on notice that if he says
8 something that opens the door to that like, No, I've never had a domestic violence
9 problem in my whole life --

10 MR. KERN: That's correct.

11 THE COURT: -- that you may want to impeach him --

12 MR. KERN: That's correct.

13 THE COURT: -- with bringing Samantha back?

14 MR. KERN: That's correct.

15 THE COURT: Okay. All right. I just want to make sure that you understand
16 that. I mean, it doesn't mean -- I have to wait and hear what the testimony is, it
17 doesn't mean I'll allow that. But I just want you to be aware that the State intends to
18 ask the Court to do that if that door is opened up during your examination. But you
19 understand that it is your decision and your decision alone as to whether to testify;
20 you understand that, right?

21 THE DEFENDANT: Yes, ma'am. He asked two questions, actually. He
22 asked questions --

23 THE COURT: I'm sorry?

24 THE DEFENDANT: I'm sorry. He asked two questions, he asked one about
25 my wife, Sam; and then also about my ex-wife, Kimberly.

1 MR. KERN: So -- and with respect to Kimberly, I -- I -- depending on how the
2 testimony comes out, I guess that would become an issue, but I don't anticipate that
3 being an issue, so we'll address it when it comes.

4 THE COURT: Well, what's an issue with Kimberly?

5 MR. KERN: Well, again, if he -- if he were to testify that, you know, I -- I've
6 never done anything like that or I've never done, you know, in my life hit anybody or
7 had any domestic violence incidents, that would potentially become an issue, but,
8 again, I don't anticipate that being an issue.

9 THE COURT: So you've talked to Kimberly?

10 MR. KERN: I did.

11 THE COURT: Okay. So you would intend to impeach with her testimony?

12 MR. KERN: Possibly.

13 THE COURT: Okay. All right. So you understand that the decision as to
14 whether you should testify should be made after consulting with your attorney; you
15 understand that, correct?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: And you've had an opportunity to discuss with your attorney
18 whether you want to testify or not?

19 THE DEFENDANT: Did we have enough time to discuss?

20 MS. PARK: We can talk about it some more.

21 THE COURT: Listen, I'll give you more time. If you want more time to
22 discuss it with your lawyer that's fine.

23 THE DEFENDANT: Yes, ma'am. A few minutes, just please, just a few
24 minutes just to make sure we're thinking on the same lines.

25 THE COURT: Okay. So what I'm going to do is I'll let you -- well, I'll let you

1 talk to your lawyer as long you want. So when I'm done, we'll leave and you can sit
2 in here and talk to your lawyer. But I want to make sure that you understand that
3 when we come back after lunch, before I bring the jury panel in, I'm going to ask you
4 whether you've made a decision as to whether you're going to testify or not and I'll
5 need a decision by then; do you understand that

6 THE DEFENDANT: Yes, ma'am. I do.

7 THE COURT: But, again, it is up to you and regardless of what anyone says
8 including your lawyer, it is your decision and your decision alone as to whether you
9 should testify; do you understand that?

10 THE DEFENDANT: I do.

11 THE COURT: Do you have any questions?

12 THE DEFENDANT: No, ma'am.

13 THE COURT: Okay. So we will all leave and give you an opportunity to
14 discuss it with your lawyer.

15 MR. KERN: And, Ms. Park, do you have any objection to an amendment of
16 Count Number 1 to read 15 or 16 years or age?

17 MS. PARK: No.

18 MR. KERN: That's approximately -- okay. I still need to figure out how old
19 she actually --

20 THE COURT: Okay. So can you say what the motion is?

21 MR. KERN: May I just briefly, I just want to calculate it so I know. You know
22 what, it won't matter. And, Your Honor, State is moving to amend Count Number 1,
23 Line Number 3, To wit: N.R. being approximately 15 or 16 years of age.

24 THE COURT: Okay. And there's no objection?

25 MS. PARK: No, there's no objection.

1 THE COURT: Okay. The motion's granted and we'll give you privacy and
2 we'll all leave.

3 [Recess at 11:58 a.m.; proceedings resumed at 1:34 p.m.]

4 [Outside the presence of the jury panel]

5 THE COURT: Okay. The record will reflect that the hearing is taking place
6 outside the presence of the jury panel.

7 And, Mr. Roderos, did you have an opportunity to speak to your lawyer?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Okay. And have all your questions been answered?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Do you have any questions of the Court?

12 THE DEFENDANT: No, ma'am.

13 THE COURT: Okay. Have you made a decision as to whether you're going
14 to testify or not?

15 THE DEFENDANT: I have. I am.

16 THE COURT: You're going to testify?

17 THE DEFENDANT: Yes.

18 THE COURT: Okay. So is the State going to rest when the jury panel comes
19 in?

20 MR. KERN: I am, Your Honor. And I can either play the video now or play it
21 during closing, so whatever --

22 THE COURT: It's up to you.

23 MR. KERN: Yeah, I'll play it during closing.

24 THE COURT: Okay. So when they come in you're going to rest?

25 MR. KERN: That's correct.

1 THE COURT: Okay.

2 MS. PARK: Okay.

3 THE COURT: All right. We can bring them in.

4 THE MARSHAL: All rise for the jury.

5 [In the presence of the jury panel]

6 THE COURT: Okay. Does the State stipulate to the presence of the jury
7 panel?

8 MR. KERN: Yes, Your Honor.

9 THE COURT: And the defense?

10 MS. PARK: Yes, Your Honor.

11 THE COURT: Okay. Thank you

12 Does the State have any other witnesses that they intend to call in this
13 matter?

14 MR. KERN: No, Your Honor, State is going to rest.

15 THE COURT: Okay. Thank you.

16 Ms. Park, you may call your first witness.

17 MS. PARK: Thank you, Your Honor. Your Honor, I would like to call
18 Michael Roderos to the stand.

19 **MICHAEL RODEROS,**

20 [having been called as a witness and first duly sworn, testified as follows:]

21 THE WITNESS: So help me God.

22 THE CLERK: Thank you. Please have a seat.

23 THE COURT: Is that a "yes"?

24 THE WITNESS: Yes, ma'am.

25 THE COURT: Okay.

1 THE CLERK: Please have a seat and state and spell your first and last name
2 for the record.

3 THE WITNESS: Michael Manzano Roderos, M-I-C-H-A-E-L, R-O-D-E-R-O-S.

4 THE COURT: Thank you.

5 MS. PARK: Thank you, Your Honor.

6 **DIRECT EXAMINATION OF MICHAEL RODEROS**

7 BY MS. PARK:

8 Q Mr. Roderos, I want to draw your attention to August 18th of 2019. What
9 were you doing -- doing during the day that day?

10 A I was watching my son, Sabrien Roderos, watching football during the
11 day.

12 Q Okay. Did your wife and daughter have to -- happen to come home at
13 some point during that day?

14 A Later on that evening, yes.

15 Q Okay. And where had they gone?

16 A They had went to California to go to a comic convention.

17 Q Okay.

18 A KCON.

19 Q Okay. So when they came home did you say anything to them?

20 A Hi, how was it; how you guys doing; pretty much how was the
21 weekend?

22 Q Okay. Did you ask them anything else?

23 A Immediately, no, because they were still coming in the house.

24 Q Okay.

25 A So right then, no, just hi, how you guys doing, how was it.

1 Q Okay. At some point was there an occasion to speak to them again
2 after that?

3 A Yeah, so after everybody had settled in it was about dinner time, so I
4 asked what they -- I asked Noelani what she wanted to eat because I'd asked Sam
5 and she didn't know. And Noelani at first she wasn't sure, so I was, all right, you
6 guys think about it. I ended up going to and getting Burger King that night.

7 Q Okay. So you went and got the Burger King; did you guys all eat as a
8 family?

9 A Yes.

10 Q Okay. Was there any type of argument during the meal?

11 A It wasn't really an argument. We were having discussion, well,
12 conversations.

13 Q Okay.

14 A Just regular dinnertime conversations, but part of the discussion that
15 Noelani -- well, during the discussion Noelani had made mention she was making --

16 Q Hold on, hold on. Don't say exactly what she said.

17 A Okay. Yes. Yes, there was conversation.

18 Q But just in general -- in general what the discussion was about.

19 A Just in generality, well, I guess you can say just family matters.

20 Q Okay.

21 THE COURT: What did you say?

22 THE WITNESS: Family matters.

23 THE COURT: Okay. You have to make sure your mask is up. Thank you.

24 THE WITNESS: Yeah. I'm trying to -- trying to be clear and my jaw was
25 moving.

1 THE COURT: I know. I know. It's not easy.

2 MS. PARK: Okay.

3 BY MS. PARK:

4 Q Okay. So after you ate, where did you go? Where did your wife
5 Samantha go? And where did your daughter Noelani go?

6 A So after we were done eating, Sam and I we went out into the garage
7 and we were going to have a cigarette because we don't smoke in the house.
8 Noelani stayed inside the house with Sabrien because Sabrien was still downstairs
9 eating dinner. And so that's where we went after -- so Sam and I were outside
10 smoking.

11 Q Okay. Did -- did you and Sam have any discussion or argument while
12 you were in the garage smoking?

13 A Yeah. Her and I were talking about what -- we were -- what we had
14 started talking about as a family inside of the house, the family matters.

15 Q Okay. And during that argument, did Noelani get involved in that
16 argument?

17 A Not immediately, no.

18 Q Okay. How did she get involved in that argument?

19 A After Sam had finished her cigarette, she was going to go back into the
20 house, and as she was going into the house I had asked her to have Noelani come
21 out too because I wanted to discuss with her about what we were talking about
22 during dinner.

23 Q Okay. Did Noelani come to the garage?

24 A Yes, she did.

25 Q Did you guys discuss anything? Argue about anything?

1 A It started out as a discussion, yes.

2 Q Okay.

3 A And then it turned into a little bit of an argument between father and
4 daughter.

5 Q Okay. What was Sam doing at the time while you and Noelani were
6 arguing?

7 A Pretty much just standing next to Noelani just off to the side listening.

8 Q Okay. Did anything further happen in the garage?

9 A No.

10 Q Okay. So who went inside the house first?

11 A Both Sam and Noelani. Well, when you say nothing happened, so
12 during the conversation, when Noelani, she had made a comment and it was
13 speaking to the point of where the discussion between Sam and I was between Sam
14 and I, husband and wife; and then between Noelani and I, actually it was between
15 Noelani and I it was discussing what Sam and I should have been discussing and
16 Noelani was yelling at me and arguing with me about that and I told her that she
17 needed to stay out of adult conversations and then that's when I approached her
18 and I pointed at her and I told her you needed to stay out of adult conversations and
19 you don't need to pick a side because we don't want to go there.

20 Q Okay. So after that --

21 A That's when they went inside. Yes.

22 Q They went inside?

23 A Yes.

24 Q Okay. When you went inside where were they?

25 A They were upstairs. Well, when I walked in I didn't see anybody. I

1 went to the living room and I started watching TV for a little bit, so I'm guessing they
2 were upstairs.

3 Q Okay. When did you come to have conversation with one of them
4 again?

5 A So while I'm watching TV downstairs, Noelani had, during that time she
6 had come downstairs apparently or maybe she was already downstairs. But on her
7 way back upstairs she had made a comment and I don't know -- I don't remember
8 if -- I didn't really hear if it was to me in passing or if she was yelling upstairs. But
9 because of what she had told me outside, what we were arguing about outside, I
10 thought she was talking to me, just back sassing a little bit more. So, so she was
11 upstairs and then I followed, kind of followed her upstairs. She was already at the
12 top and when I got to the top of the stairs than that's when I asked her what she had
13 to say, what she was talking about.

14 Q Okay. Did you guys begin to argue again there?

15 A Yes, that's when we continued -- that's where we continued to argue
16 about the same thing because that's when she says, well, yes, she told me exactly
17 where we left off and then we continued to argue upstairs.

18 Q Okay. What --

19 A Well, I was -- I was at the landing and she was next to her room.

20 Q Okay. What happened after that?

21 A So I guess you can say it had gotten to a point where Noelani had
22 made a comment that really upset me and that I was going to go talk to her about it.
23 And at this time, so where our landing is, where I'm standing is at the top of the
24 stairway and to the right of us there is the bonus room and Sam was standing right
25 there where the bonus room was and Noelani was straight ahead at the end of the

1 hall. I went to go walk up to Noelani because of what she had said to me and while
2 I'm walking up to Noelani, that's when Sam had grabbed me by the wrist, and then
3 when she had grabbed me by the wrist, and that's why I said, Let me go, and at the
4 same time I pulled -- I tried to pull myself and she got even tighter on me and I said,
5 Let me go. She still didn't release me. So I grabbed her and I pulled myself free
6 and then as soon as she released me, that's when I continued to go towards
7 Noelani.

8 Q Okay. So you grabbed her wrist in an effort to free yourself from her
9 grasp?

10 A To -- exactly, yes.

11 Q Okay. So once you're away from Sam, where does Sam go at that
12 point?

13 A I don't know because I didn't have -- Sam -- Sam wasn't a part of any of
14 this.

15 Q Okay.

16 A So as soon as I was -- so as soon as I had released myself -- got
17 myself free of Sam, so I guess she stood off to the side and was -- I thought she
18 was going to see what I was going to do. I walk up to Noelani and that's when I
19 grabbed her glasses off of her face.

20 Q Okay. Why did you do that?

21 A Because of what she had said to me and I wanted her to look me in the
22 eyes and tell me to my face because she had pretty much told me to the point that
23 she can do it on her own and she didn't need me.

24 Q Okay.

25 A And so I was going to say, well, if you can do it on your own then, well,

1 then I guess you can try to do it on your own.

2 Q What happened after that?

3 A Well, that's -- that's pretty much -- well, she -- she went crying into her
4 room and I went to go walk away and she said, I'm going to McKenzie's house. And
5 I said, You're not going anywhere. And she says, Yes, I am. And she went into her
6 room and now by this time I'm back at the -- the entryway into the -- to the stairs
7 because I was getting ready to go back downstairs, I thought it was done, but that's
8 when she told me she was going to McKenzie's house and I told her, no, she wasn't.
9 So she walks out of her room and then Sam -- so when she -- when she gets pretty
10 much, I want to say, to the outlets, so she's about that far in front of me.

11 Q So how far would you say that --

12 A To the -- about five feet, maybe.

13 Q Okay. Five feet.

14 A So she said she's -- she said she's going to McKenzie's. She kept on
15 being adamant about that. I says, You're not going anywhere. I said you can go
16 back to your room or you can go to your mom's house. And then Sam made her
17 way during -- during this because I was more concentrated on Noelani and all of a
18 sudden Sam just kind of appeared, I guess you can say. So she's by Noelani's side
19 and I said, All right, well, if you're not going to go back to your room, if you're not
20 going to stay here, then you're going to go to your mom's. And so I pulled the
21 phone out of my pocket and I put it on speakerphone and I dialed her mom to let her
22 know that, yeah, I was dialing her mom to let her know that if she's not going to stay
23 here she's going to go there. The first call, it went to voicemail so I hung it up and I
24 attempted again to let her know. And I said, okay, your mom's not answering,
25 you're not going anywhere. And that's when Sam says, yes, she is, and that's when

1 I moved out of the way. Because as soon as Sam said, I thought when Sam says,
2 yes, she is and they walked out, I thought that Sam was taking her someplace else.
3 I thought it was going to be her and Sam going somewhere. I didn't realize that --
4 that Sam -- that Noelani was still going to McKenzie's.

5 Q Okay. Did she ask you if she could go to McKenzie's?

6 A Who?

7 Q Noelani.

8 A Yes. But I had already said no.

9 Q Okay.

10 A No, no, no, no. She didn't ask, she told me she was going to
11 McKenzie's.

12 Q Okay. All right. And how old was she at the time?

13 A 16.

14 Q 16. And you are her father?

15 A Yes, I am.

16 Q Okay.

17 MS. PARK: All right. I have nothing further right now. Thank you

18 THE COURT: Thank you.

19 Cross-examination?

20 MR. KERN: Thank you, Your Honor.

21 **CROSS-EXAMINATION OF MICHAEL RODEROS**

22 BY MR. KERN:

23 Q Good afternoon, Mr. Roderos. Noelani is your biological daughter,
24 correct?

25 A Yes, sir.

1 Q All right. And you and Samantha had gotten married about a month
2 prior to this happening?

3 A Yes. We'd been together for years. Yes.

4 Q Years before that?

5 A Yes.

6 Q Okay. And you have a son together?

7 A Yes.

8 Q Are you a drinker?

9 A Yes.

10 Q All right.

11 A I was. Well, yes.

12 Q Pretty much every day?

13 A Yes, just like -- well, yes.

14 Q Okay. And that caused issues in your relationships?

15 A No.

16 Q No?

17 A No.

18 Q Not with Samantha?

19 A Well, she had discussed -- we had discussed about she had been
20 starting to get upset about it because I would drink daily and then I had gotten to a
21 point where I was drinking on the weekends more than I normally would. But when
22 I -- when I said that I would drink daily, it would be, like, two beers during the night,
23 like you would a glass of wine when you get home, that's pretty much, one when I
24 got home and then one with dinner, pretty much.

25 Q But you would agree with me that drinking has caused you issues?

1 A It was a part of our -- it was a part of our issue, yes.

2 Q Okay. And you would agree with me that it's caused you issues even
3 outside of your relationship?

4 A I'm sorry?

5 Q Would you agree with me that it's caused issues even outside of your
6 relationship?

7 A Between Sam and I? No.

8 MS. PARK: I would object to the relevance of that.

9 THE COURT: Well --

10 MR. KERN: Your Honor, if we --

11 THE COURT: Sure. You can approach.

12 [Bench conference transcribed as follows:]

13 MR. KERN: I mean, he's minimizing --

14 THE COURT: Just a minute. I don't know what you're going to go into, but
15 he said he doesn't have an alcohol problem, he only has two beers, and hasn't
16 caused any issues. But I'm concerned about what you're getting at.

17 MR. KERN: Well, I'm concerned of what I'm getting at too. So if he opens the
18 door to not causing or not being an issue, I'm going to approach and ask if we can
19 admit evidence that it has caused issues specifically the fact that he was arrested
20 for this while he was on SCRAM.

21 THE COURT: He was what?

22 MR. KERN: Specifically the fact that he was arrested for drinking while he
23 was on SCRAM.

24 THE COURT: Oh, in this case?

25 MR. KERN: Yeah.

1 THE COURT: Yeah, I just --
2 MR. KERN: I mean, he's minimizing.
3 MS. PARK: I think it's more prejudicial than it is probative.
4 THE COURT: I just, I literally don't understand.
5 MR. KERN: Because he -- anyway -- I mean, he's -- okay.
6 THE COURT: I mean, I would prefer you don't go into that right now.
7 MR. KERN: Okay.
8 THE COURT: But I don't know if he's going to continue to deny it, I want to
9 see all the SCRAM evidence though.
10 MR. KERN: I have it.
11 THE COURT: Is it in the bindover?
12 MR. KERN: That actually --
13 THE COURT: Was he in district court or --
14 MR. KERN: He was in district court when that happened.
15 THE COURT: Okay.
16 MR. KERN: He drove drunk to his check in and went back in custody.
17 THE COURT: Okay. So he drove to his check in?
18 MS. PARK: I don't know how we know that he drove. He showed up.
19 MR. KERN: Because he said he drove. Well, I'll get you --
20 THE COURT: Okay. So is it like a House Arrest report?
21 MR. KERN: Yeah.
22 THE COURT: Okay. All right. Okay. Don't go into it yet. If you're going to
23 go into it, we probably have to take a recess --
24 MR. KERN: Talk about it.
25 THE COURT: -- so I can look at all the documents.

1 MR. KERN: Okay.

2 THE COURT: Okay.

3 MR. KERN: And just so -- just so we're clear on my parameters, can I push
4 him on it causing issues for him?

5 THE COURT: Yeah, I think you're --

6 MR. KERN: Okay.

7 THE COURT: I mean, he said he -- yeah, you're entitled to ask that.

8 [End of bench conference]

9 THE COURT: Okay. You may proceed.

10 BY MR. KERN:

11 Q All right. Mr. Roderos, the question is has drinking caused issues in
12 your life outside of your relationship?

13 A No.

14 MR. KERN: Judge --

15 THE WITNESS: Am I not understanding the question?

16 THE COURT: Do you not understand the question?

17 THE WITNESS: I do. He's asking me has it caused me -- outside of my
18 relationship with Sam, has alcohol been a problem.

19 THE COURT: So you understood the question.

20 THE WITNESS: And I answered "no."

21 THE COURT: Okay. So we're going to take a recess. During this recess
22 you're admonished not to discuss or communicate with anyone including fellow
23 jurors in any way regarding the case or its merits either by voice, phone, email, text,
24 Internet, or other means of communication or social media; read, watch, or listen to
25 any news or media accounts or commentary about the case; do any research such

1 as consulting dictionaries, using the Internet, or using reference materials or make
2 any investigation; test a theory of the case; re-create any aspect of the case; or in
3 any other way investigate or learn about the case on your own or form or express
4 any opinion regarding the case until it's finally submitted to you.

5 We'll be in recess because I need to do something outside your
6 presence and the court marshal will let you know when we're ready to have you
7 come back in. Thank you very much and you're excused.

8 THE MARSHAL: All rise.

9 [Outside the presence of the jury panel]

10 THE COURT: Okay. Mr. Roderos, you can step down and go back with your
11 lawyer.

12 Okay. The hearing is taking place outside the presence of the jury
13 panel. So, Mr. Kern, if you want to make an offer of what you want to ask --

14 MR. KERN: Yes, Your Honor.

15 THE COURT: -- Mr. Roderos next.

16 MR. KERN: So specific to the issues that I was discussing generally in order
17 not to bring this up, he was in fact placed on SCRAM in this case and -- or I'm sorry,
18 on the Options program in this case as part of his release conditions. The Court
19 received a letter dated July 13th, 2020, from House Arrest indicating that on
20 July 13th, 2020, he had reported to House Arrest for a check in, his eyes were
21 bloodshot, and there was a smell of alcohol coming from his body. He was asked if
22 he'd been drinking. He said "not today." He stated that he drank yesterday; asked
23 how he got to the House Arrest office. He said that he drove his truck and parked it
24 at Bridger and Third. They conducted a breath run a test on Mr. -- Mr. Roderos, his
25 BAC came back as .159 and .152. And that was actually the basis for him being

1 taken off of house arrest and the reason that he's in custody now. I would say --

2 THE COURT: Okay. Can I --

3 MR. KERN: -- that's an issue that it's caused him. May I approach?

4 THE COURT: Yes.

5 Ms. Park, do you have a -- do you have a copy of these documents?

6 MS. PARK: I have seen the documents, yes.

7 THE COURT: Okay. All right. I'm assuming you want to be heard, so.

8 MS. PARK: Well, I do. I mean, first of all, I don't think he's testified to the fact
9 that he was drinking that day and --

10 THE COURT: I'm sorry.

11 MS. PARK: -- I know there was other testimony that he was. But I don't
12 believe he testified on the stand that he was drinking that day. And, you know, I
13 mean, we're here to determine the facts of what happened that day. We're not here
14 to paint him as a person who has a -- an alcohol problem. I mean, whether he was
15 drinking or not that day shouldn't really have a bearing on his actions. You're
16 responsible --

17 THE COURT: I'm sorry, what day? The day he went to House Arrest --

18 MS. PARK: No.

19 THE COURT: -- or the date of the incident?

20 MS. PARK: The date of the incident.

21 THE COURT: Well, the date of the incident it surely is -- it absolutely is
22 relevant. Because not only have both witnesses testified that he was and the wife
23 said that it was an issue, that was, I mean, that was leading to a lot of problems and
24 she indicated he was already, you know, in the garage and drinking by the time they
25 got home and he's testifying now and so his ability to remember the incident, recall,

1 observe, all of that is at issue. So the district attorney is entitled to ask him that.

2 But now the D.A.'s asked him, Do you have any drinking issues and, I
3 mean, he got asked it, like, three times, even after you approached the bench and
4 he still said "no." No drinking issues, I mean, I don't know how you say no to that
5 question when in this particular case you -- you get taken into custody because you
6 went to House Arrest and they -- they had you apparently blow into the machine and
7 it's not a like a little, it's .159, that's double the legal limit.

8 THE DEFENDANT: That's -- and that's my point, Your Honor, I was not
9 drinking that morning. I wasn't even drinking at all. That's the crazy part about it.
10 And -- and I --

11 THE COURT: Okay. Well, let me tell you, you have a lawyer. So please do
12 not address the Court directly unless I direct the question to you.

13 THE DEFENDANT: I apologize.

14 THE COURT: You have a lawyer and your lawyer makes the arguments to
15 the Court.

16 THE DEFENDANT: I apologize.

17 MS. PARK: And, Your Honor, that's why he's testifying, to rebut the testimony
18 of what -- what Samantha and Noelani had stated. I mean, if I go out and I commit a
19 crime whether I'm drunk or I'm sober, I'm still responsible for what I did based on
20 what I did.

21 THE COURT: Sure.

22 MS. PARK: I mean, I don't -- I think it's very prejudicial for the jury to -- to
23 paint him as -- I feel like he's trying to be painted as a drunk, you know, someone
24 who can't control himself. And -- and I don't know that that's the case and I think it's
25 very prejudicial.

1 THE COURT: Okay. I mean, if his contention is going to be, if the D.A. is
2 permitted to ask him this, that I wasn't drinking, I just blew a one -- a .159 and the
3 House Arrest officer could smell alcohol, could see bloodshot eyes, I mean, I guess
4 he can do that, he can say he wasn't drinking and then I'm going to allow the district
5 attorney to go into it further. So I just, I don't understand, I mean, clearly whether he
6 was drinking that day is an issue, okay? And, I mean, because both witnesses have
7 said that was kind of the big issue that led to this.

8 And now that he's a witness the issue is even more important because
9 it goes to his ability to recall, recollect, observe, and then tell this jury what
10 happened on that day. And, I mean, I have, I mean, it seems to me to be pretty
11 clear that he had alcohol issues and that, you know, I don't -- I guess, if he -- I
12 mean, if he's going to contend all of this is not true, okay, I guess he can continue
13 that he has no alcohol issues.

14 But I'm not going to allow -- I don't think you should go into did that
15 result in you, I mean, being remanded and losing your out-of-custody status. Tell
16 me how far you want to go.

17 MR. KERN: And, Your Honor, my only point in all this is that alcohol is an
18 issue in his life, it's a continuing issue, it's not an issue that he's been able to shake
19 even after being put on Options. And so if he's minimizing that or if he's being
20 untruthful about that, then I think I have the ability to bring that forward. If I need to,
21 I'm going to call in the House Arrest officer who did the breathalyzer and we put him
22 on the stand.

23 THE COURT: Okay. So tell me, I just want to know specifically what you're
24 going to ask him.

25 MR. KERN: Your Honor, my specifics questions --

1 THE COURT: Okay. I mean, I need to hear the district attorney. Please stop
2 talking.

3 THE DEFENDANT: I'm sorry, Your Honor. I was trying -- I'm trying to direct it
4 to my attorney.

5 THE COURT: Well, I'm trying to hear the district attorney as well.

6 Go ahead.

7 MR. KERN: And my specific questions are going to be on the -- I think it was
8 July 13th, did you arrive at House Arrest, were you on the Options program, is that --

9 THE COURT: Well, I'm concerned about you saying you arrived at House
10 Arrest.

11 MR. KERN: Well, maybe -- maybe I'll -- maybe I'll phrase it this way, Were
12 you court ordered not to consume any alcohol and was that monitored, and was it at
13 some point determined that you had violated that court order based on a
14 breathalyzer -- on a breathalyzer test. But if he denies that, Your Honor, then I think
15 I get to bring in the officer to put on a rebuttal case.

16 THE COURT: I just want you to stay away from House Arrest or that he lost
17 ability to stay out of custody. I think you can ask were you court ordered and at
18 some point was there evidence that that order was violated. But I don't want you to
19 go into -- don't say House Arrest, don't say anything about him being remanded into
20 custody.

21 MR. KERN: And I won't say anything about House Arrest or him being
22 remanded, but I was intending to ask about the breathalyzer results coming back at
23 .159 and I think it was --

24 THE COURT: I think you can go into that.

25 MS. PARK: He had a concern he wanted to say to me.

1 THE DEFENDANT: Okay. No, so it wasn't -- so my question or my confusion
2 about the question was, I was clear about the question itself.

3 MS. PARK: Okay.

4 THE DEFENDANT: But the timeline of the question, I thought the questions
5 that I was going to be asked for this incident, from that incident or ten years prior. I
6 didn't realize it was going to be from that incident until this moment in time
7 because --

8 MR. KERN: And, Mr. Roderos, if there's confusion about -- I'm sorry, go -- I'm
9 not --

10 MS. PARK: Okay. His concern is he believed that the issues he would have
11 to deal with would be anything within his criminal past and anything from that day.
12 So he's saying he didn't understand that something after that day could affect him
13 when he takes the stand.

14 THE COURT: That's why I asked him if he understood the question and he
15 told me he did.

16 MS. PARK: Okay.

17 THE COURT: So are you going to need this back because I --

18 MR. KERN: I -- may I?

19 THE COURT: Because I want to mark it.

20 MR. KERN: Okay. Can I borrow it? Or mark it and borrow it?

21 THE COURT: Well, yeah, of course, maybe I can have Pam come in and she
22 can make a couple copies and then we can all have a copy. Oh, she -- that Pam
23 is -- she's got, like, bionic ears. And then I'll give you back your original.

24 Okay. Other than that is there anything else you're going to go into?

25 MR. KERN: That's it, Your Honor.

1 THE COURT: That we -- that we can address --

2 MR. KERN: I'll just -- I'll ask about the court order, I'll ask about the violation,
3 I'll ask about the -- the breath results.

4 THE COURT: Okay.

5 Thank you. Okay. All right. Thank you so much.

6 And then I just want to mark this Court's Exhibit next in line.

7 THE CLERK: Okay.

8 THE COURT: And I have marked those documents as Court's Exhibit next in
9 line. And we can bring the jury panel in.

10 And, Mr. Roderos, you can take your seat on the witness stand.

11 THE DEFENDANT: Do I remain standing?

12 THE COURT: Until the jury comes in.

13 [In the presence of the jury panel]

14 THE COURT: Does the State stipulate to the presence of the panel?

15 MR. KERN: Yes, Your Honor.

16 THE COURT: And the defense?

17 MS. PARK: Yes, Your Honor.

18 THE COURT: Okay. Thank you.

19 You may have a seat.

20 And you may continue.

21 BY MR. KERN:

22 Q All right, Mr. Roderos, I'd asked you if alcohol had continued to cause --
23 it caused issues outside of your relationship, you answered no. Isn't it true that you
24 were put on court-ordered alcohol monitoring?

25 A That was my mistake, and, yes, I was.

1 Q And on July 13th, 2020, you were found to be in violation of that alcohol
2 monitoring, correct?

3 A Yes.

4 Q In fact, you blew a .159 and a .152, correct?

5 A I -- if that's what the results came back with, yes.

6 Q Okay. So on August 18th, 2019, you were at home taking care of
7 two-year-old Sabrien while Samantha and Noelani were at a K-Pop convention?

8 A Yes, I was.

9 Q All right. And you were drinking that day?

10 A During the football game, that afternoon I had had a beer, yeah, a
11 couple beers.

12 Q Okay.

13 A We were playing and watching football.

14 Q All right, and you don't dispute that you and Samantha were in an
15 argument that day?

16 A We were in a discussion. It wasn't a full-blown argument. It was a
17 discussion.

18 Q And Noelani came down into the garage where you were having your
19 discussion?

20 A Yes, and between Noelani and I is where it became an argument, yes.

21 Q And when Noelani got involved in that argument you approached her
22 closely, correct?

23 A Yes.

24 Q All right. And you -- she was pinned against the garage door?

25 A I'm sorry?

1 Q She was pinned against the garage door?

2 A No.

3 Q No?

4 A No.

5 Q So you just what, how close did you approach her?

6 A Well, she wasn't next to the garage door to begin with. She was, well, I

7 guess you could say distance between you and I, so that's about, what, ten feet?

8 So and her distance from where you are to the door is, again, so I guess the

9 entryway to this area of the court so another ten feet behind you.

10 Q So she was 20 feet away from you?

11 A So she's midway between the door and me, yes.

12 Q Okay. So that's quite a distance.

13 A Yes.

14 Q All right.

15 A It's a three-car garage and I was on one end and she came in from the

16 other.

17 Q You weren't happy that Noelani was involved in this argument, I take it?

18 A I'm sorry?

19 Q You weren't happy that Noelani was involved in this discussion?

20 A Not -- not in the way that she was having it, no.

21 Q Okay. So she was talking back to you?

22 A Yes. She was being pretty disrespectful, out of line.

23 Q And, in fact, you were the one who asked Samantha to get Noelani to

24 come down, correct?

25 A I did.

1 Q So your testimony is that you basically never came close to Noelani and
2 that you pointed at her; is that right?

3 A No. I'm saying that she wasn't pinned next to the door. That's what I
4 said.

5 Q And then you -- did you just testify that she was --

6 A I did approach -- I -- well, you had asked if I had approached her.

7 Q Okay.

8 A And pinned her against the door. I said I didn't pin her against the door.

9 Q Okay.

10 A So, yeah, I did approach her and I did point at her, yes.

11 Q And how close to her were you then?

12 A Well, the by time I'd reached her so about halfway, about five feet in
13 front of her.

14 Q Okay. Still not touching her?

15 A Still not touching her, no. I poked towards, yeah, poked towards her.

16 Q And you sat through the testimony, you know what the -- Noelani and
17 Samantha said happened that night, right?

18 A Yes.

19 Q All right. And you've had now two years to think about your side of
20 events, correct?

21 A Well, we've been -- this event has been two years and going, yes.

22 Q Okay. So why would they both remember you pinning her against the
23 door and jabbing at her?

24 A You're kind of asking me how I know that they -- I --

25 Q Yeah, I mean, they both remember that, why --

1 MS. PARK: Your Honor, I'd object as speculation.

2 THE COURT: Yeah, the objection's sustained.

3 MR. KERN: Very well, I'll move on.

4 BY MR. KERN:

5 Q So after that point when Noelani went -- exited the garage, you said that
6 you had -- what was it, you'd gone in to watch football some more?

7 A Oh, they both went into the house.

8 Q Okay.

9 A And I stayed outside for a minute longer to -- just to let myself settle
10 down.

11 Q Okay.

12 A Because -- count to 10, right? So I gave myself a few minutes and then
13 when I went inside that was -- I didn't see anybody immediately, I went -- then I went
14 to watch TV, yes.

15 Q All right. And you went upstairs to Noelani's room?

16 A No. I did not.

17 Q You never went upstairs to Noelani's room?

18 A No, I didn't go into her room, no.

19 Q Okay. And so the next thing that happened then was Noelani falling
20 down the stairs?

21 A No. So as I just mentioned during my testimony was I was watching TV
22 and then during that time that I was watching TV, Noelani was either already
23 downstairs or she came downstairs, but in either regard, she was on her way back
24 upstairs and on her way back upstairs is when she had made a comment that I
25 thought she was directing towards me.

1 Q And so you go up the stairs and that's the point in time where you
2 testified that it was, in fact, Samantha who was grabbing your wrists.

3 A No, that's -- so when I make it to the top of the stairs --

4 Q That's what I --

5 A -- that's when I asked Noelani what she said. And then that's when she
6 turned around and she -- that's when we continued to argue, which was stupid.

7 Q Okay. And so your testimony is that Noelani and you were just having
8 an argument at that point?

9 A We were. Yes.

10 Q And you had just taken off her glasses?

11 A Yes.

12 Q And that's the only contact that you made with her?

13 A Yes.

14 Q How do you explain the shiner she has on her eye? Show that to you
15 again.

16 A The shiner?

17 Q I notice you didn't mention this initially. She clearly has a bruise there.
18 That's not just from taking her glasses off, is it?

19 A It is. I did not -- I didn't strike her at all. I didn't -- I didn't slap my
20 daughter. I reached up and I pulled her glasses off. As I went to reach up and pull
21 her glasses off, she did jerk herself away and I did not slap her in the face. The only
22 thing that I could think of was maybe her glasses scratched her, but I didn't strike
23 her.

24 Q Okay. As Noelani was packing up to leave Samantha was packing up
25 to leave at the same time, correct?

1 A I don't know. I wasn't aware that they were packing up.

2 Q Okay. So in your mind --

3 A So I'm guessing that's maybe why they were upstairs.

4 Q -- as you're telling the story, this is a minor event where you were in an

5 argument with Noelani and in a discussion with Samantha, correct?

6 A It was an argument with Noelani, yes.

7 Q Okay. And a discussion with Samantha?

8 A Well, it was -- Samantha and I hadn't even been able to discuss it yet.

9 That was a part of -- so it was supposed to be a discussion between Samantha and

10 I and then we never got to go through it and I'd asked Samantha -- Sam, so when

11 they were in -- when they had went to Los Angeles -- while we were outside

12 smoking, I had asked Sam, Were you discussing with Noelani things that we should

13 have been discussing between her and myself.

14 Q Okay. And so I just want you -- collectively with regard to discussion

15 with Samantha, was that an argument? Was that a fight?

16 A No.

17 Q No?

18 A No. It escalated with Noelani --

19 Q Okay. It escalated with Noelani --

20 A -- because of the way -- because of the way Noelani approached it with

21 me.

22 Q -- but not -- not a fight with Samantha, correct?

23 THE COURT: Okay. One at a time, please.

24 MR. KERN: Sorry, Your Honor.

25 ///

1 BY MR. KERN:

2 Q I just want to make --

3 A No, between --

4 Q Go ahead.

5 A Go --

6 Q Please, go ahead.

7 A Yeah. So between Sam and I, we hadn't even been able to discuss it
8 yet as adults to go through it. Now, when it became between Noelani and I, the way
9 that Noelani was approaching it, it was as a daughter speaking to her dad, and I
10 thought it was kind of out of place, for one, for her to speak to me like that.

11 Q And, sir, I'm just asking just the question as to Samantha. Were you in
12 a discussion that night or an argument?

13 A Partial discussion, we hadn't been able to finish it because after she
14 finished her cigarette she was going to go in the house.

15 Q Okay. And so a partial discussion and during that night did you guys
16 have an argument or a more heated discussion?

17 A Sam and I?

18 Q Correct.

19 A No.

20 Q Okay. So -- and then Samantha and Sabrien and Noelani leave and
21 you just, you step out of the way and you let them out the door; is that correct? Is
22 that your testimony?

23 A So when -- when they went to -- when -- let me take that back.

24 When Noelani was walking out and telling me that she was leaving with
25 McKenzie, she was going to go to McKenzie's house and this was when I told her,

1 no, she wasn't, and so I'd said that a couple of times and that's when I'd raised the
2 phone and I'd said I'd called her mom and I gave her the choices, called her mom,
3 there was -- there was no answer, that's when Sam interjected and she told -- she
4 looked me in the face, she said, Yes, we are. And then that's when I moved aside
5 and then she -- her -- actually Noelani scooted behind her and went outside and
6 then Sam followed her out and then -- and then I followed them to find out what was
7 going on.

8 When I got to the door, this is when I saw Noelani at the end of the
9 driveway, she was getting into another car. I thought she was leaving with Sam. I
10 didn't realize that she was ending up to go with McKenzie anyway. I didn't realize
11 that was the case.

12 Q Okay. All right, so --

13 A I thought she was leaving with Sam.

14 Q So your wife, your 2-year-old child, and your 16-year-old daughter leave
15 the house?

16 A Yes.

17 Q And then officers come by?

18 A I wasn't aware of that. I was not aware. I didn't even know the police
19 were called.

20 Q Didn't hear a thing?

21 A No.

22 Q Okay.

23 A I didn't -- I didn't realize -- like I said, I didn't realize the police were
24 called until the next day when they called me in from work. I was surprised --

25 Q All right. You were still home?

1 A Yes.

2 Q Okay.

3 A I was home the whole night.

4 Q Were you in the garage?

5 A No.

6 Q Inside the house?

7 A I was in the house, yeah. So after they -- so after they left and
8 everything cooled off, I went ahead -- it was a Sunday night, if you guys want to go
9 back there because it was football, so Sunday night and I was getting ready for work
10 and then -- then I went outside, had a cigarette, I closed the -- just like I normally
11 did, everything was all quiet and --

12 Q All right. And -- and, sir, if you could just focus on the question that I'm
13 asking and answer that, then it'll save a little bit of time, thank you.

14 A Okay.

15 Q So -- so your testimony is that you didn't hear a thing when officers
16 were ringing your doorbell, knocking on your door, flashing lights inside your house?

17 A Correct, I did not know that the police were called.

18 Q Okay. Is it pretty typical for your wife to your take your 2-year-old child
19 and leave the house after a discussion?

20 A No.

21 MR. KERN: No further questions, Your Honor.

22 THE COURT: Any redirect?

23 MS. PARK: Yes, just briefly, Your Honor. Thank you.

24 ///

25 ///

1 **REDIRECT EXAMINATION OF MICHAEL RODEROS**

2 BY MS. PARK:

3 Q Michael, when -- when you took the glasses off of your daughter's face,
4 did you intend any harm to her?

5 A No.

6 Q Did you ever intend any harm to her that day?

7 A No. Never.

8 Q Did you intend any harm to Samantha?

9 A No.

10 Q And, again, you -- you grabbed Samantha's arms because you were
11 trying to escape from her grasp?

12 A I didn't grab her arm, I only grabbed her wrist to remove my wrist from
13 hers -- from her grasp.

14 Q Okay.

15 A Yes.

16 Q And as far as you're aware, you didn't cause harm to anyone?

17 A No.

18 Q Okay.

19 MS. PARK: I have nothing further. Thank you.

20 THE COURT: Any recross?

21 MR. KERN: No, Your Honor.

22 THE COURT: Okay. All right. Mr. Roderos, thank you very much for your
23 testimony.

24 THE WITNESS: Thank you.

25 THE COURT: You may step down.

1 Can I have the attorneys approach for a moment?

2 [Bench conference transcribed as follows:]

3 THE COURT: So I'm assuming no further witnesses?

4 MS. PARK: No. No.

5 THE COURT: Okay.

6 MR. KERN: No.

7 THE COURT: So you're both done?

8 MR. KERN: I'm good. Yeah.

9 THE COURT: Okay. So we can recess and do instructions?

10 MR. KERN: Okay.

11 THE COURT: Okay.

12 MS. PARK: Okay.

13 THE COURT: Okay. All right. Thank you.

14 [End of bench conference]

15 THE COURT: Okay. Does the defense have any other witnesses?

16 MS. PARK: No, Your Honor.

17 THE COURT: And the State?

18 MR. KERN: No, Your Honor.

19 THE COURT: Okay. At this time, ladies and gentlemen, we're going to take
20 a recess so I can resolve the jury instructions with the attorneys. This may be a little
21 bit longer than 15 minutes. I will have the court marshal come update you so you
22 know when we'll be ready to start again.

23 During this recess you're admonished not to discuss or communicate
24 with anyone including fellow jurors in any way regarding the case or its merits either
25 by voice, phone, email, text, Internet, or other means of communication or social

1 media or read, watch, or listen to any news or media accounts or commentary about
2 the case or do any research such as consulting dictionaries, using the Internet, or
3 using reference materials or make any investigation; test a theory of the case;
4 re-create any aspect of the case; or in any other way investigate or learn about the
5 case on your own or form or express any opinion regarding this case until the case
6 is finally submitted to you.

7 And thank you very much. We'll be in recess.

8 [Outside the presence of the jury panel]

9 THE COURT: Okay. The hearing's taking place outside the presence of the
10 jury panel. Give me a few minutes and then Pam will come get the attorneys and
11 we can informally talk about the instructions and then we'll come in and formally
12 settle them.

13 MS. PARK: Okay.

14 THE COURT: Okay. So just give me a few minutes.

15 [Recess at 2:20 p.m.; proceedings resumed at 2:56 p.m.]

16 [Outside the presence of the jury panel]

17 THE COURT: Okay. The record will reflect that the hearing is continuing to
18 take place outside the presence of the jury panel.

19 Is the State familiar with Court's Proposed 1 through 20?

20 MR. KERN: Yes, Your Honor.

21 THE COURT: Any objections?

22 MR. KERN: No, Your Honor.

23 THE COURT: Any further instructions that you want to propose?

24 MR. KERN: None from the State.

25 THE COURT: Thank you.

1 And is the defense familiar with Court's 1 Proposed through 20?

2 MS. PARK: Yes, Your Honor.

3 THE COURT: Any objections?

4 MS. PARK: No, Your Honor.

5 THE COURT: Any further instructions to propose?

6 MS. PARK: No, Your Honor.

7 THE COURT: Okay. Thank you.

8 And is the State familiar with the verdict form?

9 MR. KERN: I am.

10 THE COURT: And the defense?

11 MS. PARK: Yes, Your Honor.

12 THE COURT: You know, will you just both come up and look at it because --

13 MR. KERN: Okay.

14 THE COURT: -- the clerk noticed that the counts were backwards so we fixed
15 it, so I just want to make sure.

16 MR. KERN: Oh, did you? Okay.

17 MS. PARK: Okay.

18 THE COURT: Yeah, we had Count 2 as Count 3, but we corrected it.

19 MR. KERN: Thank you

20 THE COURT: So any objection from the State on the verdict form?

21 MR. KERN: No, thank you, Your Honor.

22 THE COURT: The defense?

23 MS. PARK: No, Your Honor.

24 THE COURT: Okay. Can we bring the jury panel in?

25 MS. PARK: Yeah.

1 THE COURT: All right. Thank you, officer.

2 [In the presence of the jury panel]

3 THE MARSHAL: All rise for the jury.

4 THE COURT: Okay. Does the State stipulate to the presence of the panel?

5 MR. KERN: I do, Your Honor.

6 THE COURT: And the defense?

7 MS. PARK: Yes, Your Honor.

8 THE COURT: Okay. At this time, ladies and gentlemen, you have heard all
9 of the evidence that will be introduced.

10 They have copies of the jury instructions, right?

11 THE MARSHAL: No.

12 THE COURT: Oh, okay, that's probably my fault. Where are they?

13 THE RECORDER: I don't think Pam brought them in yet.

14 THE COURT: Oh, okay. Let me -- we got moving a little too fast. She's
15 probably listening to us, so.

16 THE RECORDER: I'm sure she is.

17 [Pause in the proceedings]

18 THE COURT: Well, you have heard all of the evidence. At this point I'm
19 going to read the instructions to you. You are entitled to have a copy of the
20 instructions. Each of you will have a copy. I think we just got going too fast and we
21 didn't bring the copies in. You will be able to take your copy of the jury instructions
22 back to the jury deliberation room during your deliberations. But I am required by
23 law to read these instructions to you.

24 Maybe I should just go get them?

25 THE RECORDER: I can go.

1 THE COURT: Sorry about that.

2 Okay. We have them now and we're going to hand out the instructions.

3 Thank you. Thank you, Sara.

4 THE RECORDER: You're welcome.

5 THE COURT: Okay. Thank you, officer, thank you very much.

6 [The Court read the instructions to the jury]

7 THE COURT: The State may open and close the arguments.

8 MR. KERN: Thank you, Your Honor. Give me just a minute to --

9 THE COURT: Sure.

10 MR. KERN: -- set up.

11 Ladies and gentlemen, as I said at the outset of this case, which was
12 just a few short hours ago, this case is about accountability, holding people
13 accountable for their own actions. I'm going to show you a clip here from the night
14 of the event when Noelani was talking with the officers. This is one of our stipulated
15 exhibits between the parties. You'll notice this is from a body camera. The
16 timestamp on it is going to be in Zulu time, so don't -- that's not local time if
17 anybody's wondering.

18 Can everybody hear? Okay.

19 [Video plays]

20 MR. KERN: That's a young woman, that's a child who's just suffered trauma.
21 Her statement's all over the board there because she's going through that in the
22 moment. She's still suffering from the shock of what happened.

23 Now, we're here for the purpose of determining from the evidence what
24 happened. And the evidence is clear that defendant has committed the crimes that
25 he's charged with, child abuse neglect, battery domestic violence, and coercion

1 constituting domestic violence.

2 The State's burden in every case is to prove that a crime occurred and
3 that defendant was the one who committed that crime. We've got two different sorts
4 of crimes going on here. There's general intent crimes and specific intent crimes.
5 And so one of your instructions tells you that general intent is that to do what the law
6 prohibits, it's not necessary to intend the precise harm. The other type -- or the
7 consequence of that act. The other, it's a specific type and that means that you
8 basically intended the results of your actions.

9 And so one of the ways I like to think about this is everybody got in the
10 car this morning or somebody's car this morning to drive here to be at jury duty. As
11 you're sitting in the car in traffic or driving along, you are driving the car with the
12 intent to get to jury duty. Driving the car is a general intent, you are doing the thing.
13 You are driving the car. It doesn't matter for general intent purposes whether or not
14 you intend to go to jury duty, keep on driving past here, go to Utah for the weekend,
15 it doesn't matter. That's -- your general intent is that you're driving the car.

16 Specific intent, though, is you have the intent as you're performing that
17 act to get to jury duty. General intent, the general intent crimes are going to be your
18 battery domestic violence and the child abuse neglect. He performed those acts. It
19 doesn't matter that he intended any specific result of those acts. The specific intent
20 crime is the coercion. He committed the coercion domestic violence with the intent
21 to keep them from leaving the house.

22 Battery simply is defined as an unwanted touching. It doesn't have to
23 cause any injury. It doesn't have to do anything. Even pushing somebody slightly, if
24 they don't want it, that's a battery. Obviously, that's not what happened here, but
25 that's the legal definition of a battery.

1 Domestic violence is a crime committed against, one of the definitions,
2 a person's spouse. You'll see later on that that definition also includes the person's
3 child.

4 So what evidence have we heard that the defendant has committed
5 battery domestic violence here? Well, the testimony of the victims were both clear.
6 Defendant committed unwanted touching on Samantha Roderos. She didn't want
7 him to grab her by the hands, she didn't want him to twist the -- her hands. And we
8 have Samantha Roderos's testimony and Noelani Roderos's testimony. And when
9 we finish going through the elements here, I'm going to talk a little bit about why they
10 are credible, why their testimony is credible and I don't think there's any question as
11 to their domestic relationship, they're married.

12 Child abuse is defined as unjustifiable physical pain on a child who's
13 less than 18 years of age and I went back and did the math on that, I know she had
14 said 15 and we had thought 16, it's 16. I think she just had a birthday then, so
15 maybe that's part of the confusion. But she was 16 at the time.

16 Abuse or neglect means a physical injury of a non-accidental nature
17 and then it goes on to define what a physical injury is as permanent or temporary
18 disfigurement. So we know that she has suffered a temporary disfigurement and a
19 good way to think about that as far as the disfigurement goes is if she had been -- if
20 that had been a permanent bruise that she had, if she had been permanently
21 disfigured by that bruise, that would obviously, in everybody's mind, be a permanent
22 disfigurement. There's no difference, the Legislature doesn't impose a different
23 standard for a temporary disfigurement.

24 That bruise that she suffered, that she testified, not only in -- well,
25 Samantha and she both testified that in that picture that's actually kind of a lighter

1 picture than it actually looked in person. But that it grew worse over the coming
2 days. She had to start her junior year of high school with a bruise that her father
3 gave her and that bruise lasted for days. I think she testified that she -- for a couple
4 days it got darker and then it started getting -- going to the yellowing phase and then
5 getting lighter. That's a temporary disfigurement. And this is not accidental. He
6 back handed her twice in the face because he was angry at her.

7 Now, with regard to specific intent crimes, the coercion means that he
8 was -- had a specific intent to accomplish something while he was committing the
9 coercion. And so that's simply defined as any person who uses violence upon
10 another person or threatens violence or injury to another person with the specific
11 intent to compel another to do or abstain from an act which the other person has the
12 right to do or abstain from doing is guilty of coercion. And then coercion domestic
13 violence is just coercion that you commit upon somebody you have a domestic
14 relationship with. That definition includes a person's minor child.

15 So what did he do to commit coercion? As Noelani and Samantha
16 were trying to escape the house after going through this very traumatic event in
17 which he was battering Samantha, in which he struck Noelani in the face and they
18 were trying to get to safety, he blocked them from getting to safety. He grabbed at
19 their bags. Samantha testified that he was pushing Noelani, and Noelani, although
20 she didn't remember that specifically happening on the stand, she does -- she did
21 remember that at the time she gave her written voluntary to police. And so she
22 remembered at the time a short time after this happened, that she was indeed
23 pushed while defendant was trying to stop her from getting out of the house. That is
24 coercion. That's use of force to stop somebody from doing what they have a right to
25 do.

1 And defense counsel asked some questions about or I guess made
2 some allusions to her being 16 and whether or not she had the right to leave the
3 house. Two things to that, so there is no law that says that a child, any child has to
4 stay in the house they're being abused in. That's not a law. That child is free to go.
5 You can't say that a child has commit -- or is not free to leave the house they're
6 being abused in. Two, Noelani wasn't going just anywhere, she was going -- she
7 was escaping that house to go to safety and her stepmother told her that she should
8 do that. So defendant doesn't have any right to keep her there in a dangerous
9 situation to potentially be abused some more.

10 Now, credibility, and this is the big thing in this case, right? Because
11 you've got two eyewitnesses who are both victims and they're the only people there
12 besides two-year-old Sabrien and the defendant. And they've both given their --
13 their statement about what happened. And defendant, he's testified as well about
14 what happened. And you can look at all these factors in determining whether you
15 think somebody is credible or not, his demeanor, manner upon the stand,
16 relationship to the parties, fears, motive, interest or feelings, opportunity to observe
17 the matter for which he testified, reasonableness, strength of statements, and
18 strength or weakness of recollection. If you believe a witness has lied about any
19 material fact, you may disregard the entirety of their testimony.

20 What did the defendant do? Well, he got up here and testified and he
21 minimized everything he could about that night. He minimized everything he could
22 just a simple discussion, I don't -- I just had a couple drinks. Just a drink or two and
23 alcohol hasn't really caused any issues in my life, except for the fact that he was on
24 court-ordered alcohol monitoring which he admitted to after he was confronted about
25 it and he violated that and blew a .159. Just having a discussion with Samantha, a

1 discussion that led to her leaving the house to stay the night at somebody else's
2 place with her two-year-old, even he'll admit that -- that's not a normal discussion.
3 He just took Noelani's glasses off, just took the glasses off, and that left her bruised
4 for days. And then, you know, officers came by, I just didn't hear them. Even
5 though the officers were there, ringing the doorbell, knocking on the door, shining
6 the lights in his house, he just didn't hear them.

7 Now, why believe what Samantha's telling you? Why believe what
8 Noelani's telling us? Samantha and Noelani, they don't have any reason to not tell
9 us the truth. She and defendant -- or with regard to Samantha, they had just gotten
10 married a month before. She knew about his alcohol issues. She was going to
11 work through them. She thought she could deal with them. They had discussions
12 about those issues and she thought that he was going to cut back.

13 They worked at the same company. They lived in the same house.
14 They shared the bills. They had a two-year-old son together. Their lives were very
15 much intertwined at that point and for a while after this. This isn't a situation where
16 she has any motive whatsoever. She hurt herself by telling the truth. She hurt her
17 life by telling the truth. So now instead of having a family with a house, sharing the
18 bills, working at the same company as your spouse, that's gone now because she
19 told the truth.

20 She fled with her two-year-old son Sabrien and Noelani fled separately.
21 So if there's any question in your mind about them having come up with a story
22 together, they didn't have a chance to. They left separately. They came separately
23 to where officers were. They gave statements separately to those officers. This
24 isn't a coordinated effort. They were giving consistent statements about what
25 happened that night separately to officers.

1 And the fact that even after all this happened, she tried to work it out,
2 she testified she loved him. She was trying to make it work, still loves him. Those
3 are people, those are indicia of somebody who's coming in front of you to tell you
4 the truth. There's no purpose for them saying anything other.

5 Noelani, for her part, where was she at in life? She had chosen to live
6 with the defendant and Samantha because she didn't want to stay with her
7 biological mother. And, again, Noelani knew there was -- there were issues with his
8 drinking. He was up late at night playing loud music, keeping her up. But she kept
9 on living there because in her mind that was the better option.

10 She was starting her junior year of high school the next day. I don't
11 know if you guys remember high school, but that's a time period in I think
12 everybody's life, but probably more for women, for young girls, where you're very
13 conscious about what other people are seeing, what other people are thinking about
14 you. Drawing attention to yourself for negative reasons is hard to do. That's a
15 difficult thing for a 16-year-old girl to do. I can't imagine how difficult it is to go to
16 school with a shiner that your father put on your face on the your couple of days of
17 junior high.

18 She called her friend to pick her up. She called her friend to get out to
19 safety. She didn't call police. Her friend's dad called police. And after that
20 happened, she went back to where she didn't want to be, at her biological mother's
21 for the next couple years.

22 So, again, there's no purpose, there's no reason for them to be at all
23 mistruthful on the night of the event when they told the officers what happened
24 consistently and when they came in front of you today and told you what happened
25 consistently. They're telling you what happened the way it happened because it's

1 the truth.

2 And, you know, one of the saddest things about this case is the fact that
3 she feels guilty for what happened, she feels guilty that the officers got involved.
4 And like I told you at the outset, that's not her fault.

5 You also heard testimony from Officer Vala and Officer Perez and they
6 testified that they went to defendant's house -- or Officer Vala went to defendant's
7 house and he talked about his efforts to get him to come out and talk to him, and
8 that's another indication that defendant is avoiding responsibility in this case. He's
9 avoiding having to come out and talk. He's avoiding his accountability for what
10 happened because he knows what officers are there for. Those officers -- the officer
11 testified that he could hear the doorbell ringing on the outside of the house.
12 Defendant testified that he was in the house.

13 They were knocking on the door, shining lights on there. How does he
14 miss that? How does one miss that? You don't. He knew they were there and he
15 knew why they were there. And he chose not to come out of that house, just one
16 other thing that occurred to me, if your 16-year-old daughter, your wife, and your
17 2-year-old have all just recently left the house and officers turn up at your door, one
18 of the first things that somebody would probably think about if it was just a simple
19 discussion and they just left the house was something had happened to them,
20 something bad had happened to them. So by avoiding that -- that contact with
21 officers, he knows exactly why they are there. He knows exactly what they were
22 told.

23 There's a picture of the house. Officers are there -- as you can see the
24 lights in the garage are still on, garage door is still halfway out -- halfway up. And
25 just my point in showing you that photo is seems unlikely that defendant was already

1 asleep at that point, leaving his garage door halfway open and his lights on. You
2 can draw your own conclusions from that.

3 So, ladies and gentlemen, at the end of the day this is all about just
4 bringing your common sense into this. All of the evidence points to Noelani and
5 Samantha having told you the truth about what happened. The physical evidence,
6 defendant's actions, defendant's own statements all point to the fact that he
7 committed these crimes, that he did these acts. It's time to hold him accountable for
8 those acts and find him guilty child abuse, battery domestic violence, and coercion
9 domestic violence.

10 Thank you.

11 THE COURT: Thank you.

12 Ms. Park, you may address the jury panel.

13 MS. PARK: Thank you, Your Honor.

14 THE RECORDER: Can you give her the lapel mic, please?

15 MS. PARK: Oh, yeah.

16 You remember -- oops, I didn't turn it on -- in my opening statement I
17 indicated that there were two sides to every story. There were two sides to this
18 story. The prosecution will say that Samantha, Noelani, their statements were
19 consistent with each other, that they gave them separately. But if you remember,
20 Noelani stated she didn't see what happened between Samantha and Michael in the
21 garage. Samantha said she didn't see what happened between Michael and
22 Noelani in the hallway by Noelani's bedroom.

23 We heard Michael Roderos testify and he kind of put the whole thing
24 into perspective of what led into what led into what. He was there through the entire
25 thing. He didn't see this piece and the other person saw that piece. Everything that

1 he stated tied their two stories together but in a way to show that neither one of
2 them actually saw those two events that they had testified to.

3 So Michael indicated that when he was in the garage that he was
4 talking to Noelani, that he was upset with her, that he was pointing his finger at her.
5 You heard that Noelani and Samantha both said he didn't touch Noelani while she
6 was in the garage. We then hear Michael testify that when he goes up the stairs
7 he's still upset about Noelani when she had said something that he wasn't sure what
8 she said but he wanted to find out when she was going up the stairs and he said
9 Samantha grabbed him, grabbed his -- his wrists. So he struggled free from her to
10 get away from her.

11 He didn't ask to be touched by her. He wasn't going towards her. She
12 grabbed him. She had no right to grab him. If he is breaking himself free from her
13 holding on to him, a person has a right to do that. Now, he didn't say that the
14 incident between him and Noelani he was angry, she was angry, they were -- they
15 were arguing with each other. He told you he wanted to take his glasses off -- her
16 glasses off, I'm sorry, to look her in the eye, to tell her that if you think you don't
17 need me, you don't need to be here, then you need to be big enough to go and live
18 on your own.

19 He said that when he removed her glasses, he may have scratched her
20 face with them. He didn't intend to do it. He didn't intend to cause any harm to
21 Noelani or to Samantha. And we talk about the child abuse and neglect it is -- what
22 the charge is is a physical injury of a non-accidental nature. If you believe
23 Michael Roderos that he's taking her glasses off of her face to look her in the eye
24 and have her look him straight in the eye, that is not intentional. He's not intending
25 to cause harm to her. It has to be a non-accidental. And if Michael Roderos's story,

1 if he's telling you is the truth, it was accidental.

2 Now, when it comes to the battery domestic violence and specifically it
3 says, To wit: Samantha Roderos by grabbing the wrist or twisting the arm and
4 bending the fingers of Samantha Roderos. Well, we just talked about that, when
5 Michael said she had grabbed a hold of him and he was trying to break free from her
6 grasp.

7 And, thirdly, we get to the coercion constituting domestic violence. We
8 heard Noelani say that she doesn't remember her father pushing her or doing
9 anything like that. Now, certainly a father can tell his minor child, You're not going to
10 your friend's house, and certainly if he didn't feel that there had been any harm done
11 to her, it was just the result of her being upset because she's 16 and they had an
12 argument and she's hysterical, No, you're not going to your friend's house at this
13 time of night. A father has a right to do that.

14 I think Michael Roderos's testimony is credible. I don't think it -- it
15 doesn't veer off from what the other two witnesses testified to. The thing is that he
16 was present for everything whereas the two of them were only present for certain
17 things, so they couldn't speak to the whole incident. But Michael put that all in
18 perspective for you and I would say that his -- any injury that came to Noelani was
19 certainly accidental and that he had the right to free himself from Samantha and that
20 he had the right to tell his minor child she's not running off in the night to her friend's
21 house.

22 I would ask you to find Michael Roderos not guilty. Thank you.

23 THE COURT: Thank you.

24 The State may begin their rebuttal.

25 MR. KERN: Yes, thank you, Your Honor.

1 So actually Noelani did testify that she saw Michael grabbing on to
2 Samantha's hands, on to her wrists before she fled out of the garage. She did see
3 that part before she escaped back up to her room. So there is at least parts of both
4 these events that each witness corroborated each other on and those parts are
5 consistent throughout. When Samantha was in her room, what did she hear? She
6 heard a loud bang and saw Noelani fleeing back to her room hysteric -- in hysterics.
7 When she went into the room, what did she see? She saw Noelani with a bruise on
8 her -- on her face.

9 This isn't just two individual people making up different sides to the
10 story that neither one of them have anything to do with. These are two individual
11 people in the same house at the same time who have testified about what happened
12 in that house and their testimony supports one another, it supports what each one of
13 them was seeing, which each one of them said afterwards. And, again, as I pointed
14 out, this isn't testimony that they -- or a story that they could have possibly
15 corroborated because they both fled out of that house and talked to officers
16 separately.

17 Defendant's statement is simply unbelievable and it's unbelievable both
18 because we know that he's minimizing certain things. We've seen -- we saw him do
19 that. And because of the consequences of his actions, the known consequences of
20 his actions don't match with the statement that he's giving about what happened.
21 That bruise is not something that happens when you just take somebody's glasses
22 off to look them in the eye. That bruise is something that happens when you back
23 hand your 16-year-old daughter twice in the face. That bruise happened because
24 defendant did exactly what Noelani told us he did.

25 And you saw at the beginning of my closing the video of her, you saw

1 how upset she was, you saw how emotional she was. And, yeah, she's giving a
2 statement that's disjointed, it's -- it's all over the place because she is suffering
3 through the emotions of that event, the trauma of that event and she's highlighting
4 things that she thinks are important like the conversation about dinner, but she's
5 clear about the fact that she got hit, she knows that, not my glasses got taken off
6 roughly. She knows she got hit. And Samantha, when she went in there, she saw
7 the effect of that, she saw how upset how she was, she saw the bruise, she saw the
8 broken glasses, all of that supports exactly what they're telling us.

9 The coercion, admittedly she could not -- Noelani could not remember
10 the pushing part when they were downstairs, but it's two years after the fact and
11 that's not something that would necessarily stick out in this situation where you just
12 got hit in the face. That's probably not the big event of the night for young Noelani.
13 But Samantha remembers it and Noelani remembered it when she was giving her
14 voluntary statement. And those two together support each other's statements.
15 Again, not the sort of thing that either one of them would be able to coordinate on.
16 They're telling the same story about what happened because that's what happened
17 that night.

18 Now, defendant's motives, what are his motives here? Well, it's
19 avoiding responsibility. His motives to tell you what he told you, to minimize what he
20 did, to minimize the effects of what he did even beyond the -- the evidence showing
21 us otherwise, even when it doesn't make sense, his motives for saying what he said
22 up on the stand are to avoid responsibility, avoid accountability.

23 And, ladies and gentlemen, accountability is the only way that we go
24 through an event, get better, and move forward. Sometimes that accountability has
25 to come from inside, sometimes it's got to come from outside. Ladies and

1 gentlemen, today that accountability comes from you. So I'm going to ask you to
2 find him guilty of child abuse, battery domestic violence, and the coercion domestic
3 violence because that's what the evidence shows he did and that's what he knows
4 he did.

5 Thanks.

6 THE COURT: Okay. Thank you very much.

7 At this time the clerk will now swear the officers of the court who will
8 take charge of the jury panel.

9 [The Clerk swore in the officers to take charge of the jury and alternate.]

10 THE COURT: Okay. Thank you.

11 At this time, Ms. Smith, you have been selected to be our alternate
12 juror, so I am going to excuse you from the courthouse. I'm not discharging you
13 from your service yet. What I'm going to have you do is Ms. Rocha -- Ms. -- Pam,
14 Ms. Pam is going to follow you out. She just changed her last name, so I feel bad I
15 said the wrong one. She's going to follow you out, she's going to take your
16 notebook, and she's also going to take your phone number from you.

17 I just ask that you don't go more than about 20 minutes from the -- 30
18 minutes from the courthouse, so that if we need you to come back for whatever
19 reason, we can call you and have you come back. When you are -- when I
20 discharge you, Pam, somebody will call you and let you know either come back or
21 you've been discharged as a juror. And I just want to remind you that you're still
22 under the admonition not to discuss this case with anyone. So you can -- you're
23 going to be excused and Pam will meet you out in the hallway.

24 And, ladies and gentlemen, you can take your notebooks and your
25 instructions now. The marshal is going to take you back into the jury deliberation

1 room. The first thing that you'll need to do is select one of you to be your foreperson
2 who will be your spokesperson here in court.

3 We will make sure that all of the evidence, everything that was talked
4 about and everything that was admitted into evidence, will go back into the jury
5 deliberation room.

6 Do they have a laptop to watch the --

7 THE CLERK: Do you have a laptop?

8 MR. KERN: I can --

9 THE COURT: Okay. And you're also going to have a laptop in order to -- if
10 you want to view the evidence, you will have the laptop in order to do that. So at
11 this time, you are excused and the court marshal will take you out that door to
12 deliberate upon your verdict. Thank you.

13 [The jury retired to deliberate at 3:48 p.m.]

14 [Outside the presence of the jury panel]

15 THE COURT: Okay. Just make sure the clerk has your phone numbers.

16 PROCEEDING CONCLUDED AT 3:49 P.M.

17 * * * * *

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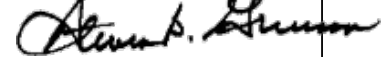
21

22 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
23 video recording of this proceeding in the above-entitled case.

24

25


SARA RICHARDSON
Court Recorder/Transcriber



DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

MICHAEL MANZANO RODEROS,

Defendant.

CASE NO. C-19-343096-1

DEPT. NO. XII

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

THURSDAY, AUGUST 12, 2021

RECORDER'S TRANSCRIPT OF PROCEEDINGS
JURY TRIAL - DAY 3

APPEARANCES:

For the State:

SAMUEL R. KERN
Deputy District Attorney

For the Defendant:

LESLIE A. PARK, ESQ.

RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 LAS VEGAS, NEVADA, THURSDAY, AUGUST 12, 2021, 9:21 A.M.

2 * * * * *

3 [Outside the presence of the jury]

4 THE COURT: Okay. The record will reflect that the hearing is taking place
5 outside the presence of the jury panel. Okay. The Court got notes. They've been
6 marked as Court's Exhibit 5 and 6.

7 Number 5 says, To go over final details of the case, we the jury are
8 requesting witness statements to discuss.

9 Court's Exhibit Number 6, The statements of Noelani,
10 Samantha Roderos is being requested to compare the oral testimony and written
11 statement to police, per jury. And then, When do we have to finish by or is there a
12 time limit for deliberation.

13 So those have been marked as Court's Exhibit 5 and 6. I did not
14 respond. I got the first note and I didn't respond. I was hoping they would figure it
15 out. And then when I got the second note, it appeared as though they were not
16 going to figure it out. So I'd like to give them Instruction Number 21, which just says,
17 Please refer to Instruction Number 7. Instruction Number 7 tells them what the
18 evidence is and I'm confident they'll figure it out after that.

19 Is there any objection from the State?

20 MR. KERN: No, Your Honor.

21 THE COURT: From the defense?

22 MS. PARK: No, Your Honor.

23 THE COURT: Anything else you want to add?

24 MS. PARK: No.

25 MR. KERN: No, I mean, I guess, except for that last part, it sounds like

1 they're asking for a timeframe and there isn't one.

2 THE COURT: Yeah, I won't -- obviously I'm not going to respond to that.

3 MR. KERN: Okay.

4 THE COURT: Okay. But if you both want a copy of Instruction Number 21,
5 and then Instruction Number 21 will be marked as Court's Exhibit next in line. And
6 then the Court Officer will take the instruction back to the jury panel.

7 Anything else?

8 MS. PARK: I don't think -- not from our side.

9 THE COURT: Okay. Thank you so much.

10 MR. KERN: Thank you.

11 MS. PARK: Thank you.

12 THE COURT: Oh, I just want to make sure the record reflects that the
13 defendant was present.

14 [Matter recalled at 10:54 a.m.]

15 [In the presence of the jury panel]

16 THE COURT: Does the State stipulate to the presence of the panel?

17 MR. KERN: Yes, Your Honor.

18 THE COURT: And the defense?

19 MS. PARK: Yes, Your Honor.

20 THE COURT: Okay. Ms. Johnson, have you been selected to be the
21 foreperson?

22 JUROR NO. 2: Yes, Your Honor.

23 THE COURT: Has the jury reached a verdict?

24 JUROR NO. 2: Yes, Your Honor.

25 THE COURT: If you'll hand the verdict form to the marshal.

1 Thank you.

2 Okay. At this time the Clerk will read the verdict form out loud.

3 If the defendant and his attorney will stand for the reading of the verdict.

4 THE CLERK: District Court, Clark County, Nevada, State of Nevada, Plaintiff,
5 versus Michael Manzano Roderos, Defendant. Case Number C-19-343096-1,
6 Department Number 12. Verdict. We the jury in the above entitled case find the
7 defendant, Michael Manzano Roderos, as follows:

8 Count 1, child abuse neglect or endangerment, guilty of child abuse
9 neglect or endangerment;

10 We the jury in the above entitled case find the defendant, Michael
11 Manzano Roderos, as follows:

12 Count 2, battery constituting domestic violence, guilty of battery
13 constituting domestic violence;

14 We the jury in the above entitled case find the defendant, Michael
15 Manzano Roderos, as follows:

16 Count 3, coercion constituting domestic violence, guilty of coercion
17 constituting domestic violence.

18 Date this 8th day of August, excuse me, the 12th day of August, by
19 Kristal Johnson.

20 Ladies and gentlemen of the jury, are these your verdicts as read so
21 say you one so say you all?

22 THE JURY PANEL IN UNISON: Yes.

23 THE COURT: Okay. Does either side wish to have the panel polled?

24 Mr. Kern?

25 MR. KERN: No, Your Honor.

1 THE COURT: Ms. Park?

2 MS. PARK: No, Your Honor.

3 THE COURT: Okay. At this time, the clerk will record the verdict in the
4 official record of the court. You can have a seat now, thank you.

5 At this time, ladies and gentlemen, I am going to discharge you from
6 your service as jurors. Thank you very much for being here and your willingness to
7 serve on this jury panel. You may be asking yourself, am I still under the admonition
8 not to talk about this case, you are not. Once you're discharged you can talk about
9 the case, you can talk about your deliberations to whomever you want, but you are
10 under no obligation to speak to anyone about the case.

11 You're going to be excused to go back into the jury deliberation room
12 and be given further instructions. I always like to give both sides, the attorneys, an
13 opportunity to speak to the jury panel. But, again, it is completely up to you whether
14 you want to speak to any attorney or anyone about this case. You're under no
15 obligation. But I just wanted to make sure you understood that you are no longer
16 under the admonition not to discuss the case.

17 I do want to extend my gratitude. I'm very grateful for your willingness
18 to serve, especially during these difficult times. You were all so professional and
19 courteous in wearing your masks and I really do appreciate it. So thank you very
20 much and you are discharged as jurors.

21 THE MARSHAL: All rise.

22 MS. OSTERMAN: You can leave your notebooks on your chairs.

23 THE COURT: Yeah, sorry. Sorry, Pam.

24 MS. OSTERMAN: And if you want to just come with me.

25 THE COURT: Unless there's anything you want in your notebook. I reuse the

1 notebooks, I mean, if there's -- you can take what's in there or you can just leave it.

2 MS. OSTERMAN: I shred everything.

3 THE COURT: And, Mr. Duncan, you're doing okay, right?

4 JUROR NO. 5: Oh, I'm fine thank you, Your Honor.

5 THE COURT: Okay. Good. You looked good the last few days, so.

6 JUROR NO. 5: Oh, thank you. Thank you.

7 [Outside the presence of the jury panel]

8 THE COURT: Okay. The record will reflect that the hearing is taking place
9 outside the presence of the jury panel. The matter will be referred to Parole and
10 Probation and it will be set down for sentencing.

11 THE CLERK: We'll do September 30th at 11:00 a.m.

12 THE COURT: Does -- do either side -- Mr. Kern, do you want the
13 opportunity? Ms. Park?

14 MR. KERN: I would like to speak to them.

15 MS. PARK: Me too.

16 THE COURT: Okay. All right. I have about two minutes, so I'll go back and
17 speak to them and then I'll have someone come out and tell you and you guys go
18 right back there. Okay.

19 MR. KERN: Thank you, Your Honor. And I believe he's already held without
20 bail, but I would ask that he be remanded without bail.

21 THE COURT: Well, yesterday when I was looking at it, I actually think I did
22 set a bail amount because I think Ms. Park brought a motion after he was remanded
23 by house arrest.

24 MS. PARK: Correct.

25 THE COURT: So let me look it up. I think -- but I think there is a --

1 THE CLERK: 30,000 with house arrest.

2 THE COURT: Yeah, that's what I thought, 30,000 with house arrest.

3 MR. KERN: Is that correct. So I would ask that he be remanded without bail
4 at this point.

5 THE COURT: Okay. Ms. Park?

6 MS. PARK: Your Honor, I mean, he obviously hasn't been able to make the
7 \$30,000.00 bail at this point. It's been quite some time. I would ask that it stand.

8 THE COURT: Okay. I'm going to allow the bail to stand. Also, it's with house
9 arrest and if you do make the bail, you're to have no contact with the victims in this
10 matter.

11 THE CLERK: Also has SCRAM in there.

12 THE COURT: Pardon?

13 THE CLERK: SCRAM. It says house arrest with SCRAM.

14 THE COURT: Yes.

15 THE CLERK: Okay.

16 MS. PARK: Judge, he's asking if I can request an O.R. from the Court so he
17 can take care of some matters.


18 THE COURT: Okay. I'm -- the O.R. is denied, but I'll leave the bail as is.

19 MS. PARK: Thank you.

20 PROCEEDING CONCLUDED AT 10:59 A.M.

21 * * * * *

22 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
23 video recording of this proceeding in the above-entitled case.

24 
25 SARA RICHARDSON
Court Recorder/Transcriber

Read @ 10:56 am
FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

AUG 12 2021

THE STATE OF NEVADA,
Plaintiff,

BY, Kory Schlitz
KORY SCHLITZ, DEPUTY

CASE NO: C-19-343096-1

DEPT NO: XII

-vs-

MICHAEL MANZANO RODEROS,
Defendant.

C-19-343096-1
VER
Verdict
4963816



VERDICT

We, the jury in the above entitled case, find the Defendant MICHAEL MANZANO
RODEROS, as follows:

COUNT 1 – Child Abuse, Neglect, or Endangerment

(Please check the appropriate box, select only one)

☒ Guilty of Child Abuse, Neglect, or Endangerment

☐ Not Guilty

We, the jury in the above entitled case, find the Defendant MICHAEL MANZANO
RODEROS, as follows:

COUNT 2 – Battery Constituting Domestic Violence

(Please check the appropriate box, select only one)

☒ Guilty of Battery Constituting Domestic Violence

☐ Not Guilty

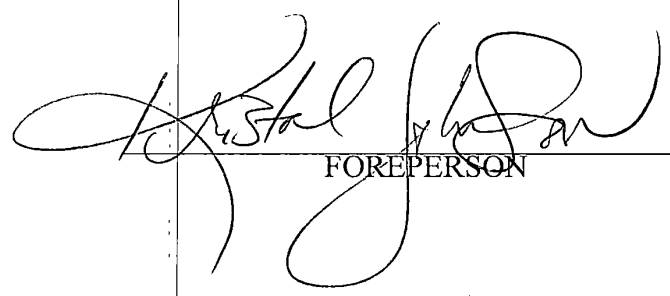
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We, the jury in the above entitled case, find the Defendant MICHAEL MANZANO RODEROS, as follows:

COUNT 3 – Coercion Constituting Domestic Violence

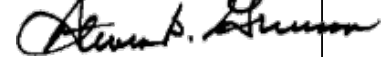
(Please check the appropriate box, select only one)

- ☒ Guilty of Coercion Constituting Domestic Violence
- ☐ Not Guilty



FOREPERSON

07-0545



DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

MICHAEL MANZANO RODEROS,

Defendant.

CASE NO. C-19-343096-1

DEPT. NO. XII

BEFORE THE HONORABLE MARY KAY HOLTHUS, DISTRICT COURT JUDGE

THURSDAY, OCTOBER 28, 2021

RECORDER'S TRANSCRIPT OF PROCEEDINGS
SENTENCING

APPEARANCES:

For the State:

SAMUEL R. KERN
Deputy District Attorney
via teleconference

For the Defendant:

LESLIE A. PARK, ESQ.
via teleconference

RECORDED BY: ANGELICA MICHAUX, COURT RECORDER

1 LAS VEGAS, NEVADA, THURSDAY, OCTOBER 28, 2021, 11:18 A.M.

2 * * * * *

3 THE MARSHAL: Roderos.

4 THE CLERK: That'll be C343096, State of Nevada versus Michael Manzo --
5 Manzano Roderos.

6 THE COURT: Do you have Mr. Roderos?

7 THE CORRECTIONS OFFICER: Yes.

8 THE COURT: All right. This is the --

9 THE DEFENDANT: Yes, ma'am. Can I - -

10 THE COURT: This is the time set for entry of judgment and imposition of
11 sentence. Is there any legal cause or reason why judgment should not be
12 pronounced against you at this time?

13 THE DEFENDANT: Your Honor, may I speak with my lawyer really quick. I
14 haven't had an opportunity yet.

15 THE COURT: Yeah.

16 Ms. Park, you there?

17 MS. PARK: I'm here. Can I get the number to the jail room, please?

18 THE COURT: Yep. What's the --

19 THE CORRECTIONS OFFICER: That's 8332.

20 MS. PARK: Okay. All right. I'll call you right now.

21 THE DEFENDANT: Thank you.

22 [Proceeding trailed until 11:22 a.m.]

23 THE RECORDER: Ms. Park said she's ready.

24 THE COURT: All right. We can call Roderos.

25 THE MARSHAL: Page 6.

1 THE CLERK: C343096, State of Nevada versus Michael Manzano Roderos.

2 THE DEFENDANT: That's me.

3 MR. KERN: Good morning, Your Honor. Sam Kern for the State.

4 THE COURT: Good morning.

5 MS. PARK: And Leslie Park for Michael Roderos.

6 THE COURT: This is the time set for entry of judgment and imposition of
7 sentence. Is there any legal cause or reason why judgment should not be
8 pronounced against you at this time?

9 THE DEFENDANT: No, ma'am.

10 THE COURT: By virtue of your plea of guilty, I hereby adjudge you guilty of
11 the offense of child abuse neglect or endangerment, a felony; battery constituting
12 domestic violence, a misdemeanor; and coercion constituting domestic violence, a
13 felony.

14 State, it's a jury verdict, you have the right to argue.

15 MR. KERN: Thank you, Your Honor. So the State's going to ask for 28 to 72
16 on both the child abuse and the coercion domestic violence to run consecutive, but
17 I'm going to ask for probation in this case. The -- just to give you a little background
18 on this particular defendant, he's, looking at his P.S.I., doesn't have very much
19 going on at all previous to this event. Nonetheless, he managed to, after bailing out
20 on this case, wind up in custody, I think we've got 482 days now, after showing up to
21 his check-in on house arrest, driving there drunk and then popping on the -- the --
22 submitted a breathalyzer and was obviously consuming alcohol. So, I think in --

23 THE COURT: I'm sorry. Did you -- while this case was pending he was out
24 drunk driving?

25 MR. KERN: According to the violation report, he had driven there or admitted

1 to driving there, and while he was there he blew -- I can't remember the exact
2 numbers -- I think that was a -- it was a .159 and a .152, that was back in July 13th of
3 2020, he's been in custody since then.

4 So alcohol was also a contributing factor in this -- in this event where he
5 was abusive both to his wife and his 16-year-old daughter. And it seems to be the
6 driving factor here. The victim's letter expresses her frustration with how that has
7 affected their relationship and affected her relationship with her children and her life
8 and at the end of the letter she asks that he get the treatment that he would need to
9 be able to become an effective and participating member of her family or at least
10 somebody who's there and available.

11 The danger evaluation similarly indicates alcohol as being a major issue
12 that they see going forward and recommends treatment with respect to alcohol as
13 well. So that's going to be my recommendation too. I'm asking for 28 to 72
14 consecutive on both counts with the underlying aggregate total of 56 to 144; for him
15 to attend and complete domestic violence counseling, that's the six month course;
16 do six to eight week parenting class; have -- order no alcohol while on probation with
17 SCRAM until P and P determines that it's no longer necessary; and A.A. one time a
18 week. And as I said, there's 482 days credit at this point.

19 THE COURT: Mr. Roderos, is there anything you want to say before I
20 pronounce sentence?

21 THE DEFENDANT: Yes, ma'am. There is.

22 Thank you, Your Honor. You have seen and read a summary of my
23 biography and I would like to just take a few moments to fill in some personal notes.
24 I was born to two teenage parents who both graduated high school and raised me
25 and later on my younger brother on their own. After more than 47 years they're still

1 together. I was raised in a close-knit, loving, and nurturing family environment with
2 grandparents and lots of aunties, uncles, and cousins. But later on in 1985 my dad
3 re-enlisted into the United States Navy and later retired after 25 years of service. I
4 was raised with traditional family values and morals, for example, responsibility,
5 integrity, respect, honor, discipline, godliness, hard work, et cetera.

6 My parents' steadfast love and commitment to family has made me into
7 the person and to the parent I grew up to become. After high school I went on to
8 pursue architecture and engineering, studying drafting and design and earning an
9 associate's of science. Afterwards there wasn't very much of a job market for
10 entry-level positions, so I returned to the west coast and ultimately ended up joining
11 the United States Navy myself.

12 Both sides of my family have a strong military history and tradition. I
13 studied and excelled in advanced electronics and technology. I've been awarded
14 and decorated with numerous medals and letters for conduct, achievement, and
15 commendation. Among my many qualifications, I was a service warfare specialist.
16 Despite excelling and rapidly advancing in rank, I knew that before I enlisted that I
17 didn't want to have a military family and raise a family in the military. So I resigned
18 and I was honorably discharged. I went on to become a contract engineer for the
19 Intel Corporation and later earned a position with research and development and,
20 again, advanced later on to become an instructor-slash-training specialist.

21 In 2008 we relocated to Las Vegas where I continued as an instructor
22 for Varian Medical Systems teaching engineers linear accelerators for radiation
23 oncology for cancer treatment as well as for non-destructive testing and inspection.
24 I had always known and anticipated that I would always raise a larger family being
25 raised in a large and close extended family myself. Jokingly, I had predicted that I

1 was going to have nine children and I was blessed six from -- ranging from ages 25
2 all the way down to 4-and-a-half currently. Three of them are my biological children
3 and three of them are by marriage whom I've raised with the same love,
4 commitment, and values taught to me by parents, my family, and life's experiences.
5 In some ways, being a parent has helped me become a better teacher and person
6 just as much as being a teacher has taught me ways to being a better parent and a
7 person.

8 Though none of these facts were admissible in my defense, I am now
9 mentioning them to offer a deeper understanding as well as perspective to an
10 answer that I gave during my P.S.I. The specialist had asked me, What do you think
11 is a fair punishment. My immediate reply is, There isn't one, and I gave her a short
12 version of the following explanation.

13 This whole experience, this whole episode began in -- around August of
14 2019, with a family being ripped apart. Both my daughter and I were removed from
15 our home, which left my wife at home to take care of our then two-and-a-half-year-
16 old son by herself. My daughter, Noelani, was forced to return to her biological
17 mother against her will, though I was not residing at home. Ironically, I was set to
18 receive full custody for Noelani that same month since she had been living
19 exclusively with -- since us since May of 2016.

20 Having lost his daddy and his sister so suddenly, my son has
21 developed anxiety, my son, Sabrien, who is now four and a half years old, has
22 developed anxiety and fears about being left alone and abandoned and/or
23 abandoned. Subsequently, court dates were delayed and then later suspended due
24 to the COVID-19 outbreak causing further stress, anxieties, and frustrations for
25 pretty much all of 2020.

1 In 2021 I missed two milestones -- sorry -- my daughter's 18th birthday
2 and her graduation. Sorry. My family and I have been feeling pain and suffering
3 ever since that moment. Losing my job has also eliminated earnings of more than
4 \$100,000.00 per year in addition to losing my car, my truck, and our home. I literally
5 watched as my world was imploded. I already lost two years of sharing and raising
6 our family with my wife. To say that I feel regret and remorse over what this has
7 caused would be a ridiculously gross misstatement.

8 A hefty punishment has -- a hefty punishment and price has already
9 been paid and I will continue to be indebted for as long as this -- long after this
10 episode is over. I can never repay my family for their pain and suffering. But I can
11 offer the healing being a man and a father that I've always meant and strived to be
12 their whole lives and for the rest of mine.

13 Your Honor, I know what happens next is your prerogative. I hope and
14 pray that you show compassion and clemency in your judgment. Thank you
15 sincerely and respectfully.

16 THE COURT: Thank you, and thank you for your service.

17 Ms. Park.

18 MS. PARK: Thank you, Your Honor. Your Honor, you know, Mr. Roderos
19 since I've known him has -- everything is about his family. You know, I think he said
20 everything that the Court needs to hear. He's remorseful. He has serious regret
21 and he wants to do better in the future.

22 You know, I would agree that parenting class would be great for him. I
23 don't see an issue with the domestic violence counseling. I do think that what the
24 State's asking for underlying is a little excessive. I think a 12-to-36 underlying would
25 be appropriate. He has already served 482 days in custody. I would ask that you

1 grant him probation with the stipulations to give him the tools to better himself. If
2 you're not inclined to give him probation, I would ask for a 12-to-36-month sentence.

3 THE COURT: Thank you.

4 Is there any victim impact or restitution?

5 MR. KERN: There was no request submitted by the victims, Your Honor.

6 THE COURT: In accordance with the laws of the State of Nevada, this Court
7 does now sentence you in addition to the \$25.00 administrative assessment,
8 \$150.00 D.N.A. fee, \$3.00 D.N.A. administrative assessment fee, domestic violence
9 fee of \$35.00 on Count 1, 28 to 72 months in the Nevada Department of
10 Corrections; Count 2, 28 to 72 months in the Nevada Department of Corrections,
11 that will be suspended -- that's to run consecutive to each other.

12 12 to 30, there's no incentive whatsoever, I mean, he's already done it.
13 So I do have concerns that I don't -- I'm not convinced -- I do thankfully see
14 remorse, but I'm still not convinced he believes he has a problem. But hopefully
15 he'll figure that out.

16 So it will be suspended for a period of probation not to exceed 60
17 months under the standard terms and conditions, that'll be -- with respect to alcohol,
18 obviously, no alcohol whatsoever. It'll also be subject to the special terms and
19 conditions. You'll submit your digital storage devices, your cell phones, your
20 computers to P and P any time, any place with or without a warrant they can search
21 them. You'll be subject to a curfew as deemed necessary by Parole and Probation.
22 You'll be subject to the SCRAM upon release until P and P determines that it's no
23 longer necessary. You'll undergo a mental health evaluation and follow through with
24 any treatment, a substance abuse evaluation and follow through with any treatment.

25 At a minimum with respect to alcohol, you'll attend three A.A. meetings

1 a week for the entirety of your probation, regardless of any other additional
2 requirements. You'll get -- attend long-term domestic violence class. You'll get
3 parenting classes. There is to be no alcohol, again, whatsoever, no marijuana.
4 You'll maintain full-time employment or do 16 hours of community service when
5 you're not employed or you can go to school or some combination thereof.

6 What's going to be the status of contact with his children? Is there any
7 C.P.S. in place? Is there any -- any orders in place? What's the plan?

8 Mr. Roderos, are you and your wife together?

9 THE DEFENDANT: At the moment we are still working things out.

10 THE COURT: So what is the -- your -- well, I'm going to have -- I'm going to,
11 at a minimum, you're to have no unsupervised contact with any minors including
12 your own children unless and until Parole and Probation deems it appropriate. If
13 there's a C.P.S. case in effect then you'll comply with that as well.

14 Anything else from either side?

15 THE DEFENDANT: There is no C.P.S. case.

16 THE COURT: Okay. Then there won't be anything, if P and P figures it's
17 okay, I'll let them be in charge, once they get the counseling back in order and
18 whatnot, all right? Good luck to you, sir.

19 THE CLERK: Judge, what about Count 3? Count 2 --

20 MR. KERN: Thank you, Your Honor.

21 THE COURT: Count 3 -- thank you.

22 THE CLERK: Count 2 was the misdemeanor.

23 THE COURT: Count 2 will be credit for time served.

24 THE CLERK: Okay. And then Count 3 will be the [indiscernible] --

25 MR. KERN: Thank you, Your Honor.

1 MS. PARK: Thank you.

2 THE DEFENDANT: Leslie, can you please contact me.

3 MS. PARK: Yeah, I'll try, but you should be getting released pretty quick, so
4 you can give me a call when you get out if I don't get to you first.

5 THE DEFENDANT: All right. Thank you.

6 MS. PARK: Okay. Bye.

7 PROCEEDING CONCLUDED AT 11:37 A.M.

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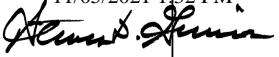
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22 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
23 video recording of this proceeding in the above-entitled case.

24 

25 SARA RICHARDSON
Court Recorder/Transcriber


CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MICHAEL MANZANO RODEROS,
#7085915

Defendant.

CASE NO. C-19-343096-1

DEPT. NO. XII

JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony) in violation of NRS 200.508.1, and COUNT 2 – BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor) in violation of NRS 200.485(1)(A), 33.018, and COUNT 3 – COERCION CONSTITUTING DOMESTIC VIOLENCE (Category B Felony) in violation of NRS 207.190, 33.018; and the matter having been tried before a jury and the Defendant having been found guilty of the crimes of COUNT 1 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT, and COUNT 2 – BATTERY CONSTITUTING DOMESTIC VIOLENCE, and COUNT 3 – COERCION CONSTITUTING DOMESTIC VIOLENCE; thereafter, on the 28th day of October, 2021, the Defendant was present in court for sentencing with his counsel LESLIE A. PARK, Esq., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said crimes as set forth in the jury's verdict and, in addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis fee including testing to determine genetic markers, \$35.00 Domestic Violence fee, and \$3.00 DNA Collection fee, the Defendant is SENTENCED as follows:
COUNT 1 - TO A MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM

1 parole eligibility of TWENTY-EIGHT (28) MONTHS, and COUNT 3 - TO A MAXIMUM of
2 SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of TWENTY-EIGHT
3 (28) MONTHS in the Nevada Department of Corrections (NDC), and COUNT 2 – to
4 CREDIT FOR TIME SERVED, COUNT 1 AND COUNT 3 to run CONSECUTIVE to
5 each other; SUSPENDED; placed on probation for a period not to exceed SIXTY (60)
6 MONTHS.

7 SPECIAL CONDITIONS:

- 8 1. You shall submit your digital storage media or any digital storage media that
9 you have access or use, including computers, handheld communication device
10 and any network applications associated with those devices, including social
11 media and remote storage services to a search and shall provide all
12 passwords, unlock codes and account information associated with those items,
13 with or without a search warrant, by the division of Parole and Probation or its
14 agents.
- 15 2. Comply with any imposed curfew by Parole and Probation (P&P) as deemed
16 necessary.
- 17 3. Be subject to the SCRAM program upon release until P&P determines it is no
18 longer necessary.
- 19 4. Obtain a mental health evaluation and enter counseling as deemed
20 appropriate.
- 21 5. Obtain a controlled substance evaluation and enter counseling as deemed
22 appropriate.
- 23 6. Attend a MINIMUM of THREE (3) AA meetings per week during the term of
24 probation.
- 25 7. Attend a long term domestic violence class.
- 26 8. Attend parenting classes.
- 27 9. No marijuana or alcohol whatsoever.
- 28 10. If Defendant is not employed full time or attending school or a combination of
both, complete 16 hours of community service when not employed or in school.

1 11.No unsupervised contact with minors, including Defendant's own children,
2 unless deemed appropriate by P&P.

3 COURT ADDITIONALLY ORDERED GENERAL PROBATION CONDITIONS
4 IMPOSED as follows:

5 Reporting: You are to report in person to the Division of Parole and Probation as
6 instructed by the Division or its agent. You are required to submit a written report
7 each month on forms supplied by the Division. This report shall be true and correct in
8 all respects.

9 Residence: You shall not change your place of residence without first obtaining
10 permission from the Division of Parole and Probation, in each instance.

11 Intoxicants: You shall not consume any alcoholic beverages whatsoever. Upon order
12 of the Division of Parole and Probation or its agent, you shall submit to a medically
13 recognized test for blood / breath alcohol content. Test results of .08 blood alcohol
14 content or higher shall be sufficient proof of excess.

15 Controlled Substances: You shall not use, purchase, or possess any illegal drugs, or
16 any prescription drugs, unless first prescribed by a licensed medical professional.
17 You shall immediately notify the Division of Parole and Probation of any prescription
18 received. You shall submit to drug testing as required by the Division or its agent.

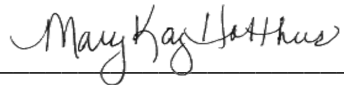
19 Weapons: You shall not possess, have access to, or have under your control any type
20 of weapon.

21 Search: You shall submit your person, property, place of residence, vehicle, or areas
22 under your control, including any electronic devices such as phones and/or computers
23 / tablets, to search including electronic surveillance or monitoring of your location, at
24 any time, with or without a search warrant or warrant of arrest, for evidence of a crime
25 or violation of probation by the Division of Parole and Probation or its agent.

26 Associates: You must have prior approval by the Division of Parole and Probation to
27 associate with any person convicted of a felony, or any person on probation or parole
28 supervision or any gang members. You shall not have any contact with persons
confined to a correctional institution unless specific written permission has been

1 granted by the Division and the correctional institution.
2 Directives and Conduct: You shall follow the directives of the Division of Parole and
3 Probation and your conduct shall justify the opportunity granted to you by this
4 community supervision.
5 Laws: You shall comply with all municipal, county, state, and federal laws and
6 ordinances.
7 Out of State Travel: You shall not leave the state without first obtaining written
8 permission from the Division of Parole and Probation.
9 Employment/Program: You shall seek and maintain legal employment, or maintain a
10 program approved by the Division of Parole and Probation and not change such
11 employment or program without first obtaining permission. All terminations of
12 employment or program shall be immediately reported to the Division.
13 Financial Obligation: You shall pay fees, fines, and restitution on a schedule approved
14 by the Division of Parole and Probation. Any excess monies paid will be applied to any
15 other outstanding fees, fines, and / or restitution, even if it is discovered after your
16 discharge.

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19 Dated this 5th day of November, 2021

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22 **289 11B 6496 7188**
23 **Mary Kay Holthus**
24 **District Court Judge**
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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-19-343096-1

7 vs

DEPT. NO. Department 12

8 MICHAEL RODEROS
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Judgment of Conviction was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 11/5/2021

15 LESLIE ESQ.

leslieparklaw@gmail.com

16 District Attorney

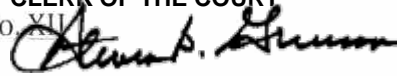
motions@clarkcountyda.com

17 Leslie Park

les_law60@hotmail.com

No. C-19-343096-1

Dept. No. XII



IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK

STATE OF NEVADA }
 v. }
MICHAEL MANZANO RODEROS}

NOTICE OF APPEAL

Notice is hereby given that Michael Manzano Roderos, defendant above named, hereby appeals to the Supreme Court of Nevada from the final judgment of the jury verdict entered in this action on the 12th day of August, 2021.



LESLIE A. PARK, ESQ.
ATTORNEY FOR DEFENDANT
NEVADA BAR NO. 8870
633 SOUTH FOURTH STREET, SUITE 8
LAS VEGAS, NEVADA 89101