13F02924X
CRM
Criminal Complaint
2248023

FILED
JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA
FEB 22 1 32 PM '13

JUSTICE COURT
LAS VEGAS NEVADA
BY JP DEPUTY

THE STATE OF NEVADA,

Plaintiff,

-vs-

FREDERICK HAROLD HARRIS JR.,
aka, Fredrick Harold Harris Jr. #0972945,

Defendant.

CASE NO: 13F02924X

DEPT NO: 3

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366); FIRST DEGREE KIDNAPPING (Category A Felony - NRS 200.310, 200.320); LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A Felony - NRS 201.230); SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366); SEXUAL ASSAULT (Category A Felony - NRS 200.364, 200.366); OPEN OR GROSS LEWDNESS (Gross Misdemeanor - NRS 201.210); PROMOTION OF SEXUAL PERFORMANCE OF MINOR (Category A Felony - NRS 200.720) and BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT (Category A Felony - NRS 200.400), in the manner following, to-wit: That the said Defendant, on or between July 1, 2003 and September 26, 2012, at and within the County of Clark, State of Nevada,

COUNT 1 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did on or between January 1, 2010 and September 26, 2012 then and there wilfully, unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child under fourteen years of age, to sexual penetration, to-wit: digital penetration, by inserting his finger(s) into the genital opening of the said TAHARAH DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said TAHARAH DUKE was mentally or physically incapable of resisting or understanding the nature of

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Defendant's conduct.

COUNT 2 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did on or between January 1, 2010 and September 26, 2012 then and there wilfully, unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child under fourteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his penis into the genital opening of the said TAHARAH DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said TAHARAH DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 3 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did on or between January 1, 2010 and September 26, 2012 then and there wilfully, unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child under fourteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his penis into the genital opening of the said TAHARAH DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said TAHARAH DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did on or between January 1, 2010 and September 26, 2012 then and there wilfully, unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child under fourteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his penis into the genital opening of the said TAHARAH DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said TAHARAH DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did on or between January 1, 2010 and September 26, 2012 then and there wilfully, unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child under fourteen years of age, to sexual penetration, to-wit: fellatio, by placing his penis on or in the mouth of the said TAHARAH DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said TAHARAH DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did on or between January 1, 2010 and September 26, 2012 then and there wilfully, unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child under fourteen years of age, to sexual penetration, to-wit: fellatio, by placing his penis on or in the mouth of the said TAHARAH DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said TAHARAH DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 7 - FIRST DEGREE KIDNAPPING

did on or between January 1, 2010 and September 26, 2012 wilfully, unlawfully, feloniously, and without authority of law, seize, confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away VICTORIA DUKE, a human being, with the intent to hold or detain the said VICTORIA DUKE against her will, and without her consent, for the purpose of committing sexual assault.

COUNT 8 - FIRST DEGREE KIDNAPPING

did, on or between January 1, 2010 and September 26, 2012, wilfully, unlawfully, feloniously, and without authority of law, seize, confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away VICTORIA DUKE, a human being, with the intent to hold or detain the said VICTORIA DUKE against her will, and without her consent, for the purpose of committing sexual assault.

COUNT 9 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

did on or between January 1, 2010 and September 26, 2012 then and there wilfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: TAHARAH DUKE, said child being under the age of fourteen years, by the Defendant forcing the said TAHARAH DUKE to masturbate his penis, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or said child.

COUNT 10 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

did on or between January 1, 2010 and September 26, 2012 then and there wilfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: TAHARAH DUKE, said child being under the age of fourteen years, by touching, nibbling and/or fondling the breasts of the said TAHARAH DUKE with his hand, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or said child.

COUNT 11 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did on or between July 31, 2003 and September 26, 2012 then and there wilfully, unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child under fourteen years of age, to sexual penetration, to-wit: digital penetration, by inserting his finger(s) into the genital opening of the said VICTORIA DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 12 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did on or between July 31, 2003 and September 26, 2012 then and there wilfully, unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child under fourteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his

penis into the genital opening of the said VICTORIA DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 13 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did on or between July 31, 2003 and September 26, 2012 then and there wilfully, unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child under sixteen years of age, to sexual penetration, to-wit: cunnilingus, by placing his mouth and/or tongue on or in the genital opening of the said VICTORIA DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 14 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did on or between July 31, 2003 and September 26, 2012 then and there wilfully, unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child under sixteen years of age, to sexual penetration, to-wit: digital penetration, by inserting his finger(s) into the genital opening of the said VICTORIA DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 15 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did on or between July 31, 2003 and September 26, 2012 then and there wilfully, unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child under sixteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his penis into the genital opening of the said VICTORIA DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 16 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did on or between July 31, 2003 and September 26, 2012 then and there wilfully, unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child under sixteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his penis into the genital opening of the said VICTORIA DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 17 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did on or between July 31, 2003 and September 26, 2012 then and there wilfully, unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child under sixteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his penis into the genital opening of the said VICTORIA DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 18 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did on or between July 31, 2003 and September 26, 2012 then and there wilfully, unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child under sixteen years of age, to sexual penetration, to-wit: digital penetration, by inserting his finger(s) into the anal opening of the said VICTORIA DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 19 - SEXUAL ASSAULT

did on or between July 31, 2003 and September 26, 2012 then and there wilfully, unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female person, to sexual penetration, to-wit: sexual intercourse, by placing his penis into the genital

opening of the said VICTORIA DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 20 - SEXUAL ASSAULT

did on or between July 31, 2003 and September 26, 2012 then and there wilfully, unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female person, to sexual penetration, to-wit: fellatio, by placing his penis on or in the mouth of the said VICTORIA DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 21 - OPEN OR GROSS LEWDNESS

did on or between July 31, 2003 and September 26, 2012 then and there wilfully and unlawfully commit an act of open or gross lewdness by touching, rubbing and/or fondling the breasts of the said VICTORIA DUKE.

COUNT 22 - OPEN OR GROSS LEWDNESS

did on or between July 31, 2003 and September 26, 2012 then and there wilfully and unlawfully commit an act of open or gross lewdness by having the said VICTORIA DUKE touch, rub and/or fondle the penis of the Defendant with her hand.

COUNT 23 - FIRST DEGREE KIDNAPPING

did, on or between July 31, 2003 and September 26, 2012, wilfully, unlawfully, feloniously, and without authority of law, seize, confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away VICTORIA DUKE, a human being, with the intent to hold or detain the said VICTORIA DUKE against her will, and without her consent, for the purpose of committing sexual assault.

COUNT 24 - FIRST DEGREE KIDNAPPING

did, on or between July 31, 2003 and September 26, 2012, wilfully, unlawfully, feloniously, and without authority of law, seize, confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away VICTORIA DUKE, a human being, with the intent to hold or

detain the said VICTORIA DUKE against her will, and without her consent, for the purpose of committing sexual assault.

COUNT 25 - PROMOTION OF SEXUAL PERFORMANCE OF MINOR

did, on or between July 31, 2003 and September 26, 2012, then and there wilfully, unlawfully, and feloniously encourage an adult woman to perform cunnilingus on VICTORIA DUKE while the Defendant watched.

COUNT 26 - PROMOTION OF SEXUAL PERFORMANCE OF MINOR

did, on or between July 31, 2003 and September 26, 2012, then and there wilfully, unlawfully, and feloniously encourage an adult woman to insert a dildo in the genital area of VICTORIA DUKE, while the Defendant watched and masturbated himself.

COUNT 27 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

did on or between July 31, 2003 and September 26, 2012 then and there wilfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: VICTORIA DUKE, said child being under the age of fourteen years, by touching and/or fondling the breasts and/or genital area of the said VICTORIA DUKE with his hand, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or said child.

COUNT 28 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT

did then and there wilfully, unlawfully and feloniously use force or violence upon the person of another, to-wit: VICTORIA DUKE, with the intent to commit sexual assault, by slapping the said VICTORIA DUKE and/or grabbing her legs and/or pulling down her pants before trying to insert his finger into her genital area.

All of which is contrary to the form, force and effect of Statutes in such cases made and provided and against the peace and dignity of the State of Nevada. Said Complainant makes this declaration subject to the penalty of perjury.

2/22/2013

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LVMPD EV# 1209271444
(TK3)

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

FILED IN OPEN COURT
APR 2 9 2013
CLARK

THE STATE OF NEVADA,

Plaintiff,

-vs-

FREDERICK HAROLD HARRIS JR., #0972945,

Defendant.

CASE NO: 13F02924X

DEPT NO: 3

AMENDED

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of **SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366), CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508(1)), FIRST DEGREE KIDNAPPING (Category A Felony - NRS 200.310, 200.320), LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A Felony - NRS 201.230), SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366), SEXUAL ASSAUL (Category A Felony - NRS 200.364, 200.366), OPEN OR GROSS LEWDNESS (Gro Misdemeanor - NRS 201.210), PROMOTION OF SEXUAL PERFORMANCE O MINOR (Category A Felony - NRS 200.720), BATTERY WITH INTENT T COMMIT SEXUAL ASSAULT (Category A Felony - NRS 200.400), PANDERIN (Category C Felony - NRS 201.300)** and **LIVING FROM THE EARNINGS OF PROSTITUTE (Category D Felony - NRS 201.320)** in the manner following, to-wit: Th the said Defendant, on or between July 1, 2003 and September 26, 2012, at and within th County of Clark, State of Nevada,

COUNT 1 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did on or between January 1, 2010 and September 26, 2012 then and there willfu unlawfully, and feloniously sexually assault and subject TAMARAH DUKE, a female ch under fourteen years of age, to sexual penetration, to-wit: digital penetration, by inserti

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his finger(s) into the genital opening of the said TAHARAH DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said TAHARAH DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 2 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

did, on or between January 1, 2010 and September 26, 2012 then and there willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: TAHARAH DUKE, said child being under the age of fourteen years, by the said Defendant touching and/or rubbing the breast(s) of the said TAHARAH DUKE, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or said child.

COUNT 3 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did on or between January 1, 2010 and September 26, 2012 then and there willfully, unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child under fourteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his penis into the genital opening of the said TAHARAH DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said TAHARAH DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did on or between January 1, 2010 and September 26, 2012 then and there willfully, unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child under fourteen years of age, to sexual penetration, to-wit: fellatio, by placing his penis on or in the mouth of the said TAHARAH DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said TAHARAH DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 5 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

did, on or between January 1, 2010 and September 26, 2012 then and there willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: TAHARAH DUKE, said child being under the age of fourteen years, by the said Defendant directing and/or causing and/or encouraging the said TAHARAH DUKE to place her hand on his penis and cause her hand to rub up and down, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or said child.

COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did on or between January 1, 2010 and September 26, 2012 then and there willfully, unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child under fourteen years of age, to sexual penetration, to-wit: digital penetration, by inserting his finger(s) into the genital opening of the said TAHARAH DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said TAHARAH DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 7 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

did, on or between January 1, 2010 and September 26, 2012 then and there willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: TAHARAH DUKE, said child being under the age of fourteen years, by the said Defendant touching and/or rubbing the breast(s) of the said TAHARAH DUKE, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or said child.

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COUNT 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did on or between January 1, 2010 and September 26, 2012 then and there willfully, unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child under fourteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his penis into the genital opening of the said TAHARAH DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said TAHARAH DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 9 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did on or between January 1, 2010 and September 26, 2012 then and there willfully, unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child under fourteen years of age, to sexual penetration, to-wit: fellatio, by placing his penis on or in the mouth of the said TAHARAH DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said TAHARAH DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 10 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

did, on or between January 1, 2010 and September 26, 2012 then and there willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: TAHARAH DUKE, said child being under the age of fourteen years, by the said Defendant directing and/or causing and/or encouraging the said TAHARAH DUKE to place her hand on his penis and cause her hand to rub up and down, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or said child.

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COUNT 11 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did on or between January 1, 2010 and September 26, 2012 then and there willfully, unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child under fourteen years of age, to sexual penetration, to-wit: digital penetration, by inserting his finger(s) into the genital opening of the said TAHARAH DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said TAHARAH DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 12 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

did, on or between January 1, 2010 and September 26, 2012 then and there willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: TAHARAH DUKE, said child being under the age of fourteen years, by the said Defendant touching and/or rubbing the breast(s) of the said TAHARAH DUKE, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or said child.

COUNT 13 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did on or between January 1, 2010 and September 26, 2012 then and there willfully, unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child under fourteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his penis into the genital opening of the said TAHARAH DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said TAHARAH DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

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COUNT 14 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did on or between January 1, 2010 and September 26, 2012 then and there willfully, unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child under fourteen years of age, to sexual penetration, to-wit: fellatio, by placing his penis on or in the mouth of the said TAHARAH DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said TAHARAH DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 15 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

did, on or between January 1, 2010 and September 26, 2012 then and there willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: TAHARAH DUKE, said child being under the age of fourteen years, by the said Defendant directing and/or causing and/or encouraging the said TAHARAH DUKE to place her hand on his penis and cause her hand to rub up and down, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or said child.

COUNT 16 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

did, on or between August, 2007 and September 26, 2012 willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: TAHARAH DUKE, being approximately 8 to 12 years of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said TAHARAH DUKE to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by repeatedly beating the said TAHARAH DUKE with a belt.

COUNT 17 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

did, on or between August, 2007 and September 26, 2012 willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: TAQUANDA DUKE, being approximately 7 to 11 years of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said TAQUANDA DUKE to be placed in a

situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by beating the said TAQUANDA DUKE with a belt and/or threatening her with a knife.

COUNT 18 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

did, on or between August, 2007 and September 26, 2012 willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: SHABAZZ DUKE, being approximately 12 to 17 years of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said SHABAZZ DUKE to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by repeatedly beating the said SHABAZZ DUKE with a belt.

COUNT 19 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

did, on or between August, 2007 and September 26, 2012 willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: MAHLICA DUKE, being approximately 9 to 15 years of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said MAHLICA DUKE to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by repeatedly beating the said MAHLICA DUKE with a belt and/or choking her.

COUNT 20 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

did, on or between August, 2007 and September 26, 2012 willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: VICTORIA DUKE, being approximately 15-18 years of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, and/or cause the said VICTORIA DUKE to be placed in a situation where she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, by repeatedly beating the said VICTORIA DUKE with a belt.

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COUNT 21 - FIRST DEGREE KIDNAPPING

did, on or between August, 2007 and July 30, 2010, willfully, unlawfully, feloniously, and without authority of law, seize, confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away VICTORIA DUKE, a human being, with the intent to hold or detain the said VICTORIA DUKE against her will, and without her consent, for the purpose of committing sexual assault and/or lead, take, entice, or carry away or detain VICTORIA DUKE, a minor, with the intent to keep, imprison, or confine said minor from her parent, guardian, or any other person having lawful custody of the said minor and/or perpetrate upon the person of said minor any unlawful act, to wit: sexual assault.

COUNT 22 - FIRST DEGREE KIDNAPPING

did on or between January 1, 2010 and December 17, 2011wilfully, unlawfully, feloniously, and without authority of law, seize, confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away VICTORIA DUKE, a human being, with the intent to hold or detain the said VICTORIA DUKE against her will, and without her consent, for the purpose of committing sexual assault.

COUNT 23 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did on or between July 31, 2003 and September 26, 2012 then and there willfully, unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child under fourteen years of age, to sexual penetration, to-wit: digital penetration, by inserting his finger(s) into the genital opening of the said VICTORIA DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

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COUNT 24 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did on or between July 31, 2003 and September 26, 2012 then and there willfully, unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child under fourteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his penis into the genital opening of the said VICTORIA DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 25 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did on or between July 31, 2003 and September 26, 2012 then and there willfully, unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child under sixteen years of age, to sexual penetration, to-wit: cunnilingus, by placing his mouth and/or tongue on or in the genital opening of the said VICTORIA DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 26 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did on or between July 31, 2003 and September 26, 2012 then and there willfully, unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child under sixteen years of age, to sexual penetration, to-wit: digital penetration, by inserting his finger(s) into the genital opening of the said VICTORIA DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

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COUNT 27 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did on or between July 31, 2003 and September 26, 2012 then and there willfully, unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child under sixteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his penis into the genital opening of the said VICTORIA DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 28 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did on or between July 31, 2003 and September 26, 2012 then and there willfully, unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child under sixteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his penis into the genital opening of the said VICTORIA DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 29 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did on or between July 31, 2003 and September 26, 2012 then and there willfully, unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child under sixteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his penis into the genital opening of the said VICTORIA DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 30 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did on or between July 31, 2003 and September 26, 2012 then and there willfully, unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child under sixteen years of age, to sexual penetration, to-wit: digital penetration, by inserting his

finger(s) into the anal opening of the said VICTORIA DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 31 - SEXUAL ASSAULT

did on or between July 31, 2003 and September 26, 2012 then and there willfully, unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female person, to sexual penetration, to-wit: sexual intercourse, by placing his penis into the genital opening of the said VICTORIA DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 32 - SEXUAL ASSAULT

did on or between July 31, 2003 and September 26, 2012 then and there willfully, unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female person, to sexual penetration, to-wit: fellatio, by placing his penis on or in the mouth of the said VICTORIA DUKE, against her will, or under conditions in which Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 33 - OPEN OR GROSS LEWDNESS

did on or between July 31, 2003 and September 26, 2012 then and there willfully and unlawfully commit an act of open or gross lewdness by touching, rubbing and/or fondling the breasts of the said VICTORIA DUKE.

COUNT 34 - OPEN OR GROSS LEWDNESS

did on or between July 31, 2003 and September 26, 2012 then and there willfully and unlawfully commit an act of open or gross lewdness by having the said VICTORIA DUKE touch, rub and/or fondle the penis of the Defendant with her hand.

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COUNT 35 - FIRST DEGREE KIDNAPPING

did, on or between July 31, 2003 and September 26, 2012, willfully, unlawfully, feloniously, and without authority of law, seize, confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away VICTORIA DUKE, a human being, with the intent to hold or detain the said VICTORIA DUKE against her will, and without her consent, for the purpose of committing sexual assault.

COUNT 36 - FIRST DEGREE KIDNAPPING

did, on or between July 31, 2003 and September 26, 2012, willfully, unlawfully, feloniously, and without authority of law, seize, confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away VICTORIA DUKE, a human being, with the intent to hold or detain the said VICTORIA DUKE against her will, and without her consent, for the purpose of committing sexual assault.

COUNT 37 - PROMOTION OF SEXUAL PERFORMANCE OF MINOR

did, on or between July 31, 2003 and September 26, 2012, then and there willfully, unlawfully, and feloniously encourage an adult woman to perform cunnilingus on VICTORIA DUKE while the Defendant watched.

COUNT 38 - PROMOTION OF SEXUAL PERFORMANCE OF MINOR

did, on or between July 31, 2003 and September 26, 2012, then and there willfully, unlawfully, and feloniously encourage an adult woman to insert a dildo in the genital area of VICTORIA DUKE, while the Defendant watched and masturbated himself.

COUNT 39 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

did on or between July 31, 2003 and September 26, 2012 then and there willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: VICTORIA DUKE, said child being under the age of fourteen years, by touching and/or fondling the breasts and/or genital area of the said VICTORIA DUKE with his hand, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or said child.

//

COUNT 40 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT

did on or between July 31, 2003 and September 26, 2012 then and there willfully, unlawfully and feloniously use force or violence upon the person of another, to-wit: VICTORIA DUKE, with the intent to commit sexual assault, by slapping the said VICTORIA DUKE and/or grabbing her legs and/or pulling down her pants before trying to insert his finger into her genital area.

COUNT 41 - PANDERING

did on or between August, 2007 and December 17, 2011 then and there willfully, unlawfully, and feloniously induce, persuade, encourage, inveigle, entice, or compel TINA DUKE to become a prostitute, and/or to engage or continue to engage in prostitution, Defendant using physical force or the threat of physical force.

COUNT 42 - LIVING FROM THE EARNINGS OF A PROSTITUTE

did on or between August, 2007 and December 17, 2011 then and there willfully, unlawfully, feloniously, and knowingly accept, receive, levy, or appropriate money, without consideration, from TINA DUKE, the proceeds of prostitution activity.

All of which is contrary to the form, force and effect of Statutes in such cases made and provided and against the peace and dignity of the State of Nevada. Said Complainant makes this declaration subject to the penalty of perjury.

4/26/2013

DA#13F02924X/jm/SVU
LVMPD EV#1209271444
(TK3)

Tran
CASE NO. 13F02924X
DEPT. NO. 3

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA

-oOo-

STATE OF NEVADA,

Plaintiff,

vs.

FREDERICK HAROLD HARRIS, JR.,

Defendant.

Case No. 13F02924X

ORIGINAL

13F02924X
RTP
Transcript of Proceedings
2595962



REPORTER'S TRANSCRIPT

OF

EXCERPT OF PROCEEDINGS

BEFORE THE HON. JANIECE MARSHALL
JUSTICE OF THE PEACE

TUESDAY, JUNE 11, 2013
1:00 p.m.

APPEARANCES:

For the State: ELYSSA LUZAICH, ESQ.
Chief Deputy District Attorney

For the Defendant: BETSY ALLEN, ESQ.

Reported by: CHERYL GARDNER, RMR-RPR
CCR No. 230

PURSUANT TO NRS 239.053 AND 3.370.6, ILLEGAL TO COPY
WITHOUT PAYMENT TO CHERYL GARDNER, CCR 230

LAS VEGAS, CLARK COUNTY, NV, TUESDAY, JUNE 11, 2013
1:00 p.m.
-oOo-

P R O C E E D I N G S

(The following proceedings took place during the cross-examination of Victoria Duke by Ms. Allen:)

Q. Do you know Fred's family?

A. I just, I know, yes, some, not all.

Q. Okay. Who do you know in his family?

A. Miss Dorothy, Chris, John. I don't speak to those people, I don't speak to the people often or know them know them, just met them off and on. I do know Miss Dorothy.

Q. And do you know if Fred has a daughter?

A. Yes.

Q. Okay. And do you know her name?

A. I forgot.

Q. Okay. Do you know his daughter?

A. No.

Q. You don't know her.

A. I never met her.

Q. At some point in time did you tell the police that he had also had sex with his daughter?

PURSUANT TO NRS 239.053 AND 3.370.6, ILLEGAL TO COPY WITHOUT PAYMENT TO CHERYL GARDNER, CCR 230

A. Yeah, because he told me he did.

Q. Okay. So he told you he had sex with his daughter; is that right?

A. Yes.

Q. Do you remember when he told you that?

A. He told me -- he would tell me it frequently when we moved here and before then --

(Whereupon there were words being said in the courtroom.)

THE COURT: Ma'am, if you want to stay in the courtroom -- okay. You're going to need to step out because you're not going to look at the witness that way. Please step out.

MS. GREEN: She's lying.

THE COURT: If you don't want to be held in contempt of the Court, you'll stop talking right now.

MS. GREEN: Watch.

THE COURT: Marshal, put her in cuffs right now.

MS. GREEN: Are you fucking kidding me? I'll kill that bitch.

MS. LUZAICH: Can we take a break.

(Whereupon a recess was taken at 1:18 p.m. and

PURSUANT TO NRS 239.053 AND 3.370.6, ILLEGAL TO COPY WITHOUT PAYMENT TO CHERYL GARDNER, CCR 230

the proceedings resumed
at 1:31 p.m.)

THE COURT: How do you want to proceed?

MS ALLEN: Are we back on the record?

THE COURT: Yes.

MS. ALLEN: Okay. Well, I mean obviously we want to finish the prelim. I would request -- I understand she was disruptive, very upset. She clearly loves her father. I would ask the Court to give her an opportunity to just leave and maybe you can set a contempt hearing 30 days out.

I understand how awful it would be to hear something like that and so I understand the Court's concern, but I think she should just leave. Her mom would take her and she would go. I would just ask not to keep her in custody.

THE COURT: The problem was there was intimidation of the witness which obviously you couldn't see but I could see which is the reason why -- the look she was giving to this witness which is why I directed her to leave the courtroom and then it's her continued comments and her continued look when she left the courtroom.

PURSUANT TO NRS 239.053 AND 3.370.6, ILLEGAL TO COPY WITHOUT PAYMENT TO CHERYL GARDNER, CCR 230

MS. ALLEN: I understand but then I'll leave it alone. I can understand how emotional and how horrible that would be to hear and I would hate, you know, I would hate to hear something like that being said about my father. I would hope I would handle it a little bit better, but I will direct her to leave and I will direct her not to come back for the prelim. It's just an emotional thing. That's very emotional.

THE COURT: I understand.

MS. LUZAICH: I absolutely understand the emotional aspect to it and I understand although I disagree with her giving dirty looks. I would ask the Court to describe the looks that the Court saw her make.

THE COURT: Yeah. Well, I won't be the judge holding the contempt hearing. I'll have another judge do it because I did see the look when she was sitting there which is the reason why I directed her to refrain from any further comments or she would be excluded from court and in response she was looking directly at the witness making eye contact, and I would constsrue it as a threatening or intimidating look and then when she continued to make eye contact with the witness, then when she

PURSUANT TO NRS 239.053 AND 3.370.6, ILLEGAL TO COPY WITHOUT PAYMENT TO CHERYL GARDNER, CCR 230

walked when I had her removed from the courtroom, she made comments which I don't know if the court reporter was able to take down but she continued to look in a threatening and intimidating manner at the witness when she was being removed from the court.

MS. LUZAICH: Your Honor, she actually threatened the witness.

THE COURT: Yes. I don't remember exactly what she said. The look I took to be a threat based on not only her look but her actions which is why I ordered her remanded for a contempt of court proceeding because obviously she interrupted court.

Obviously she didn't comply with the Court's directions to refrain from making any comments, and because it proceeded so fast from that point, I mean I do perceive that her actions were more than just an outbreak of emotion and concern about allegations being made against her father. They were more of an attempt from what I witnessed to intimidate the witness from further testifying.

So with that record being made, I need to appoint counsel to represent her because she is

PURSUANT TO NRS 239.053 AND 3.370.6, ILLEGAL TO COPY WITHOUT PAYMENT TO CHERYL GARDNER, CCR 230

being remanded into custody and I'll find another Court to hold the contempt proceeding. So we're going to need counsel.

MS. LUZAICH: If we could, as of right now the record will reflect unidentified speaker. I know it's the defendant's daughter. I just don't know what her name is.

MS. ALLEN: Honestly I believe her name is Shaday (phonetic) but I don't know her name.

THE COURT: So we can bring her back in when we have a public defender so you need to call for a public defender to get over here.

(End of excerpt of proceedings.)

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AFFIRMATION

Pursuant to NRS 239B.030:

The undersigned does hereby affirm that the preceding excerpt of preliminary hearing transcript in justice court case No. 13F02924X does not contain the social security number of any person.

Dated this 11th day of June, 2013.

/s/ Cheryl Gardner, CCR 230, RPR, RMR

PURSUANT TO NRS 239.053 AND 3.370.6, ILLEGAL TO COPY WITHOUT PAYMENT TO CHERYL GARDNER, CCR 230

REPORTER'S CERTIFICATE

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

I, Cheryl Gardner, RMR-RPR, CCR 230, do hereby certify that I took down in Stenotype all of the proceedings had in the before-entitled matter at the time and place indicated and that thereafter said shorthand notes were transcribed into typewriting by me and that the foregoing transcript constitutes a full, true, and accurate record of the proceedings had.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my signature in the County of Clark, State of Nevada, this 11th day of June, 2013.

/s/ Cheryl Gardner

CHERYL GARDNER, RMR-RPR, CCR 230

PURSUANT TO NRS 239.053 AND 3.370.6, ILLEGAL TO COPY WITHOUT PAYMENT TO CHERYL GARDNER, CCR 230

☐ Courtesy Copy

LAS VEGAS JUSTICE COURT
CLARK COUNTY, NEVADA

Clerk's Initials

DATE: 2-22-13 DEPT #: 3 JUDGE: Maj

CUSTODY STATUS

NAME: Harris Jr, Fredrick H

CASE #: 13F02924X DEFENDANT'S ID#: 972945

COUNT(S)	CHARGE	BAIL RESET	AMENDED TO
2cts	Promo Sex Perform of Minor 14t		

Other: _____

☐ **Remand on all Counts** ☐ **Remand on Counts** _____

☐ **Remand (NLVDC/HDC Billing Purposes)** _____

☐ **SENTENCE TO CCDC** _____ MONTHS _____ DAYS ☐ Flat Time ☐ No House Arrest/No Early Release

☐ **Contempt of Court**
_____ Days with _____ Days CTS
☐ Concurrent ☐ Consecutive
To Case# _____

☐ Concurrent ☐ Consecutive ☐ Case# _____

☐ **Specific CTS** _____ Days

☑ (1) **CTS,** this case, this lodging ☐ (2) **Total CTS,** this case, all lodgings

☐ (3) **Any CTS,** all cases, this lodging

☐ (4) **Maximum CTS,** this case - all lodgings; and all cases - this lodging

☐ If no complaint filed, defendant to be released on: _____

☐ **FUGITIVES** - Court orders Defendant to be released 30 days from this date (IF THERE ARE NO LOCAL CHARGES) **OR** released 30 days after all local charges have been resolved.

☐ House Arrest (if qualifies), then Court Ordered Release with conditions: _____

☐ House Arrest _____ Days ☐ Pre Trial to Interview

NEXT COURT DATE: 02/26/13 TIME: 7:30 AM DEPT #: 3

CHANGE OF CUSTODY STATUS

☐ CTS ☐ Dismissed ☐ Sentenced and/or Fine $ _____ ☐ Found Not Guilty ☐ No Probable Cause Found ☐ PAD

☐ Court Ordered Release ☐ O/R ☐ O/R with Intensive Supervision ☐ Deft. Released from Intensive Supervision

☐ Court Ordered Release to House Arrest / Scram ☐ Deft. Released from House Arrest ☐ No Contact with Victim

☐ Released due to DA Delayed Filing

_____

NEXT COURT DATE: _____ TIME: _____ DEPT #: _____

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Tran
CASE NO. 13F02924X
DEPT. NO. 3

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA

-ooo-

ORIGINAL

STATE OF NEVADA,
Plaintiff,
vs.
FREDRICK HAROLD HARRIS, JR.,
Defendant.
) Case No. 13F02924X

VOLUME II

REPORTER'S TRANSCRIPT

OF

PRELIMINARY HEARING

BEFORE THE HON. JANIECE MARSHALL
JUSTICE OF THE PEACE

TUESDAY, MAY 7, 2013
12:30 p.m.

APPEARANCES:

For the State: ELYSSA LUZAICH, ESQ.
Chief Deputy District Attorney
KRISTINA RHOADES, ESQ.
Deputy District Attorney

For the Defendant: BETSY ALLEN, ESQ.

Reported by: CHERYL GARDNER, RNR-RPR
CCR No. 230

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13F02924X
RTP
Transcript of Proceedings
2499468



LAS VEGAS, CLARK COUNTY, NV, TUES., MAY 7, 2013
12:30 p.m.
-oOo-

PROCEEDINGS

THE COURT: Fredrick Harold Harris, Jr., 13F02924X. Continuation of preliminary hearing. The record will reflect the presence of the defendant and counsel. First witness.

MS. LUZAICH: The State calls Mahlica Duke.

THE COURT: And then you received the transcript.

MS. LUZAICH: I did. Thank you.

MAHLICA DUKE,

having first duly affirmed to tell the truth under the pain and penalty of perjury, was examined and testified as follows:

THE CLERK: Please have a seat. State your name for the record. Spell your first and last name, please.

THE WITNESS: Mahlica Duke, M-A-H-L-I-C-A, D U K E.

THE COURT: Okay. Before we start,

let me explain how this process works. So the district attorney's going to ask you some questions and she's looking for you to verbalize your response. So this lady right here is the court reporter. She's taking everything down that we say so she can't look at you all the time, and she would also have to interpret if you say uh-huh or nod your head so we would prompt you to verbalize your response.

It will help if you try to remember if your answer is yes to say yes rather than uh-huh or some other form. Give an answer out loud. Because she's taking it down, she needs you to speak up. If you can move your chair closer, this is a microphone right here. I know it's difficult sometimes to testify. If you need a moment, if you need water, there's water right there. If you need to take a break, let me know.

If you don't understand what the attorney is asking you, you need to make sure you don't understand. Because if she asks you a question and you answer, then the presumption is that you understood what the question is. If there's something that is a little off in her question, for example if it's the wrong day or it's

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the wrong name of the person, don't presume that it's going to be correct. You need to clarify it right then and there if it's something different than what you understand just because they're asking you a question you don't agree unless it's something you actually know.

So you saw it, you heard it, somebody told you, whatever it is, explain to them what the basis of your information is if you didn't have, actually see it yourself or hear it yourself. You understand that.

THE WITNESS: Yes.

THE COURT: So then after the D.A. asks questions, then the other attorney will be asking you some questions and then it might go back on the D.A. asking some additional questions so it's going to take a little process and even though you probably talked about this before to the D.A. and other people, the person that you're talking to right now is me and I don't know any of the information that you have so I apologize if you have to repeat things but I need to hear it.

It needs to go on the record so even though you have told something already to the D.A., you need to tell it again in court so that it's on

Page 6

the record and so I can hear it. You understand why we're doing this process.

THE WITNESS: Yes.

THE COURT: Okay. Great. Go ahead.

MS. LUZAICH: Thank you.

DIRECT EXAMINATION

BY MS. LUZAICH:

Q. Mahlica, how old are you?
A. 19.
Q. When is your birthday?
A. September 11, 1993.
Q. Okay. Do you go to school now?
A. No.
Q. When was the last time you went to school?
A. October 26, 2011.
Q. 2011?
A. Yes.
Q. Okay. And what grade were you in at that time?
A. I was starting 12th.
Q. Okay. Did you ever finish 12th grade?
A. No.
Q. All right. Where do you live now,

Page 7

like what part of town?
A. Henderson, Nevada.
Q. Okay. Was there a time that you also lived in Las Vegas?
A. Yes.
Q. And did you -- you know what, let me just take you back even further.
What's your mom's name?
A. Tina Duke.
Q. Do you have brothers and sisters?
A. Yes.
Q. Tell me their names and their ages starting with the oldest.
A. Okay.
Q. Who is your oldest sibling?
A. Victoria, she's 20.
Q. Okay.
A. And my younger brother, he's 18.
Q. What's his name?
A. Shabazz.
Q. Could you spell that for the court reporter.
A. S-H-A-B-A-Z-Z.
Q. Okay. So are you in between Victoria and Shabazz?

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A. Yes.
Q. Okay. Then after Shabazz who?
A. Tahara, she's 13 and then there's Taquanda. She is 12.
Q. Okay. Now, did all of you, your mom and your three sisters and brother, move to Utah at some point?
A. Yes.
Q. Do you remember going to Utah?
A. Yes.
Q. Do you remember where did you live right before you went to Utah?
A. Yes.
Q. Where was that?
A. Las Vegas, Nevada.
Q. Las Vegas, Nevada. Sorry. Who did you live with when you were living in Las Vegas, Nevada, before you went to Utah?
A. A friend of my mom's.
Q. Okay. Was your mom and your brother and sisters living with you?
A. Yes.
Q. And did all of you live with a friend?
A. Yes.
Q. Who was that friend?

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A. Fredrick Harris.
Q. Okay. Was there also a lady that was living with him and you guys?
A. Yes.
Q. What was her name?
A. Ann Cook.
Q. Okay. The person that you just mentioned, Fredrick Harris, do you see him here in court today?
A. Yes.
Q. Can you point to him and describe an article of clothing that he's wearing.
A. He's wearing a dark blue shirt.
MS. LUZAICH: Okay. Thank you. Can the record reflect she's identified the defendant.
THE COURT: Yes.
MS. LUZAICH:
Q. When you went to Utah, do you remember either when it was or how old you were?
A. No.
Q. Okay. Do you remember coming back from Utah?
A. Yes.
Q. Do you remember when it was that you came back from Utah?

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A. During the summer.
Q. Okay. Does the summer of 2007 sound about right?
A. Yes.
Q. When you came back from Utah, where did you stay?
A. With my mom's friend.
Q. The same friends that we talked about a minute ago?
A. Yes.
Q. Would that be the defendant Fredrick Harris and Miss Ann?
A. Yes.
Q. Is that what you guys called her, Miss Ann?
A. Yes.
Q. Now, when you came back from Utah and you stayed with the defendant and Miss Ann, what kind of place did you stay in?
Was it a hotel, an apartment or a house?
A. It was a house.
Q. Do you remember what street the house was at?
A. 966 Blankenship.

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Q. Is that here in Las Vegas, Clark County, as well?
A. Yes.
Q. Now, when you came back from Utah and you stayed in that house on Blankenship, who from your family, if anybody, else stayed there?
A. My whole family.
Q. Right when you came back, did everybody come to that house?
A. No. My mom and my older sister Victoria, they went to go stay in another apartment.
Q. Okay. So when mom and Victoria stayed somewhere else, who stayed at the house?
A. It was me, my younger brother Shabazz, and my two other sisters Tahara and Taquanda.
Q. And also the defendant Fredrick Harris and Miss Ann?
A. Yes.
Q. Were there any other people from either Miss Ann's family or the defendant's family that stayed at the house as well?
Did she have a daughter, Miss Ann?
A. Yes.
Q. What's her name, do you remember?

Page 12

A. Her name is Shakira.
Q. Okay. Did she stay at the house sometimes too?
A. Yes.
Q. Now, when you guys came back from Utah and you guys were staying at the house, how did the defendant Fredrick treat you?
A. Okay sometimes.
Q. Okay. When it wasn't okay sometimes, what happened?
A. We got in trouble.
Q. When you say "we," who is we?
A. My siblings and I.
Q. Okay. And when you would get in trouble, what would happen?
A. Sometimes we would get yelled at or cursed out or we would get whippings.
Q. Now when you say we would get whippings, did you get whippings?
A. Yes.
Q. Did you see any of your brother or sisters get whippings?
A. Sometimes, yes.
Q. Okay. In addition to sometimes seeing it, would you sometimes hear something happen?

Page 13

A. Yes.
Q. Okay. Now, first I'm going to talk about you. You said you got whippings, who would give you whippings?
A. Fred.
Q. Was that on one occasion or more than one occasion?
A. More than one occasion.
Q. When he would give you whippings, what would he whip you with?
A. A belt.
Q. When he whipped you with a belt, where on your body would he whip you?
A. My back and my butt.
Q. When he whipped you on your back and your butt, would there be marks left on your back or your butt?
A. Yes.
Q. Why would he do that?
Like would he say anything to you while he was doing it or what caused it?
Let me ask it a better way. What did you do you believed that caused him to whip you, if anything?
A. I can't really remember.

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Q. Okay. So nothing like so heinous, so bad that it stands out in your mind.
A. No.
Q. Okay. When he would whip you, what would his demeanor be like?
Would he be like laughing or crying or yelling or anything?
A. He would be angry.
Q. Would Miss Ann be there any of the times that he did that?
A. No. She would be in her room.
Q. Okay. Would any of your other brothers or sisters see it happen?
A. Sometimes yes.
Q. Okay. You said that it happened on more than one occasion. Whenever it happened, did it happen inside the house on Blankenship as opposed to like somewhere else?
A. Yes.
Q. Where in the house on Blankenship would it happen?
A. In the room.
Q. Which room?
A. The bedroom that my siblings, my sisters and I were staying in.

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Q. Okay. Did it only happen in your bedroom or anywhere else?
A. No. Once it was in the garage.
Q. Okay. Once in the garage. Did it happen one time or more than one time in your bedroom?
A. More than once.
Q. Okay. Anywhere else besides the garage and your bedroom?
A. No.
Q. You also mentioned that you saw one or more of your siblings get whipped. Who did you see get whipped?
A. Shabazz.
Q. When you saw Shabazz get whipped, who whipped him?
A. Fred.
Q. Did you see Shabazz get whipped by Fred one time or more than one time?
A. More than once.
Q. When you saw Fred whip Shabazz, where were they when you saw it happen?
A. I don't remember really.
Q. Okay. Was it in the house on Blankenship?

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A. Yes.
Q. Was it in a room like a room with a door as opposed to the livingroom that's kind of open? And if you don't remember, that's okay. I'm not trying to push you.
A. I don't really remember.
Q. That's okay. You said you saw it happen more than one time, correct?
A. Yes.
Q. In addition to seeing Fred -- oh, and I'm sorry.
When you saw Fred whip Shabazz, what did he whip him with?
A. A belt.
Q. When you saw Fred whip Shabazz with a belt, where on Shabazz's body did you see it?
A. His arms, his back.
Q. After Fred whipped Shabazz, did you see any marks on Shabazz's body?
A. Just on his arms.
Q. Okay. Did you ever -- well, were there any other siblings that you saw Fred whip?
A. Yes.
Q. Who else did you see him whip?
A. Tahara and Taquanda.

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Q. Both Tahara and Taquanda?
A. Yes.
Q. Did you see him whip Tahara one time or more than one time?
A. More than once.
Q. When you saw him whip Tahara, what did he whip her with?
A. The belt.
Q. Where on her body did you see him whip her with a belt?
A. On her back and on her butt.
Q. Okay. Did you see marks afterwards?
A. Yes.
Q. And do you remember where in the house they were when you saw him whip Tahara?
A. Once it was in the hallway and then the other time it was in the room.
Q. Which room?
A. The bedroom, the one that we were staying in.
Q. Okay. And then you said you also saw him whip Taquanda. Did you see him whip Taquanda one time or more than one time?
A. I only saw him whip her one time.
Q. When he whipped her that one time,

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what did he whip her with?
A. A belt.
Q. Where on her body did he whip her with the belt?
A. I don't remember.
Q. And that's okay. Where were you or where were they I should say when you saw that?
A. I don't remember.
Q. Okay. But was it somewhere inside the house on Blankenship?
A. Yes.
Q. You said that there were times that you saw him whip your brother or sisters and that there were sometimes that you heard something. When you heard something, was it one time or more than one time?
A. More than once.
Q. Was it one o your siblings or more than one of your siblings that you heard him do something to?
A. More than one.
Q. Who did you hear him do something to?
A. Shabazz.
Q. Just Shabazz or Shabazz and anybody else?

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A. Shabazz, Tahara.
Q. Shabazz and Tahara. Okay. Let's talk about Shabazz first. Where were they when you heard something?
A. The garage.
Q. Where were you when they were in the garage?
A. The room.
Q. "The room" being a bedroom?
A. Yes.
Q. Okay. And what did you hear?
A. Fred yelling at 'Bazz.
Q. Did you hear anything besides him yelling?
A. I heard him hitting him.
Q. When you say "him" hitting him, you heard who hitting who?
A. Fred hitting Shabazz.
Q. Remember, we're trying to make a record here. What kind of sound did you hear?
A. Like a smacking sound.
Q. Okay. Afterward, well, did you hear Shabazz making any kind of sound in response?
A. Yes.
Q. What kind of sound did you hear

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Shabazz make in response?
A. He was yelling.
Q. What was he -- like yelling words or just noise?
A. Just noise.
Q. Okay. Did you see him afterward?
MS. ALLEN: Who?
MS. LUZAICH: Sorry.
Q. Did you see Shabazz afterwards, close in time afterwards?
A. Yes.
Q. Did you notice anything about Shabazz when you saw him close in time afterwards?
A. Yes.
Q. What did you notice?
A. He was crying.
Q. Did you notice whether or not there were any marks on his body?
A. No.
Q. No, you didn't notice or --
A. I didn't notice.
Q. Okay. Did you see Fred right after that?
A. Yes, but he went to his room.
Q. Okay. So you didn't see Fred do

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anything.
A. No.
Q. Okay. Is that the only time that you heard something pertaining to Shabazz that you didn't see happen?
A. Yes.
Q. Okay. You said you also heard something pertaining to Tahara that you didn't see happening, correct?
A. Yes.
Q. Where were Fred and Tahara when you heard something?
A. I don't remember.
Q. Okay. Do you remember where you were?
A. Yes.
Q. Where were you?
A. In the bedroom.
Q. In which bedroom?
A. The one my siblings and I were staying in.
Q. Okay. And because you were in the bedroom and you heard it but didn't see it, does that mean Tahara and Fred were not in that bedroom with you?
A. Oh, yes.

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Q. Okay. What did you hear?
A. Tahara crying.
Q. Did you hear anything besides Tahara crying?
A. Yes.
Q. What did you hear besides Tahara crying?
A. Fred yelling at her.
Q. Did you hear anything besides words or yelling and crying noises?
A. No.
Q. Afterwards did you see any marks on Tahara's body?
A. No.
Q. Was there also an occasion where Fred did something to you besides whip you with a belt?
A. I don't really remember.
Q. Okay. Do you remember saying that he choked you?
A. Yes.
Q. Where did that happen?
A. The kitchen.
Q. I'm sorry. Was it in the house on Blankenship?
A. Yes.

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Q. In the kitchen. Was it just you and Fred in the kitchen or was anybody else around?
A. It was just me and Fred.
Q. Can you tell me what happened. What were you doing before that happened?
A. Well, I was in the kitchen. I was putting away the dishes or something.
Q. Okay. And what did Fred do?
A. What do you mean?
Q. You said he choked you.
A. Yes.
Q. How did he do that?
A. He just -- he just started choking me. He said I rolled my eyes at him.
Q. Okay. So was there -- did he say something to you while you were either putting away the dishes or doing what you were doing?
A. Yes.
Q. And did he get upset?
A. Yes.
Q. And did he put his hands somewhere?
A. Yes.
Q. Where did he put his hands?
A. My throat.

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Q. And what did he do, if anything, with those hands while they were on your throat?
A. He was squeezing my throat.
Q. When he did that, how did you feel?
A. Scared.
Q. Was he saying anything while he was doing it?
A. I don't remember.
Q. Okay. Do you know what made him stop?
A. He just told me not to roll my eyes again and then he stopped.
Q. Okay. Did there come a time that you moved out of the house on Blankenship?
A. Yes.
Q. Okay. Do you remember when that was?
A. It was during the summer in 2010.
Q. Okay. Now, you had indicated that you came back from Utah in the summer. We agreed that it was 2007. Did you start school when you came back from Utah and were living in the house on Blankenship?
A. Yes.
Q. What grade did you start when you came back from Utah and moved into the house on Blankenship?

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A. Eighth.
Q. You started eighth grade that year.
A. Yes.
Q. What school did you go to?
A. West Prep.
Q. Did you live in the house on Blankenship when you went to ninth grade?
A. Yes.
Q. What school did you go to?
A. Canyon Springs High School.
Q. Did you finish ninth grade?
A. Yes.
Q. I'm sorry. Did you finish ninth grade while living in the house on Blankenship?
A. Yes.
Q. Did you then -- where did you go to tenth grade?
A. Canyon Springs High School.
Q. You started tenth grade. Did you finish it?
A. Yes.
Q. Did you finish it at Canyon Springs?
A. Yes.
Q. And were you still living in the house on Blankenship?

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A. Yes.
Q. Did you start 11th grade as well?
A. At the same school?
Q. Well, at all. That was going to be my next question.
A. Yes.
Q. Okay. Where did you start 11th grade?
A. Canyon Springs High School.
Q. Were you still living in the house on Blankenship when you started 11th grade?
A. No. I believe that's when we moved out.
Q. Where did you move to?
A. St. Andrews apartments.
Q. When you moved to St. Andrews apartments, who moved with you?
A. My mom, my oldest sister Victoria, and my younger brother Shabazz.
Q. And I'm sorry. A little bit ago you said that when you moved out of the house on Blankenship, it was in the summer; is that correct?
A. Yes.
Q. Was that the summer between your tenth and 11th grade years?
A. Yes.

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Q. When you moved into the apartment at St. Andrews, did Tahara and Taquanda remain at Blankenship?
A. Yes.
Q. Did you still see Fred when you lived at the St. Andrews apartments?
A. Yes.
Q. How did that come about? I mean would you go to the Blankenship house to see him or --
A. He would come to the apartment to see us.
Q. Okay. When he came to the apartments, did he bring anybody with him?
A. No.
Q. Tahara and Taquanda?
A. Oh, yes, them.
Q. Were there occasions while you were living at the St. Andrews apartment that Fred would come without Tahara and Taquanda that you personally saw?
A. Yes.
Q. Often or -- how often? How is that?
A. Sometimes like two or three times a month.
Q. Okay. Did there come a time -- well,

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do you know who he came to see at the St. Andrews apartments when he did not have Tahara and Taquanda with him?
A. My mom and sometimes my oldest sister Victoria.
Q. Would you see him interact with them when he would come or would they go about their own business?
A. They would -- sometimes I would see him talk to them and sometimes they would go do their own thing.
Q. Okay. Did there come a time that you moved from the St. Andrews apartments to someplace else?
A. Yes.
Q. Do you know when that was?
A. Yes.
Q. When was that?
A. It was in October.
Q. Okay. So can I back up one second. Did you finish 11th grade while you were living at St. Andrews or maybe if I asked it better.
Were you still living at St. Andrews when you finished 11th grade so at the end of that school year and the beginning of the next year were

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you still living at St. Andrews? If you're not sure, it's okay to say that.
A. I'm not sure.
Q. Okay. Did you start 12th grade?
A. No.
Q. You didn't start 12th grade at all?
A. I think I went to school for like one or two days but then I stopped going.
Q. Okay. So when you started going to 12th grade, were you still at Canyon Springs or were you someplace else?
A. I was someplace else.
Q. Do you remember what school you started 12th grade at?
A. Basic High School.
Q. So when you started 12th grade at Basic High School, were you living at St. Andrews or were you living somewhere else?
A. Somewhere else.
Q. Okay. Where were you living then?
A. In Henderson.
Q. Okay. So did you move from St. Andrews directly to that place in Henderson?
A. Yes.
Q. So did you do that in between the 11th

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and 12th grade school year?
A. Yes.
Q. Okay. Once you moved from the St. Andrews apartment to the apartment in Henderson, did you still see Fred?
A. Sometimes, yes.
Q. When you would see Fred at the Henderson apartment, would he be with any of your siblings or by himself or both?
A. Both.
Q. Okay. When you were at the Henderson -- I'm sorry. I don't know if I asked you this. When you moved from the St. Andrews apartment to the Henderson apartment, who moved there with you?
A. My mom, my older sister Victoria, and my younger brother Shabazz.
Q. Were Tahara and Taquanda still at the house in Blankenship?
A. Yes.
Q. Were there occasions when you moved at the apartment in Henderson when you saw Fred and Shabazz have a problem?
A. Yes.
Q. Was that on one occasion or more than

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one occasion?
A. Just one.
Q. What happened?
A. They got in an argument.
Q. And did -- well, did you see Fred do anything to Shabazz?
Okay. Did you see him do or trying to do anything?
A. Yes.
Q. What did you see him do or try to do?
A. He tried to hit him.
Q. Okay. "He" who?
A. Shabazz.
Q. Oh, he, Fred?
A. Yes.
Q. Tried to hit Shabazz?
A. Yes.
Q. What did Shabazz do?
A. He was pushing him away.
Q. Fought back, Shabazz fought back?
A. Yes.
Q. Was there an occasion also when you were living in the Henderson apartment that Fred wanted you to do something with Victoria?
A. Yes.

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Q. What did Fred ask -- well, did Fred himself say something to you?
A. Yes.
Q. What did Fred want you to do?
THE COURT: Are you okay? Do you need a minute? Do you want to use the rest room? Okay. Marshal, will you escort her to use the rest room over here.
MS. LUZAICH: Would it be okay if Felizia came with her?
THE COURT: Yes.
(Whereupon Mahlica Duke left the witness stand at 1:04 p.m.)
MS. LUZAICH: Judge, could I ask the family sit just further that way so that she doesn't have to look at them.
THE COURT: Would you folks move.
MS. ALLEN: Actually if we are taking a break, I had mentioned to Ms. Luzaich earlier about the mom. I think because of the testimony I expect Tina Duke to say, I think she should probably be appointed an attorney or she should consult an attorney.
If she testifies the way I expect she

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will, she is opening herself up to not all of the same charges as my client but a number of them and a lot of same as to Ms. McNeill's client so I think she should at least have, I think she should at least have the advice of counsel prior to testifying. That would be my advice. I'm sure Ms. Luzaich probably wants to weigh into that, but I thought we should make a record of that.

THE COURT: I have a meeting at 2:30 so we need to break so I'll just be across the way in Judge Kephart's courtroom and when do you think -- we can stay all the way to 4:00 without going into overtime.

MS. LUZAICH: I am almost done with Mahlica. She is having a hard time talking about -- but when I'm done with this, then I'm going to pass the witness. After that I'm going to call Victoria.

Tina is the mother. She would be the last witness. I am hoping we're going to get them all done today. If the Court thinks that she needs an attorney, maybe the Court could get a contract attorney here.

THE COURT: We're doing that right now.

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MS. LUZAICH: Right.

THE COURT: We're going to see if we can get someone here. How long do you anticipate -- well, she is going to need to talk to the attorney before she gets on the stand.

MS. LUZAICH: Victoria is going to be quite a bit.

THE COURT: No, the mom.

MS. LUZAICH: So that will give plenty of time.

THE COURT: If we can get somebody here at 2:30, that will impact whether she will testify or not or what she will testify. How long will your cross-examination be? Your cross-examination took longer than the direct examination.

MS. ALLEN: I don't know. She clearly doesn't have as much information as the other two.

THE COURT: Certainly we will get done by 2:30 the two children Mahlica and Victoria.

MS. ALLEN: I don't know that we'll have Victoria done by 2:30. By today I would hope.

THE COURT: Okay. So if we can't get an attorney down here this afternoon, we will have the mother another day if that's the way it turns out and finish Mahlica and Victoria today if that's the way --

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MS. LUZAICH: I'm still hoping we'll get Tina on today.

THE COURT: Where is Ms. Duke?

MS. LUZAICH: Just right down the hall.

THE COURT: So she -- do you want to explain this to her.

MS. LUZAICH: That was the defendant's family.

THE COURT: Okay. Do you folks mind sitting a little bit closer to the marshal just so you're not catching the eyesight of the witness, the front if possible.

So you discussed with Ms. Duke the potential that she may need to --

MR. ALLEN: I just brought it up today. In discussions with her investigator over the weekend we said something. I thought, you know, just to be safe she probably should have an attorney.

(Off-the-record sotto voce conversation.)

MS. LUZAICH: She locked herself in

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the bathroom.

(Off-the-record sotto voce conversation.)

MS. RHOADES: Lisa's coming right back. The witness is having a panic attack. Medical's coming.

(Pause in proceedings.)

THE COURT: Do you want to go forward with Victoria?

MS. LUZAICH: Yes. Medical is with her. She can't breathe. Can I just explain to Victoria that I'm going to bring her in.

THE COURT: Absolutely, and then if you want to bring the mom in too.

MS. LUZAICH: Just so you know, they have a little baby with them so mom will have the baby while Victoria's on the stand.

THE COURT: She can leave. I just want to explain to her.

MS. LUZAICH: Right. I just wanted to warn you.

(Pause in proceedings.)

THE COURT: Good afternoon, Ms. Duke.

MS. LUZAICH: They are all Ms. Duke.

THE COURT: This is Tina and Victoria.

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THE COURT: Tina Duke. We are going to have an attorney here. You don't need to stay in the courtroom now. I'm just letting you know. We're going to have an attorney here with you to consult with at 1:45 in the event that you need some counsel before you testify. I don't know if you do or not but out of an abundance of caution we're going to have an attorney for you to consult with.

Mr. Sanft is going to be here. He's a court appointed attorney. He'll be here. He'll be available for you to talk to at 1:45 so we're going to go forward with -- you're Victoria, right?

THE WITNESS: Yes.

THE COURT: So we're going to go forward with your testimony now. Ms. Duke, you can wait outside if you like with the baby. I just wanted to let you know what we're doing so you will know.

The defense attorney just brought up a concern that perhaps you might need some legal counsel with respect to your testimony. I don't know anything about your testimony so I don't know if you need counsel or not, but I'm just making sure if you have questions or issues. So he'll be

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here at 1:45. We will direct him to speak with you out in the attorney room when he arrives.

THE WITNESS: All right.

THE COURT: Thank you. Victoria, if you want to come on up.

VICTORIA DUKE,

having first duly affirmed to tell the truth under the pain and penalty of perjury, was examined and testified as follows:

THE CLERK: Please have a seat. State your name for the record, spell your first and last name, please.

THE WITNESS: Victoria Angelica Duke.

THE COURT: Spell your last name.

THE WITNESS: D-U-K-E.

THE COURT: So, Victoria, let me explain how the process is going to work. If I can have you scoot a little forward to the microphone there. Everything that you're saying is being taken down by the court reporter. That's the lady sitting right in front of you so we need you to verbalize your responses when the attorney asks you a question. Rather than nod or shake your head, if

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you could say yes or no.

Also make sure you understand the question. So if you don't understand what the attorney is asking you, you need to say you don't understand. If there's something that perhaps is incorrect in the question, if it's a different person than what the attorney says, you need to make sure that if it's not accurate, that you don't agree to it just because the attorney asked you.

So first the D.A.'s going to ask you some questions and then after she's completed her questions, then the other attorney will have an opportunity to ask questions.

Now, at any point in the process you need to break, let me know. We're going to have to stop at 2:30 for 20 minutes, 30 minutes because I have a meeting so if you can go until 2:30, that would be helpful. If at any point in time -- there's water for you right there. If at any time you need a break, let me know. Proceed.

DIRECT EXAMINATION

BY MS. LUZAICH:

Q. Hi, Victoria. How are you doing?

A. I'm doing good.

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Q. You have a very low sweet soft talk. I need you to talk in your outdoor voice. Can you do that.

A. Yes.

Q. Good. Thank you. Victoria, how old are you?

A. 20.

Q. What is your date of birth?

A. 7/31/92.

Q. And you were in the courtroom a minute ago. Who were you in the courtroom with?

A. My mother.

Q. Who else?

A. And my son.

Q. How old is he?

A. Five, six months.

Q. What's your mom's name.

A. Tina Duke.

Q. Do you have brothers and sisters as well?

A. Yes.

Q. Tell me all of your siblings and how old they are.

A. Mahlica, 19; Shabazz, 18; Tahara, 13; and Taquanda, 12.

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Q. Okay. Now, do you go to school?
A. Not at this moment.
Q. Okay. What is the last grade that you finished?
A. 12th.
Q. When did you finish 12th grade?
A. June 2011.
Q. Okay. What school did you graduate from?
A. Canyon Springs.
Q. Now, I'm going to take you way back. Do you remember living in Utah for a period of time?
A. Yes.
Q. Do you remember when -- when you went to Utah, where did you come from? Like where were you living when you moved to Utah?
A. Las Vegas.
Q. When you lived in Las Vegas before you went to Utah, who did you live with?
A. Fred and Ann and my mom and my sisters and brothers.
Q. When you say Fred and Ann, do you see either one of them here in court today?
A. One.

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Q. Which one do you see?
A. Fred.
Q. Can you point to him and tell me an article of clothing he's wearing?
A. In the gray to the left.
Q. Could that be blue by any chance?
A. Blue.
MS. LUZAICH: Let the record reflect the identification of the defendant.
THE COURT: Yes.
MS. LUZAICH: Thank you.
Q. Do you remember as far back as where you lived before you came to Las Vegas back then?
A. Louisiana.
Q. Okay. When did you come to Las Vegas from Louisiana?
How old were you about?
A. About -- I don't know -- about 12 or 11.
Q. How long did you live in Las Vegas? Between like from the time you came from Louisiana until the time you went to Utah, how long did you live in Las Vegas, I mean days, weeks, months, years?
A. We lived in Las Vegas until December

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2004 to May 2005.
Q. Okay. And so from December 2004 until May of 2005, did you live with Fred and Ann that whole time or did you live other places?
A. We lived with Fred and Ann and then they put us in the Shade Tree for a little while and then they put, and then they took us back into Miss Ann's house.
Q. Now, you say they took us back into Miss Ann's house. Did Fred not live with Miss Ann when you went back to the house?
A. He went there off and on.
Q. Did he have another place that he lived?
A. Yes.
Q. Now, when you stayed at Miss Ann's house before you went to Utah, was it your mom and you and Mahlica, Shabazz, Tahara, and Taquanda?
A. Yes.
Q. Did there come a time that something happened when you were living at Miss Ann's house before you went to Utah that made you uncomfortable?
A. Fred, my mom and Fred dropped us off at Fred's house. My mom went to work and Fred

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touched me, tried to molest me.
Q. When you say my mom and Fred dropped us off at Fred house, who is us?
A. Tahara, Taquanda, me, Mahlica and Shabazz.
Q. So all the kids?
A. Yes.
Q. Mom was working at the time?
A. Yes.
Q. Do you know what she was doing for work at the time?
A. I can't remember.
Q. Where was Miss Ann, was she also working at the time?
A. Yes.
Q. So you left the place you were staying with Miss Ann and your mom dropped you off at Fred's place.
A. Yes.
Q. What kind of place, a hotel, a house?
A. An apartment.
Q. Who was at the apartment when you went there?
A. Nobody.
Q. Did Fred drive you from Miss Ann's to

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the apartment?
A. Yes.
MS. LUZAICH: Excuse me. I'm sorry, Judge.
THE COURT: This will take one moment.
(Sotto voce off-the-record discussion between the marshal and the chief deputy attorney.)
MS. LUZAICH: I'm so sorry.
Q. Did you say that yes, Fred drove all of you from Miss Ann's to his apartment?
A. Yes.
Q. Do you know where his apartment was?
A. No.
Q. Was it in Las Vegas?
A. Yes.
Q. So how did mom get to work?
A. Fred drove her.
Q. With you guys in the car or after he took you to his place?
A. After.
Q. Okay. So Fred takes you guys to his place and then leaves with your mom and goes to work?

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A. Yes.
Q. Does he come back from taking your mom to work?
A. Yes.
Q. And what time of day is it that he brings you from Miss Ann's place to yours, I mean the morning, the afternoon, at night?
A. Morning.
Q. And when he leaves, drops mom off and comes back to the apartment, what time of day is it that he gets back to the apartment?
A. It's in the morning.
Q. It's still morning?
A. Yes.
Q. Okay. So what happens when he gets back to the apartment? Tell me about it.
A. Everyone's asleep.
Q. Where are you guys sleeping?
A. In Fred's bedroom.
Q. All of you were sleeping in Fred's bedroom?
A. Yes.
Q. And then what?
A. Everybody was asleep and then I woke up and then they were gone.

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Q. When you say "they were gone," everybody, all of your brothers and sisters and Fred were gone or did anybody remain at the apartment?
A. Nobody was at the apartment.
Q. Okay. So then you wake up and what happens?
A. Fred walks in the room.
Q. What room are you in?
A. Fred's room.
Q. And you say Fred walks in that room?
A. Yes.
Q. And what happened?
A. I asked him where my sisters and brother were.
Q. And what did he tell you?
A. They're in the park.
Q. Then what?
A. Then he tries to lay next to me.
Q. Where were you when that happened?
A. I was on the bed.
Q. Okay. And he tried to lay next to you on the bed. When you say he tries, does he actually lay down next to you?
A. No.

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Q. What does he do?
A. He takes my hand and tries to make me touch his penis.
Q. Where did he put his hand at that time?
A. He tried to take my pants off.
Q. Okay. Before you get to your pants, where did he put his hand, your hand?
A. He put my hand on his -- he took my hand and he put it on his penis. Like he took his hand and he put my hand on his penis.
Q. When he put your hand on his penis, were his clothes on or off?
A. On.
Q. So did the skin of your hand touch his skin or something else?
A. Something else.
Q. What did it touch?
A. Like the clothes on his pants.
Q. After he put your hand on his penis or his crotch area I guess, what did he do next?
A. He tells me not to tell my mom or anybody about what he's doing.
Q. Okay. And then what?
A. Then I tell him that -- I tried to get

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away from him and stuff and he's like holding onto me and telling me I'm going to beat you and just telling me that not to tell nobody or forcing my pants off.
Q. So while you're laying on the bed, are you wearing clothes?
A. At the time yes.
Q. Are you wearing pajama type clothes or regular outside type clothes?
A. Regular outside type clothes.
Q. So you said he tried to force your pants off. Was he able to get them off?
A. Yes.
Q. Pants, did you have anything on under your pants?
A. Just my underwear.
Q. Did he take those off as well?
A. Yes.
Q. And then what did he do?
A. He was trying to -- he was telling me -- I was like trying to get away from him and he was telling me to like hold still and let him do, like let him touch me or else he was going to beat me.
Q. When he gets your pants off, are his

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clothes still on?
A. His penis is out of his pants.
Q. Okay. Then what happened?
A. He's trying to -- he was trying to finger me.
Q. When you say trying to finger you --
A. Put his finger inside my vagina.
Q. Did he actually get it inside your vagina?
A. Yes.
Q. How did that feel?
A. Terrible.
Q. Then what?
A. Then he was trying to put his penis in my vagina but I was like in pain and like getting ready to scream so he stopped.
Q. When you said he tried to put his penis in your vagina, did any of his penis actually pass by the lips of your vagina?
A. Yes.
Q. How did it feel when his penis was trying?
A. It hurt.
Q. So it got in far enough that it hurt?
A. Yes.

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Q. What position were you and he in while he was doing that?
A. On the side of the bed.
Q. What do you mean by on the side of the bed?
A. Like you're like on this side of the bed and he's right there and like this.
Q. Okay.
THE COURT: I'm sorry. The right side of the bed or left side of the bed?
THE WITNESS: The right.
MS. LUZAICH:
Q. Well, actually were you sitting, standing, laying, what position were you in on the bed?
A. Oh, laying.
Q. So was your whole body laying on the bed?
A. My arms was up but my legs was like that.
Q. Okay. What does "like that" mean?
A. Like close to the floor.
Q. Okay. So your legs were hanging over the side of the bed?
A. Yes.

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Q. Okay. So where was he in relation to the bed?
A. Like on the floor on his knees.
Q. In front of you?
A. Yeah.
Q. So were you facing each other kind of?
A. Yes.
Q. Okay. So you said you were fighting him and it was hurting. Did there come a time that he stopped?
A. Yes.
Q. And then what?
A. He pulled my pants back up and he told me not to tell anybody because he was going to beat me. He took my arm. He put a bruise on it.
Q. Was there anybody else in there? Did anybody come home during this time?
A. He went to go get my mom then we went back to Miss Ann's house.
Q. What about the other kids?
A. The kids went back to Miss Ann's house.
Q. But did the other kids come back to his apartment?

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A. After, like after he was done.
Q. Okay. Did you tell anybody that day?
A. No.
Q. Why?
A. Because I was scared. I was scared that he was going to beat me or do something to me.
Q. Now, prior to that happening, prior to that day, had he ever hit you or hurt you in any way?
A. Yes.
Q. What had he done prior to that?
A. He held me by my neck inside of Miss Dorothy's house just -- they was trying to tell me that I did something that I didn't do.
Q. Who is Miss Dorothy?
A. His mom.
Q. Do you see her here today?
A. Yes.
Q. Where is she?
A. She is in the white and black on the left side of the room.
Q. So she's sitting over there?
A. Yes.
MS. LUZAICH: I would ask that she be included since she is the subject of a lot of this

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conversation, not as a defendant but --
THE COURT: Is she a witness?
MS. ALLEN: At trial she will be but not for purposes of preliminary hearing so I don't see why she should be excluded at this point.
THE COURT: Well, she's obviously uncomfortable, Victoria, with her being there.
Is it causing you a problem?
THE WITNESS: Yes.
MS. ALLEN: Your Honor, I appreciate that but she said -- she's an adult. We're not dealing with a child here. My client has the right to have people here with him as well including his mother. She's not testifying. We're not putting her on the stand. I understand she's not comfortable but she's 20 years old. If it was a child, I could understand. The State has a statute for that but there is no statute. This is a public courtroom.
THE COURT: Okay. So why don't you focus, look at the attorney asking questions. If it becomes a problem that she's present, then we'll deal with it. Will you be fine at this point?
MS. LUZAICH: Just for the record, there's going to be a lot more discussion about the

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defendant's mother.
THE COURT: When it comes up, we'll deal with it. At this point I believe the witness is able to handle it.
MS. LUZAICH:
Q. So I'm sorry. Prior to the defendant putting his finger and his penis in your vagina, you said there was an occasion he did something at Miss Dorothy's. So was that at her home?
A. You mean of the physical abuse?
Q. Yes.
A. Yes.
Q. Okay. So she did not live with him at the time. It was in a different location.
A. Yes.
Q. Okay. When he did that, was anybody else there?
A. My sisters and brothers.
Q. Okay. Was that the only occasion when he physically hurt you before --
A. No.
Q. So is that why you were afraid that he was going to hurt you again because you knew he hurt you before?
MS. ALLEN: Objection, leading.

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THE COURT: Sustained.
MS. LUZAICH: Okay.
Q. So why were you afraid that he was going to hurt you if you told?
A. Because it was always like, he would blame us for stuff like something came up missing, you don't have to do anything. Like you could just, you don't have to do anything. Something could happen. Something come up missing you're going to get down and do push-ups or get beat until somebody decides to fess up to something they didn't do.
Q. Did they continue to physically abuse you?
A. Until we left.
Q. Did there come a time before you left for Utah that you actually did tell somebody that he had touched you?
A. I told Miss Ann.
Q. Do you remember how long after it happened that you told her, like a day later, a week later, a month later?
A. About a week later.
Q. When you told her, was it just her there or was anybody else there?

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A. It was just her.
Q. What did you tell her? Do you remember specifically what you told her?
A. I told her that Fred had touched me and she asked me what happened and I told her what happened.
Q. What did she do?
A. She called Miss Dorothy.
Q. On the phone or --
A. On the phone.
Q. Okay. And did you have a conversation with Miss Dorothy?
A. Yes.
Q. In person or on the phone?
A. On the phone and then they came over.
Q. Who is they, she?
A. Or she.
Q. What about your mom, was your mom there for part of that?
A. She came home after like a little while after.
Q. What caused you to tell Miss Ann when you did?
A. It was bothering me and I didn't want it to happen again and I trusted her and I thought

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that she would do something.
Q. Okay. Did she do anything --
A. No.
Q. -- other than call Miss Dorothy?
A. No.
Q. When Miss Dorothy came over, what happened?
MS. ALLEN: Objection.
THE WITNESS: They was asking me questions and then they started telling me why did you let him do it.
THE COURT: Excuse me one moment. When an attorney objects, I need you to wait before you continue. Okay. So you're objecting to whatever Ann or Dorothy said.
MS. ALLEN: Correct.
MS. LUZAICH: It's not offered for the truth.
THE COURT: What is it offered for?
MR. LUZAICH: To explain the context, what happened next.
THE COURT: That would be the truth.
MS. LUZAICH: No.
THE COURT: Okay. You don't have to say what she said but you can tell what happened

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next. I'm not sure.
MS. LUZAICH: How about if you listen to it and then you can strike it if you need to.
THE COURT: Okay. So you're asking what Ann or Dorothy said to her after Dorothy came over.
MS. LUZAICH: Yes.
THE COURT: And your offer of proof is that it caused what to happen?
MS. LUZAICH: Well, it put everything in context.
THE COURT: I don't think she needs to say what exactly is being said.
MR. LUZAICH: I mean it's not like I'm asking what did she say, what color the car was, they said it was -- that is something that is offered for the truth because a red car ran me over.
THE COURT: Right, but you're saying -- you're saying this because it's the truth of she told them about this, and they did that so you are offering it for the truth otherwise what's the purpose of it?
MS. LUZAICH: It's not offered for the truth of what they said to her.

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THE WITNESS: It's the truth to me.
THE COURT: I understand.
MS. LUZAICH: Victoria, honey, these are legal issues.
THE COURT: You can go ahead and offer it. I think it's probably hearsay, but I'll listen to the context of it and make a decision.
MS. LUZAICH: Okay.
Q. So you told Miss Dorothy and Miss Ann what happened, and then what happened?
A. They -- well, Fred comes over and everybody is discussing it, about what's going on and what happened.
Q. Okay. And then what?
A. Fred said he didn't do it.
Q. And then?
A. Well, I got in trouble so the whole entire house is saying I couldn't be trusted and everybody was saying I was a liar.
Q. Okay. Did they treat you differently after that?
A. Yes.
MS. ALLEN: May I ask who is "they."
THE WITNESS: Fred, Ann, Miss Dorothy, everybody in the house.

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THE COURT: Okay. So who is in the house other than Fred, Ann, and Dorothy?
THE WITNESS: My mom, my sisters and brothers.
MS. LUZAICH: Okay.
Q. Did your sisters and brothers also get involved in that conversation?
A. I cannot remember.
Q. Okay. Did -- well, you said you were treated differently after that happened.
A. Yes.
Q. How were you treated differently?
A. Always getting in trouble, always getting talked about, always -- there was always something I'm doing wrong.
Q. Okay. Did -- there came a time that you guys left and went to Utah?
A. Yes.
Q. From December of '04 until May of '05 while you were here, did you go to school?
A. Yes.
Q. Do you remember what grade you were in, grade or grades?
A. About sixth grade.
Q. Okay. What school did you go to while

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you were living here before you went to Utah?
A. I went to two schools. I can't remember the second one but I think it's J.D. Smith.
Q. Okay. What was the first one?
A. I can't remember. Sorry.
Q. You said you couldn't remember the second one. I thought that meant you remembered the first. So you went to Utah.
How long were you guys in Utah?
A. Two years.
Q. Did your mom continue to have conversations or contact with Fred while you were in Utah?
A. Yes.
Q. The whole time?
A. Yes.
Q. Before you had gone to Utah, do you know what was the relationship between Fred and Miss Ann?
A. I figured out what their relationship was a little like around the end.
Q. And what was it?
A. That they were boyfriend and girlfriend.

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Q. Now, before you went to Utah, do you know what your mother and Fred's relationship was?
A. Yes.
Q. What was it?
A. They was supposed to be going out too.
Q. Okay. While you were in Utah you said your mother continued to have contact with Fred. Right?
A. Yes.
Q. And did there come a time that you guys were removed from your mom's custody while you were in Utah?
A. Yes.
Q. Do you know why that was?
A. Because she went to go see Fred for his birthday.
Q. When you say she went to go see Fred, you were living in Utah. Was Fred in Utah at the time?
A. No.
Q. Where did mom go?
A. To Vegas.
Q. When mom went to Vegas, where did you guys stay?
A. Utah.

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Q. You said there came a time that you came back from Utah.
A. That my mom came back from Utah.
Q. No, you.
A. Yes.
Q. All of you came back to Las Vegas from Utah?
A. Yes.
Q. Do you remember when that was?
A. It was August 2007.
Q. When you came back in August 2007, did you -- where did you go, you?
A. I went to go stay with Miss Dorothy and my mother.
Q. When you went to Utah, did mom, you, Mahlica, Tahara, Taquanda, and Shabazz all go?
A. Yes.
Q. Did you all come back from Utah?
A. Yes.
Q. You said you went with mom to stay with Miss Dorothy?
A. Yes.
Q. Do you know where that was?
A. Somewhere on Lake Mead.
Q. Okay. Where did Mahlica, Shabazz,

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Tahara, and Taquanda go?
A. They went to Miss Ann's house.
Q. Do you know where that was?
A. 926 Blankenship, Martin Luther King area.
Q. Who lived in that house?
A. Shakira, some people I can't remember their name, Miss Ann, Fred.
Q. Okay. So Fred and Miss Ann both lived there?
A. Uh-huh.
Q. Is that a yes?
A. Yes.
Q. Was it your understanding -- when you came back, what was Miss Ann's and Fred's relationship at that point?
A. They were shagging, like living together.
Q. As?
A. Boyfriend and girlfriend or whatever.
Q. Okay. What was your mom's relationship with Fred when you came back?
A. I guess they was going out too.
Q. Okay. So you and mom stayed with Miss Dorothy. How long did you stay there?

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A. Until like around I'm not really sure. Just we stayed there until like after end of the month so I would say August so a little bit after September, just a little bit after September.
Q. Now, when you came back, you said it was August of 2007. When was your birthday in relation to that?
A. July 31st.
Q. How old did you just turn when you came back?
A. 15.
Q. Did you start school?
A. Right away?
Q. Well, at all when you came back.
A. Yeah.
Q. Where did you go to school?
A. Mohave.
Q. What school? I'm sorry. What grade? I'm so sorry. What grade?
A. Ninth.
Q. When you guys -- did you guys move from Miss Dorothy's to someplace else?
A. To a motel.
Q. Do you remember what it was called or where it was?

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A. It was on Nellis by the Walmart.
Q. Okay. Is that in Las Vegas?
A. Yes.
Q. Who lived there?
A. Me and my mom.
Q. Do you know for how long, days, weeks, months?
A. We stayed there from September to October.
Q. And then in October where did you go?
A. We went to Walnut.
Q. What's at Walnut?
A. Our apartment.
Q. You got an apartment, you and mom or you and mom lived in an apartment?
A. Yeah.
Q. Walnut, is that in North Las Vegas?
A. Yes.
Q. For how long did you and mom live in that apartment?
A. 'Til the summer of 08.
Q. So would that be for the rest of your ninth grade year?
A. Yes.
Q. Do you know who paid for the hotel

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that you lived in?
A. Apparently it's my mom.
Q. Okay. At the apartment. Do you know?
A. My mom.
Q. Okay. Now, when you got back from Utah and you guys are staying at Miss Dorothy's, did something happen that related to Fred?
A. Fred and my mom were sitting in the car and they was telling me how I wasn't to be trusted and I was bad and I don't listen.
MS. ALLEN: Your Honor, at this point I object. I'm not quite clear who is saying it and it could potentially be hearsay so if we can just specify who is saying that.
THE COURT: Who is telling you this in the car?
THE WITNESS: Fred and my mom. Fred is the one talking saying I can't be trusted and I can't be around my sisters and my brothers and just telling me I'm going to be staying with my mom and Miss Dorothy until I get it together.
MS. LUZAICH: Okay.
Q. Did anything happen that night?
A. He told me to -- he told me that no matter what I did or what was going on, that he was

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going to try to get me. He was going to -- he wasn't going to leave me alone because he wanted to have sex with me and I had no way out.
Q. Okay. Well, did anything happen that night?
A. No.
Q. Did there come a time that something did happen?
A. It was August 2007 -- August 2007 and it was August the 4th.
Q. Okay. How did that come about?
A. While our first day here -- it was our first day being back here in Vegas. He told me I had to figure out when I was going to lose my virginity or else he was going to figure it out for me.
Q. Okay. But physically on August 24, 2007, what happened? How did it come about?
A. I and my mom went to go get liquor and they asked me, like he asked me, what do you want to happen on that day and I just didn't want to remember what happened and they went to go get liquor and they drove me up to this hill and we were drinking.
Q. What were you drinking?

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A. Alcohol like vodka, wine coolers, and a lot of like drinks.
Q. Okay. So you said it's you, Fred, and your mom, correct?
A. Yes.
Q. You're in a car. Whose car?
A. Miss Ann's car.
Q. Where did -- you said you drove up to a hill. Do you know where the hill is?
A. All I know is you could see the whole entire Las Vegas from the hill and then there's like this little road. It's on top of a road and there's a road and then there's like a little sign in front like here's the road and here's the sign. Here's the -- on this side you could see the whole Las Vegas.
Q. Okay. Where did you go from?
A. From the place. We came from Miss Dorothy's house.
Q. Okay. Was it fairly close to Miss Dorothy's house?
A. No.
Q. How long did it take you to get there?
A. A couple hours.
Q. Hours?

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A. Probably -- you could see the whole entire Las Vegas. We was driving around and I was drinking.
Q. Oh, okay. So it's you, Fred, and your mom. You guys are drinking. You're on a mountain overlooking Las Vegas, and what happens?
A. I drink more drinks and there's music playing and Fred pops in the back of the car and then --
Q. Were you in the back of the car?
A. Yes.
Q. Where was your mom?
A. In the front seat.
Q. So Fred gets in back and then what?
A. He takes my clothes off. He has no clothes on and he proceeds to try to have sex with me and -- well, have sex with me.
Q. When you say he had sex with you, what did he do?
A. He took my virginity. He put his penis in my vagina. After that I don't remember anything because I think I blacked out, like all those drinks.
Q. Okay. You said your mom was in the car.

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A. Yes.
Q. Did your mom do anything to stop it?
A. No.
Q. Did she do something else?
A. No.
Q. Did she encourage it?
A. Yes.
Q. How did she encourage it?
A. She said it was cute. She was just encouraging it and didn't say nothing else.
Q. Did you want that to happen?
A. No.
Q. Did he do anything else that night?
A. No.
Q. Did he take you guys somewhere afterwards?
A. He took us to Miss Dorothy's house and that was it.
Q. Did you continue to live at Miss Dorothy's house?
A. Until September.
Q. When you moved into the apartment?
A. Yes.
Q. Did it ever happen again while you were living at Miss Dorothy's house?

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A. Yes. No, no, no, no. It didn't happen no more until after we left Miss Dorothy's house.
Q. Okay. So when you moved into the apartment on Walnut, did you continue to go to school?
A. Yes.
Q. Did that continue to happen?
A. Yes, frequently.
Q. How would it come about?
A. He would just assign dates and times or he would jut come over.
Q. How often would he come over?
A. After work, after he get done, after Fred get done from working.
Q. Would he come over I mean just for example, once a week, once a month, once a year, how often?
A. About three times a week.
Q. When he would come over, would he come to see you?
A. Yes.
Q. Were there times that he would come to see your mom?
A. Yes.

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Q. Did he continue to have a relationship with your mom that you were aware of?
A. Yes.
Q. Did he -- when he would come over if he were with you, where would it happen?
A. It would happen at the house or it would happen in the apartment and in the car if we went out somewhere.
THE COURT: Can we take a moment. Mr. Sanft, I need to appoint you to consult with -- her name is Tina Duke. She is staying outside the courtroom. She is the mother of some minor children, adult children. She is scheduled to testify during this preliminary hearing. There may be some issues that she has some criminal liability or conduct. I don't know if you want to go into any more than that.
MS. ALLEN: I'm actually handing him my copies of her statement. I just need them back.
THE COURT: I have a meeting at 2:30 so you'll have plenty of time to speak with her. How much more time do you think Victoria will be taking?
MS. LUZAICH: A while.
THE COURT: So probably then not -- you won't be calling Tina until at least 3:00 o'clock.

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MS. LUZAICH: Oh, at least.
THE COURT: I don't know if we'll get to her today or not. What about Mahlica, are we going to go back to Mahlica?
MS. LUZAICH: I'm hoping.
THE COURT: Was she given some medication?
MS. LUZAICH: I don't believe so. They can't give her medication.
THE COURT: She is not on any medication. So there may be a witness, a child who testifies after Victoria so I don't know that the mom will be testifying today or not so you should have plenty of time. Thank you for being here. I appreciate it.
MR. SANFT: Thank you, Your Honor.
THE COURT: Go ahead.
MS. LUZAICH: All right.
Q. So you're living at the Walnut apartment and you said the defendant would come over. I mean often during the week. When he would come over, would he, I mean always be with you, do things with you? You're nodding your head. You have to answer out loud, please.
A. Yes.
Q. And what would he do?
A. Excuse me.
THE COURT: That's okay.
MR. LUZAICH: That's okay. Take your time.
THE COURT: Do you want some water?
THE WITNESS: I want --
THE COURT: Do you need a minute? Do you want to use the rest room?
THE WITNESS: Yes.
THE COURT: Okay. Do you want the advocate to go with you?
THE WITNESS: Yes.
(Whereupon a recess was taken at 1:56 p.m. and the proceedings resumed at 2:05 p.m.)
THE COURT: The record will reflect we're back in session. Counsel and the defendant are present. Proceed.
MR. LUZAICH: Thank you.
Q. All right. So when you're living in the Walnut apartment, the defendant would come

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over. What would he do?
A. He would bring drinks. He would bring alcohol.
Q. Would he bring anything else with him?
A. He would bring toys.
Q. What are toys?
A. Like sexual toys.
Q. For example?
A. A vibrator, a dildo.
Q. When he would bring those toys, would they be used?
A. Yes.
Q. How would they be used?
A. Either on my mom or on me or he would use them.
Q. Did there come a time -- well, when -- after that first time that it happened when you moved into the apartment, did it start out that he would do things with just you, just him and you and nothing else?
A. Yes.
Q. When it was him and you and nothing else, what would he do?
A. He would just -- he would use the toys on me or he would either just have sex or --

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Q. Okay. When I said him and you and nothing else, I meant no toys. Were there times in the beginning at the apartment on Walnut that it was just him and you and body parts?
MS. ALLEN: Your Honor, I object. It's leading.
THE COURT: Sustained.
MS. LUZAICH: Well, it's not because she is talking about toys. I'm trying to get before the toys.
THE COURT: I understand. It's just the form of your question.
MR. LUZAICH: All right.
Q. Tell me everything that happened from the beginning to the end then.
A. First he would come over, talk. He would bring alcohol. He would just -- he would then, you know, it was time to take off clothes and --
Q. Where would that happen?
A. Either in my room or in my mom's room.
Q. Okay. Time to take off your clothes and then what?
A. Then he would -- he would just -- he would be like on me, you know, on me.

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Q. What part of his body touched what part of your body?
A. Yes.
Q. What part of his body?
A. His penis.
Q. And where would he put his penis?
A. In my vagina.
Q. Did he put it anywhere else?
A. No.
Q. In the beginning nowhere else?
A. No.
Q. Okay. Did that change as time went by?
You're nodding your head. I'm sorry,, honey. You've got to speak out loud.
A. Yes.
Q. As time went by and that changed, where else would he put his penis?
A. In my anus. That's it.
Q. Okay. Did he do that one time or more than one time?
A. More than one time.
Q. The first time that he did that, where were you?
A. At the Walnut location.

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Q. Oh, I'm sorry. Where in the apartment were you?
A. In my room.
Q. Okay. Was there anywhere else in the Walnut apartment that he put his penis in your anus?
A. In my mom's room, in my room, that's practically it.
Q. In the Walnut apartment when he was doing these things, did he put his penis anywhere else, your vagina, your anus, anywhere else?
A. No.
Q. You said that there came a time that he started bringing toys that you describe as vibrators or dildos. Who would use the toys?
A. He would.
Q. You had earlier mentioned there were times with you, there were times with your mom. Before we get to your mom, when he did it with you, where would you be?
A. In my room.
Q. Was it only in your room that he used toys with just you?
A. My mom's room.
Q. Okay. And your mom's room. Where

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would he put the toys?
A. In my vagina.
Q. Did he always put it in the vagina or were there times that he didn't and just did something else with it?
A. It was either in my vagina or my clitoris.
Q. Okay. So when he did that, was it just a rubbing as opposed to inserting it?
A. Yes.
Q. Did you want him to do any of those things?
A. No.
Q. Would he always bring alcohol with him when he came?
A. Yes.
Q. Did you always drink when he came and this would happen?
A. Yes.
Q. And I'm sorry. When I say would you always drink, would you always drink the alcohol?
A. Yes.
Q. While you were -- well, you said that there also came a time that your mom was involved. How did that happen?

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A. When my mom was off work.
Q. And I apologize to go back one second. From the time that you moved into the Walnut apartment, did your mom work?
A. Yes.
Q. What did she do?
A. She was a maid at Bally's.
Q. Were there times when he would come over while your mom was at work?
A. Yes.
Q. And were those things we just talked about was that while your mom was at work?
A. Yes.
Q. While your mom was not at work were there times he would come over?
A. Yes.
Q. Were there times when he would see your mom and not see you?
A. No.
Q. So when your mom was home and he would come over, what would happen?
A. He would either see me and then her or he would go into my mom's room and then see me or he wouldn't see my mom.
Q. Okay. Were there times that he was

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with you and then he was with your mom on the same night?
A. Yes.
Q. Did that cause something else to happen that related to your mom?
A. He had my mom -- he had my mom try to have sex with me and him.
Q. Tell me about the very first time that that happened. Where were you guys?
A. We were in -- we were in a motel.
Q. In a motel before you lived in the Walnut apartment or during the time that you lived in the Walnut apartment?
A. Before.
Q. Okay. Tell me what happened.
A. He always like he wanted us to always do stuff together or he would try to get her to use the dildo or the vibrator on me or he always wanted us to do something together.
Q. Okay. Tell me what he would say that caused that to happen.
A. He would like go to your daughter and put the, fuck her with the dildo or use the vibrator on her or just different things like that.
Q. Did you ever see him do anything to

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hurt your mother?
A. During --
Q. Ever. No ever.
A. Yes.
Q. Before that happened, did you ever see him do anything to hurt your mother?
A. Yes.
Q. When he told your mom to do that, did she do it?
A. Yes.
Q. What, if anything, did she say?
MS. ALLEN: Objection, hearsay.
MS. LUZAICH: Well, I mean she's the one that's making Tina out to be a coconspirator so if she wants her to be a coconspirator, then it's a declaration against interest.
MS. ALLEN: She isn't charged in this case at all which I think, I have concerns why she hasn't been charged but she hasn't and the State intends to put her on as a witness in the case which alleviates her of coconspirator liability.
THE COURT: So it's sustained as to what the mom says. Could you establish the time in the motel room. I don't know how old she was. I don't know when it happened.

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MS. LUZAICH: Okay.
Q. Earlier did you say that when you came back in August of 2007 that you lived at Miss Dorothy's for a month?
A. Yes.
Q. And that you went from Miss Dorothy's to a hotel?
A. Yes.
Q. How long were you at the hotel?
A. From September to October.
Q. Of 2007?
A. Yes.
Q. Okay. And that was the first time that the defendant had your mom use his dildo or vibrator with you?
A. Yes.
Q. Was that the first time that the defendant had your mom do anything sexual with you?
A. Yes.
Q. The very first time it happened, I mean specifically what did he say that caused it to happen?
A. He told my mom to get the vibrator and use it on me.
Q. Okay. So the very first time it did

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involve a vibrator.
A. Yes.
Q. And at his direction did she get a vibrator?
A. Yes.
Q. And at his direction did she use it?
A. Yes.
Q. How did she use it?
A. She used it on my clitoris.
Q. Was he directing her and telling her what to do?
A. Yes.
Q. Did she follow his directions?
A. Yes.
Q. That very first time was your mom dressed or undressed?
A. Undressed.
Q. Were you dressed or undressed?
A. Undressed.
Q. What caused your mom to become undressed?
A. He told her to get undressed.
Q. Okay. What caused you to be undressed?
A. They told me to get undressed.

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Q. Why would you do what he would tell you to do?
A. Because they told me in the car when we first got here in August, that if I did not listen to them, I would get in trouble. They would send me to Child Haven or they would try to kill me or get rid of me, and they told me I would never see my sisters and brothers ever again.
Q. Did you believe Fred when he said any of that?
A. Yes.
Q. After you left the -- well, at the hotel did he cause your mom to do anything other than rub the -- what was it, a dildo or vibrator? Sorry.
A. Vibrator.
Q. Rub the vibrator on you.
A. He told her to be by me and use the dildo on me.
Q. Did he direct her how to do that?
A. Yes.
Q. What did he tell her to do?
A. He told her to stick the dildo in her and then go towards me.
Q. Can you describe the dildo that you're

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talking about?
A. Long brown two headed.
Q. Okay. And did she do what she told her?
A. Yes.
Q. Did you want that to happen?
A. No.
Q. Did it appear that she wanted it to happen?
A. I don't know.
MS. ALLEN: Objection, Judge.
THE COURT: Overruled.
MS. LUZAICH: I said did it appear that she wanted that to happen.
Q. Could you tell did she appear. If you couldn't tell, that's fine.
A. I couldn't tell.
Q. Did that happen more than one time at the motel?
A. Yes.
Q. Did that continue to happen when you moved into the Walnut apartment?
A. Yes.
Q. Did you ever hear whether or not the defendant made any threats to your mom?

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A. He would always beat her so I never really heard the threats but my -- I never really knew what was going on.
Q. Okay. Did this continue to happen the whole time that you lived at the Walnut apartment?
A. Yes.
Q. Did there come a time that you guys left the Walnut apartment? I'm sorry. Before I even get there.
Did you and your mom live in the Walnut apartment together the whole time that you were there?
A. We did until the summer. During the summer --
Q. What happened in the summer?
A. Well, I was angry and I didn't want to do any of that stuff no more so I wound up at Miss Dorothy's for the summer.
Q. How did you wind up at Miss Dorothy's for the summer?
A. They -- I was just angry and I didn't want to listen. I didn't want to do anything.
Q. No. Physically how did you get to Miss Dorothy's?
A. They would take me. I would take the

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bus or they would take me to Miss Dorothy's.
MS. ALLEN: Can I have clarification on who "they" is.
THE COURT: What do you mean by they?
THE WITNESS: My mom and Fred.
MS. LUZAICH:
Q. How much of the time did you spend at Miss Dorothy's in the summer?
A. During the summer it was every day during the summer and it kind of stopped where I was only there for the weekend by the end of the summer.
Q. During the week where would you go?
A. I would go back to my mom's house.
Q. Which was where?
A. Walnut.
Q. So mom continued to live in the apartment on Walnut over that summer and is that the summer in between your ninth and tenth grade. You're nodding your head.
A. Sorry. It was, yes, it was between ninth and tenth grade.
THE COURT: So is this 2007, 2008, what year would that be?
THE WITNESS: It is 2008.

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THE COURT: Go ahead.
MS. LUZAICH:
Q. Did you start tenth grade? Did you go to tenth grade?
A. Yes.
Q. Where did you go to tenth grade?
A. Canyon Springs.
Q. And that's a different school than ninth grade; is that correct?
A. Yes.
Q. Did you go to a different school because you moved?
A. Yes.
Q. Where did you move to?
A. To Ann and Fred's house.
Q. Where was Ann's and Fred's house?
A. 966 Blankenship.
Q. Who moved to 966 Blankenship at that point?
A. First it was my mom and then later on it was me.
Q. When did you go?
A. A couple of days like a week before my birthday.
Q. Okay. And your birthday is July 31st,

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right? You're nodding your head.
A. Sorry. Yes.
Q. So a little bit before your 16th birthday?
A. Yes.
Q. Did these things continue to happen while you were living at Blankenship?
A. No.
Q. Did they ever happen during the time that you lived at Blankenship?
A. After 2008.
Q. Okay. For how long a period of time did nothing happen?
A. All the way from 2008 to about May of 2009.
Q. Okay. So you turned 16 July of 2008 and then in August you started tenth grade, correct?
A. Yes.
Q. And then by May of 2009 was the end of tenth grade.
A. Yes.
Q. So for that time during tenth grade when you live at Blankenship it doesn't happen.
How did Fred treat you otherwise?

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A. Just different. It wasn't -- it was a very hard year. Like a lot of stuff happened. Someone's always getting beat.
Q. When you say someone's always getting beat, by who?
A. Fred.
Q. And who was someone?
A. Tahara, Taquanda, Shabazz, mom, me.
Q. Okay. So one of you guys, the Dukes?
A. Yes.
Q. Did you ever see him beat Miss Ann?
A. No.
Q. Did you ever see him beat Shakira?
A. No.
Q. Shakira, is that Miss Ann's daughter. Is that what you said earlier?
A. Yes.
Q. Was she living there sometimes at the Blankenship house?
A. Sometimes, not all the time.
Q. What happened in May of 2009 to change that? I'm sorry. You said that nothing had happened from when you moved into the Blankenship house until May of 2009. What happens in May of 2009?

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A. I was washing the dishes and he came and touched my behind.
Q. Is this in the Blankenship house?
A. Yes.
Q. Okay. Was anybody else around?
A. No.
Q. Did he say anything when he did that?
A. No.
Q. And then what happened?
A. He just looked, like he just looked at me.
Q. Okay. And then?
A. He just went to his room.
Q. And did anything else happen after that?
A. Like after that day?
Q. Yes.
A. No. Just after that day nothing happened but the following week.
Q. What happened the following week?
A. He was telling me to come to his room.
Q. Is this in the house on Blankenship?
A. Yes.
Q. And then what?
Did you go to his room?

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A. Yeah.
Q. Was anybody else home?
A. No.
Q. What time of day was it?
A. It was in the daytime.
Q. Okay. What happened?
A. He wanted me to have sex with him.
Q. How do you know that?
A. He told me.
Q. What did he tell you?
A. He told me that he missed me. He wanted me to be with him.
Q. Did you want to be with him?
A. No.
Q. What happened?
A. He took my pants off. He had sex.
Q. When you say he had sex, what did he do?
A. He put his vagina, I mean, what the heck.
Q. That's okay. Take your time.
A. He put his penis in my vagina. Do you want me to describe it?
Q. No, not yet. Did you say it was his room?

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A. It was him and Miss Ann's room.
Q. Okay. Was that all he -- sorry. That sounds like a mean question, but was that all he did that day?
A. Yes.
Q. He didn't put his penis anywhere else?
A. No.
Q. What happened after?
A. He would act different. Like he wouldn't beat anybody that much. He wouldn't be all that mean to anybody afterwards.
Q. Did it continue to happen again after that day?
A. Once in a while like.
Q. Not as often as before?
A. No.
Q. By the end of your tenth grade year, were you doing anything different?
A. By the end --
Q. I mean this was the end of your tenth grade, correct?
A. Yes.
Q. May, June 2009 -- '10 -- '09. Were you doing anything different like on a daily basis?
A. Besides -- I'm sorry. I don't

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understand your question.
Q. That's okay. There's nothing wrong with that. Is mom continuing to work?
A. Yes.
Q. Are you hanging out with the kids, your brother and sisters? Is anything different or is it pretty much the same?
A. It's a little different kind of the same, you know. They still don't trust me. I still can't do anything. I have to be careful what I say and do around my sisters and brothers.
Q. Okay. Did you then start 11th grade?
A. Yes.
Q. What school did you start 11th grade at?
A. Canyon Springs.
Q. And did you continue to live at the Blankenship house?
A. Yes.
Q. Now, in the 11th grade did it continue to happen what Fred would do to you?
A. Yes.
Q. While you lived at the Blankenship house did he ever use a toy?
A. No.

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Q. While you lived at the Blankenship house, did he ever cause you and your mom to be together?
A. No.
Q. While you lived at the Blankenship house, did he ever have sex or any kind of sexual act with you outside of the Blankenship house or would it only be at the house?
MS. ALLEN: Your Honor, I'd object as leading.
MS. LUZAICH: Well, I'm just trying to lay a foundation. You asked where it happened.
THE COURT: Overruled. Go ahead.
MS. LUZAICH:
Q. Do you understand my question?
A. I don't know if I should answer the question because she objected and she said overruled.
Q. Overruled means you can answer. Sorry about that.
A. Okay. Can you repeat the question.
Q. During the 11th grade when you lived at the Blankenship house you said a minute ago he continued to do or do sex acts. Were the sex acts only inside the Blankenship house that year or did

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it ever happen at another location?
A. It was only at the Blankenship house.
Q. Okay. Did there come a time that you moved out of the Blankenship house?
A. We moved out 2009 in August, I mean in 2010 in August.
Q. Okay. After your tenth grade year, 11th grade, after your 11th grade year was done?
A. Yes.
Q. And when you moved out in August of 2010, where did you go?
A. We moved to St. Andrews on Commerce and Craig.
Q. What kind of location was it?
A. It was an apartment.
Q. Okays. When you say we moved there, who is "we"?
A. My mom, my sister Mahlica, and me and my brother 'Bazz.
Q. Okay. So where did Taquanda and Tahara go?
A. They stayed at the 966 Blankenship house.
Q. Okay. With Ann and Fred?
A. Yes.

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Q. When you moved to the St. Andrews apartment, did you continue to go to school?
A. Yes.
Q. What school did you go to?
A. Canyon Springs.
Q. Okay. And the St. Andrews apartments, are they in North Las Vegas?
A. Yes.
Q. Did Fred continue to see you while you were living at the St. Andrews apartments?
A. Off and on.
THE COURT: Okay. I have to take a quick break for the meeting I have to go to so we'll be back in no more than a half hour.
MS. LUZAICH: We'll be nearby.
(Whereupon a recess was taken at 2:30 p.m. and the proceedings resumed at 3:15 p.m.)
MS. LUZAICH: Can I recall Mahlica and finish her.
THE COURT: All right. So the record will reflect we're back in session with the presence of the defendant and all counsel and we are resuming with the prior testimony of Mahlica

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Duke.
THE COURT: Proceed.
MS. LUZAICH: Thank you.

MAHLICA DUKE,
having previously affirmed to tell the truth under the pain and penalty of perjury, was examined and testified as follows:

DIRECT EXAMINATION (continuing).
Q. Are you okay, Mahlica?
A. Yes.
Q. Okay. The judge had asked you if you wanted to take a break and go to the bathroom and you did, right?
A. Yes.
Q. Did you have a hard time while you were in the bathroom?
What was wrong?
A. I was having difficulty breathing.
Q. Okay. Did medical come and try and help you?
A. Yes.
Q. Okay. Are you feeling a little better now?

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A. Yes.
Q. Okay. Are you ready to go forward?
A. Yes.
Q. If you need to take a break, you tell us. Okay?
A. Okay.
MS. LUZAICH: All right. Thank you, Mahlica. I'm going to pass the witness.
(Whereupon Ms. Luzaich concluded this portion of her examination at 3:15 p.m.)

CROSS-EXAMINATION
BY MS. ALLEN:
Q. Good afternoon, Mahlica. How are you?
A. I'm good.
Q. As Ms. Luzaich said, if you need a break or you don't understand my questions, whatever you need, just let me know. Okay?
A. Okay.
Q. My name is Betsy and I'm going to ask you some follow-up questions. Okay?
A. All right.
Q. You said you were 19 years old; is that right?

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A. Yes.
Q. And your birthday is in September.
A. Yes.
Q. You said I think that you attended West Prep for eighth grade; is that right?
A. Yes.
Q. And you went to Canyon Springs for ninth, tenth and 11th?
A. Yes.
Q. And then you started 12th grade at Basic?
A. Yes.
Q. But you said you only went a couple of days; is that right?
A. Yes.
Q. Why did you quit school?
A. Because of my anxiety disorder.
Q. Okay. So you were having anxiety back in 12th grade; is that right?
A. Yes.
Q. Okay. But you went for two days and then you decided not to go back?
A. Yes.
Q. Did you obtain like a GED or did you finish school online?

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A. I'm trying to finish school online right now.
Q. Okay. So you're in school now then?
A. Yes.
Q. Okay. When you were in -- well, let's go back.
You live -- you moved from Louisiana out here to Las Vegas; is that right?
A. Yes.
Q. And do you remember what year that was?
A. 2004.
Q. You believe it was around 2004. Okay. And when you guys moved out here, was it your whole family, your mom and all your siblings?
A. Yes.
Q. And who moved you out here, do you remember?
A. No, I don't.
Q. Do you remember if it was Fred's brother?
A. Yes.
Q. Do you remember that?
A. Yes.
Q. Okay. Your mom had come out to Vegas,

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isn't that right, and left you guys in Louisiana?
A. Yes.
Q. And did CPS at that point take custody of you guys in Louisiana?
A. No.
Q. Okay. Were you staying with someone you knew in Louisianna?
A. Yes.
Q. And how long was mom gone before Fred's brother moved you?
A. I'm not sure.
Q. Okay. You don't remember how long your mom was gone.
A. No.
Q. Were all of you in school in Louisiana?
A. Yes.
Q. And then you moved out here and where did you move when you came out to Las Vegas? Where is the first place you lived?
A. Like a friend of my mom's.
Q. With a friend of your mom's?
A. Yes.
Q. And what friend is that?
A. Ann Cook.

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Q. Okay. So you moved in with Miss Ann.
A. Yes.
Q. Okay. Was that at the Blankenship address?
A. No. This was a different house.
Q. It was a different house. Okay. So immediately when you came from Louisiana you immediately moved in with Miss ann; is that right?
A. Yes.
Q. Do you remember who lived with you when you first moved from Louisianna?
A. Just Ann and Shakira.
Q. Okay. Just Ann and Shakira and your family?
A. Yes.
Q. Which would be Victoria, you, Shabazz, Taquanda, and Tahara, and your mom; is that right?
A. Yes.
Q. And then at some point you met Fred; is that right?
A. Yes.
Q. Do you remember if you met Fred in Louisiana?
A. No.
Q. You never remember meeting him in

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Louisiana?
A. No.
Q. The first time you met Fred is in Las Vegas.
A. Yes.
Q. And do you remember the first time you met him was at Miss Ann's house?
A. Yes.
Q. Okay. Did he come over there to see Miss Ann?
A. Yes.
Q. All right. Do you remember how long you lived in that house with Miss Ann?
A. I don't know.
Q. You don't remember. Okay. And you don't remember the address, right?
A. No.
Q. Was it a house or was it an apartment?
A. It was a house.
Q. It was a house. Okay. And then at some point your mom decided to move to Utah; is that right?
A. Yes.
Q. And you all went with her to Utah; is that correct?

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A. Yes.
Q. And when I say you all, it's all of your siblings; is that right?
A. Yes.
Q. How long were you in Utah again?
A. Two years.
Q. Two years?
A. Yes.
Q. Okay. And at some point your mom came back to Las Vegas without you; is that right?
A. Yes.
Q. She left you in Utah with someone.
A. Yes.
Q. Okay. And she came to Las Vegas; is that right?
A. Yes.
Q. And did she come to see Fred?
A. Yes.
Q. Okay. Do you remember the occasion as to why she came to see Fred? Do you remember why, if you know?
A. No, I don't remember.
Q. Okay. And then at some point you were placed in CPS's care in Utah; is that right?
A. Yes.

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Q. Because mom had sort of left you guys alone?
A. Yes.
Q. Was Victoria looking after you guys?
A. Yes.
Q. In Utah?
A. Yes.
Q. Does Victoria sort of act like the mother to all of you?
A. Yes.
Q. Does she sometimes make decisions for the family?
A. Yes.
Q. And your mom let her do that?
A. Yeah, sometimes.
Q. Your mom let Victoria sort of run the household?
A. Yes.
Q. Okay. So when you come back to Las Vegas, you moved back in with Fred and Ann; is that right?
A. Yes.
Q. And mom and Victoria go to an apartment. They don't move in; is that correct?
A. Yes.

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Q. Were you having problems in school back then, Mahtica?
A. When?
Q. Right when you moved back in with Fred and Ann in 2007 and 2008. Were you having problems in school?
A. What do you mean?
Q. Were you having discipline problems? Were you getting in trouble at school?
A. No.
Q. Okay. At some point in time did you start getting in trouble at school?
A. No.
Q. No? Okay. You said that you -- that Fred treated you okay; is that right?
A. Sometimes, yes.
Q. Sometimes he yelled.
A. I said sometimes, yes.
Q. But sometimes he yelled at you; is that right?
A. Yes.
Q. Did he yell at you because of your grades?
A. Sometimes.
Q. Okay. Did you have problems with some

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of your grades in school?
A. Yes.
Q. Were grades really important to him?
A. Yes.
Q. Fred wanted you to do well in school; isn't that right?
A. Yes. I guess so.
Q. He wanted all of you to do well in school.
A. Yes.
Q. Do you recall instances where you got in trouble because of your grades?
A. Yes.
Q. You do? Okay. You said that he sometimes made you guys do push-ups; is that right?
A. Yes.
Q. And sit-ups?
A. Yes.
Q. Did he do this as a form of punishment?
A. Yes.
Q. Okay. And did he usually make you do the push-ups or the sit-ups prior to the point where he would hit you?
A. Yes.

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Q. Didn't he have sort of a three-step process to it? First you were grounded and then if something happened again, then he made you do push-ups. Do you remember that?
A. Yes.
Q. Okay. The first time he hit you with a belt you said he hit you on your butt; is that right?
A. Yes.
Q. Do you remember when that was specifically?
A. No.
Q. You don't remember the month or the year?
A. No.
Q. Okay. Do you remember the occasion for which he hit you, why he hit you?
A. No, I don't.
Q. You don't remember. Okay. You can't recall why you may or may not have been in trouble, right? You don't have any recollection.
A. I just don't remember really what it was about.
Q. Okay. And you don't recall even the year that it happened; is that right?

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A. Yes.
Q. Okay. Do you recall what you were wearing at the time?
A. No.
Q. Okay. Do you recall in what room it happened in?
A. No.
Q. Okay. Do you remember how many times he hit you with the belt?
A. It was around a couple of times. I don't remember.
Q. So two?
A. Yeah.
Q. Okay. And you said that it left some marks; is that right?
A. Yes.
Q. Okay. And did you -- the next day was there bruising or were there marks the next day?
A. There was bruising.
Q. Okay. And do you recall if this happened during the week or was it on a weekend?
A. During the week I think.
Q. Okay. And so you went to school the next day; is that right?
A. Yes.

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Q. Did you tell anybody about it at school?
A. No.
Q. The next time that it happened do you recall when it was, month or year?
A. No.
Q. Do you recall how many times he hit you?
A. I don't really remember how many times.
Q. Okay. Did it leave marks the second time?
A. Yes.
Q. Did it leave a bruise?
A. Yes.
Q. Did you tell anybody at school about it?
A. No.
Q. What about when -- what about you testified that Fred had put his hands around your neck. Do you recall that?
A. Yes.
Q. Okay. And you said that you were doing dishes; is that right?
A. Yes.

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Q. So you were in the kitchen.
A. Yes.
Q. Who else was in the kitchen with you?
A. There was nobody else.
Q. Who else was in the house?
A. My other siblings were in their rooms. They were getting ready for bed.
Q. Okay. When you say other siblings, do you mean all of them, Victoria, Shabazz, Taquanda and that?
A. Yes.
Q. Okay. Do you remember the month and year that this happened?
A. No, not really.
Q. Okay. Had you ever been choked before?
A. Yes.
Q. So someone else has choked you besides Fred?
A. Oh, no.
Q. Okay. So it was a little startling to have it happen. Am I correct?
A. Yes.
Q. You have no recollection of when it happened?

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A. No.
Q. Okay. Did it leave marks on your neck?
A. No.
Q. Okay. Did you tell anybody about it at school?
A. No.
Q. Did you tell your mom about it?
A. Yes.
Q. So you told your mom. Did you tell her that night or did you tell her a different day?
A. I told her a different day.
Q. All right. How long after this happened did you tell your mom?
A. Like it was probably like the next day.
Q. You told her the next day?
A. Yes.
Q. Was she living in the house?
A. Yes.
Q. Okay. At some point you moved out of the house; is that right?
A. Yes.
Q. Okay. And before you moved out of the house -- well, let me ask you this.

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When did you permanently move out of the Blankenship house?
A. It was sometime during the summer of 2010.
Q. The summer of 2010 is when you believe you permanently moved out. You never went back. Is that right?
A. Yes.
Q. So prior to moving out, how many times would you say that Fred had hit you?
A. He didn't hit me anymore after that.
Q. No. Prior to moving out. Before you moved out of the Blankenship house, how many times would you say that he hit you?
A. I don't really remember how many times.
Q. Okay. Well, was it more than two times, more than ten times?
A. Yes, somewhere around there.
Q. Around ten?
A. Yes.
Q. Okay. And was it always with a belt?
A. No, it wasn't always -- most of the time it was with a belt but sometimes he would hit me with his hand.

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Q. Okay. So he would hit you with his hand sometimes too?
A. Yes.
Q. Okay. And you can't remember any of the ten times this happened, you can't remember any reason why he would have hit you; is that right?
A. Yes.
Q. Okay. Did he generally just walk up and start hitting you?
A. No.
Q. You recall that you have given two statements in this case or you've talked to a couple people about it. Do you recall?
A. Yes.
Q. Okay. Do you recall giving one back in 2012 like October of 2012? Do you remember that?
A. Yes.
Q. Okay. And then do you recall giving one in December of 2011?
A. Yes.
Q. Okay. When you were talking to various individuals when you made these two statements, do you recall that they had a tape-recorder?

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A. Yes.
Q. Things were tape-recorded, correct?
A. Yes.
Q. And then have you had a chance to look at your voluntary statement since then?
A. No.
Q. So you haven't read anything before you came to court today?
A. No.
Q. Have you talked to your sister Vickie a lot about this case or about what's going on?
A. No.
Q. You didn't talk to your sister at all about any of this?
A. What do you mean?
Q. Well, about coming to court, what other kind of things that you're going to testify to.
A. Sometimes but --
Q. When is the last time you had a conversation with your sister about it, Vickie?
A. A week ago.
Q. A week ago you guys talked about coming in here?
A. Yeah.

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Q. Okay. Have you guys, have you personally talked to Taquanda or Tahara about coming in here and testifying?
A. No, not really.
Q. Not really. Okay. Do you remember in 2012 telling a detective that Fred had wanted to take pictures of you?
A. Yes.
Q. Okay. Something with Vickie, I guess you and Vickie in bikinis or something like that. Do you remember that?
A. Yes.
Q. And then you recall when you made the statement in 2011 you were specifically asked if Fred had ever been inappropriate towards you, you said no. Do you remember that?
A. Yes.
Q. You were out of the house in 2011, were you not?
A. Yes.
Q. You weren't living in Blankenship anymore; isn't that correct?
A. Yes.
Q. And you'd been out of the house for about a year?

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A. Yes.
Q. Okay. You said you have conversations with your sister a lot, Vickie; is that right?
A. Yes.
Q. You guys are close?
A. Yes.
Q. Do you recall describing Fred as nice in 2011?
A. I don't remember that.
Q. Would it refresh your recollection to look at the statement? Would it help if you looked at the transcribed statement that you made to the detective in 2011?
Let me ask you this. Can you read? Are you okay reading?
A. Yes.
MS. ALLEN: Okay. May I approach.
THE COURT: Yes. She's going to give you a typewritten statement that you already gave. It's a recorded statement and she's just asking you to look at it and ask you if it helps you remember. You can look at as much of it as you need.
MS. ALLEN:
Q. Did you read that?

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A. Uh-huh.
Q. Okay. Do you remember saying that to the detective who interviewed you in 2011?
A. Yeah, now I do.
Q. And again this is a year after you moved out; isn't that right?
A. Yes.
Q. You didn't have a lot of contact with Fred after you moved out, did you?
A. No.
Q. I'm sorry. Pardon me?
A. I said no.
Q. Have you ever been present when your sister Victoria called the police?
A. No.
MS. ALLEN: I pass the witness.
(Whereupon Ms. Allen concluded her examination at 3:36 p.m.)

REDIRECT EXAMINATION
BY MS. LUZAICH:
Q. When you talked to that detective in 2011, you told him that Fred hit you with a belt, didn't you?
A. Yes.

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Q. You told him that sometimes Fred was nice and sometimes he was mean, right?
A. Yes.
Q. I'm not sure if I understood your answer which is why I'm going to ask again. When Ms. Allen earlier was asking you about did Fred hit you because of bad grades, you said you didn't know or you didn't remember that. Do you have any idea why Fred would beat you with a belt? I mean would he say something to you before he beat you with a belt?
A. Yes.
Q. Do you remember what he would say or are you just not remembering?
A. I'm not remembering.
Q. Okay. Do you believe that you agreed with reasons at the time if he said, well, you shouldn't have done this, did you agree with him when he was beating you with a belt? If you don't understand my question, I'll ask it better.
A. I don't understand.
Q. Okay. Did he accuse you of doing things wrong potentially and then beat you with a belt?
A. Yes.

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Q. Okay. Did you always think that you actually did the things wrong that he said you did?
A. Sometimes.
Q. Okay. But not always?
A. Yes.
Q. Ms. Allen also asked you about whether it was a three-step process before he beat you with a belt and you hesitated a really really long time before you answered. Do you remember that?
A. Yes.
Q. Can you tell me why you hesitated. Were you trying to remember?
A. I was trying to remember.
Q. Are you doing the best you can here today trying to remember things?
A. Yes.
Q. Is some of this just hard to remember?
A. Yes.
MS. LUZAICH: Thank you, Mahlica. I have nothing further.
(Whereupon Ms. Luzaich concluded her examination at 3:38 p.m.)
THE COURT: Anything further?
MS. ALLEN: No.
THE COURT: Thank you, Mahlica.

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You're excused.
(Whereupon Mahlica Duke was excused from the witness stand at 3:38 p.m.)
THE COURT: Do you want to recall --
MS. LUZAICH: Victoria, sure.
THE COURT: How much longer do we have with Victoria?
MS. LUZAICH: A long time.
THE COURT: Do you want to stop for the day and start up --
MS. ALLEN: We have to reschedule.
MS. LUZAICH: Does the Court want to keep going? That's fine if the Court doesn't want to.
THE COURT: I can go as long as the court reporter is willing and able. So we can keep going for -- at 4:00 o'clock we go into overtime; is that right? We can go until 4:30.
MS. ALLEN: I rescheduled somebody to be in my office. If we can maybe be done at 4:15.
THE COURT: No, you're right. And then we'll need to figure out, have you guys talk about when you want to do the next session.
The staff agreed we could go to 4:15

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and then we need to figure out another session when we both would be available. I don't know.
(Off-the-record discussion among counsel, the clerk, and the Court.)
THE COURT: You're still under oath.

VICTORIA DUKE,
having previously affirmed to tell the truth under the pain and penalty of perjury, was examined and testified as follows:

DIRECT EXAMINATION (continuing)
MS. LUZAICH:
Q. Are you okay, Victoria?
A. Yes.
Q. Okay. I think when we stopped we had talked about moving to St. Andrews. Is that pretty much where we stopped or were we further?
A. I think we were at the St. Andrews.
Q. Okay. You and mom and Mahlica and Shabazz moved out of Blankenship into St. Andrews apartments; is that right?
A. Yes.
Q. And you went -- no. Didn't we get to

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Henderson?
THE COURT: Yes. Do you want the court reporter to --
MS. LUZAICH: That's okay.
THE COURT: I can give you my notes. You had gone to the Walnut apartment, you talked about the sex toys, and you were having sex at the Walnut apartment then you talked about the hotel room August 2007, then you were talking about 2008 the summer between ninth and tenth grade, then you moved onto -- you were talking about in May of 2009.
There was testimony about she was washing dishes, her behind was touched and the next week Fred told her to come to her room -- and this is just her testimony -- and then there was additional instances of sex that she testified to at Blankenship.
MS. LUZAICH: Okay. I know we got to St. Andrews. I thought we finished. I'm just going to go back to St. Andrews.
Q. So you moved out of the Blankenship house to St. Andrews. You said it was August of 2010, correct?
A. Yes.

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Q. You started Canyon Springs 11th grade?
A. Yes.
Q. So while you were living at St. Andrews, did you live there for all the 11th grade?
A. For all, we started there, yes.
Q. And during -- and you moved to Henderson before you started 12th grade. Was that what it was? I asked you that in the very beginning. That's when we talked about Henderson.
A. No. I started 12th grade at the Andrews.
Q. Oh, you did. Okay. Did you finish 12th grade in Henderson?
A. No.
THE COURT: Is the Andrews apartment in Henderson?
MS. LUZAICH: No. The Andrews apartment is in North Las Vegas.
Q. Right?
A. Yes.
Q. Did you go to Basic High School for 12th grade?
A. No.
Q. That's Mahlica. I'm sorry. Never

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mind. So while you were living at the St. Andrews apartment, 11th grade, did you also go to 12th grade at Canyon Springs?
A. Yes.
Q. When you finished 12th grade, were you still living at the St. Andrews apartment?
A. Yes.
Q. Okay. So during the time you were at the St. Andrews apartment, did Fred continue to come over there?
A. He couldn't because I always had people over there or I was always gone.
Q. Let me rephrase that. Did Fred ever come over to the St. Andrews apartment while you lived there?
A. Yes.
Q. Did Fred do things of a sexual nature to you while you were living at the St. Andrews apartment?
A. Yes.
Q. How often did that happen?
A. Once in a while, once, maybe like once or twice every other month.
Q. Okay. So even less than at the Blankenship house.

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A. Yes.
Q. And why is that?
A. You said the Blankenship house.
Q. I know I did.
A. The Blankenship?
Q. You said -- didn't you testify earlier while you were at the Blankenship house that it started happening less --
A. Yes.
Q. -- than when you were living at the Walnut place?
A. Right.
Q. When --
A. Yes.
Q. When you were at the St. Andrews apartment, did it happen even less than it did while you were at the Blankenship house?
A. Yes.
Q. What did you do differently while you were living at the St. Andrews apartment that enabled it to happen fewer times?
A. I was barely even home.
Q. What did you do that caused you to be barely home?
A. We lived right up the street from

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friends at the school so we always had people to hang out with.
Q. So you hung out with friends more?
A. Yes.
Q. Did you guys, your family, meet somebody that you became very close to, an older lady?
A. Miss Rose.
Q. And how did you meet Miss Rose?
A. Through my mom.
Q. But was she somebody that you met that had something to do with St. Andrews apartments or school or a grocery store?
A. She helped my mom bring in furniture so I helped with the furniture.
Q. Okay. And that's how you met?
A. Yeah.
Q. And did you become friendly with her as well?
A. Yes.
Q. Did you continue to be friendly with her even after moving out of the St. Andrews apartment?
A. A little less, but yeah.
Q. Okay. So while you lived in the

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St. Andrews apartments, were there occasions that Fred would come over and things like this happened?
A. Yes.
Q. When you were at the St. Andrews apartment and things like that happened, were there any toys involved?
A. No.
Q. Was there anything?
THE COURT: When you say things like this happened, are you talking about sexual?
MS. LUZAICH: Sexual, yeah.
Q. I'm narrowing it down to get more specific. While you were at the St. Andrews apartment, did anything happen that involved your mom and you?
A. He -- well, my mom was -- he wanted my mom to give him oral sex and he wanted me to join. I didn't want to do it. I tried to pull away from him. He wouldn't let my hand go. Like it took me like a good 60 seconds to try to get away from like maybe even a minute or two to get away from him because I had somewhere -- I had to go to the welfare office.
Q. Okay. Are we talking about one particular incident?

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A. Yes.
Q. This is happening while you were living at St. Andrews apartments?
A. Yes.
Q. Are Mahlica or Shabazz home at the time?
A. Mahlica was asleep in her room.
Q. How many bedrooms were in the St. Andrews apartment?
A. There's two.
Q. Who had bedrooms?
A. Me and my sister had a bedroom -- there's three. Me and my sister had a bedroom and 'Bazz had a bedroom and mom had her own room.
Q. Okay. So what you're talking about right now, where did that occur, where in the apartment?
A. In my mom's room.
Q. Okay. Fred came over that day?
A. Yeah. I was supposed to -- I was trying to get a ride to the welfare office because I was trying to move out of my mom's house and take care of things by myself and go to school, like further my education and stuff.
Q. Okay. So you wanted to go to the

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welfare office. Was mom home?
A. Mom was home.
Q. And Fred came over?
A. Yes.
Q. And what happens when Fred gets there?
A. He goes straight to mom's room.
Q. Okay. Was mom in her room when he went straight into her room?
A. Yes.
Q. Where were you when he got there and went into her room?
A. I was waiting to be taken to the welfare office.
Q. Was somebody coming to get you?
A. No. He was supposed to take me.
Q. Oh. Okay. Sorry. So he goes into mom's room and then what?
A. I'm waiting.
Q. Where are you waiting?
A. I'm waiting in the livingroom.
Q. Okay. And then what?
A. And then I'm waiting and I go and knock on the door to see what's going on because I had an appointment.
Q. What happened when -- oh, you had an

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appointment at the welfare office?
A. Yes.
Q. Okay. You knocked on the door and what happened?
A. They asked me to come inside and I was like, are we going to go to the appointment, and I'm standing there. Like I got an appointment in like 30 minutes or more or less, you know, and time is ticking away and stuff and I got to go to the appointment.
Q. Okay. Did you open the door?
A. Yeah. Well, they opened the door because the door was locked.
Q. When they opened the door, where were they?
A. They were standing by the bathroom.
Q. Both of them?
A. Well, my mom was on the floor.
Q. Was she dressed?
A. No.
Q. Okay. What about Fred?
A. He just had his penis out.
Q. Okay. And then what?
A. Well, they wanted me to join and I didn't want to join. I was dressed and I was

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trying to like distance myself from that kind of life. You know, I don't want to do it no more. I'm 18, 19, I don't want to do it no more. You know, I'm tired of living that type of life.
I never wanted to do it in the first place and the reason I kept doing it was because if I stopped, then he would go to one of my sister's which is the reason why we're here today.
Q. Okay. So he's trying to get you in the room. Did you tell him you don't want to go in?
A. Yes.
Q. What did he do when you said no you don't want to do this?
A. He told me that I belong to him and I can't say that I don't want to be there.
Q. Okay. Did he do anything?
A. No. He just wouldn't let my wrist go.
Q. Okay. So what did he do that caused him to have your wrist? I mean describe for me what he did.
A. I was walking like and I was just standing there then he grabbed my wrist and he was just like, you can't go nowhere and he was holding my wrist tight.

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Q. Okay. Did he try to get you to do something?
A. He tried to get me to suck his penis and I didn't do it. I had to snatch myself away from him like.
Q. And then what happened?
A. I just walked out the house and left and then that night I came back home and then my dog was gone.
Q. At the time you had a dog?
A. Yes.
Q. Where did you get the dog from?
A. It was a birthday gift from some friend from Cali.
Q. How long had you had it?
A. I had had it for three nights.
Q. And you left the apartment and went somewhere with somebody else?
A. I went to go get a ride from somebody else to see if they was going to give me a ride somebody that had the same appointment like at the same place.
Q. How long were you gone?
A. I was gone most of the day and I came back at night.

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Q. I'm sorry. To go back, when he came over and you were supposed to go to the welfare office, what time of day was your appointment?
A. My appointment was at 3:00.
Q. Okay. And when did you come back?
A. I came like to the house?
Q. Yeah.
A. I came right to the house like 12:00.
Q. 12:00 midnight?
A. Uh-huh.
Q. Is that a yes?
A. Yes.
Q. Who was there when you got there?
A. My sister. Everybody else was gone. My sister was there.
Q. Okay. And you said your dog was gone?
A. Yes.
Q. Did Fred ever say anything about that afterwards?
A. He don't -- he never said anything about it. What he did is like he, I know he did it. I know he took my dog because every time when I don't do something that -- every time I don't do something he wanted me to do he takes something away from me or he does something to one of my

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family members. That's how he knows he can get me.
Q. Did you ever confront him?
A. I called him and I left a message on his phone and I told him I know you took my dog.
Q. Did there come a time after that that he came over to the St. Andrews apartment and there were sexual acts that occurred?
A. No.
Q. So no more after that?
A. No.
Q. Did there come a time that you guys left the state Andrews apartment and moved someplace else?
A. Yes.
Q. Where did you move to?
A. We moved to the Henderson address.
Q. When was that?
A. That was October 2012, October the 26th. We moved there the 26th of October.
Q. 2012 or 2011?
A. 2012.
Q. Did there come a time that you told somebody what Fred had been doing?
A. Yes.
Q. Who was that?

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A. I told Miss Rose.
Q. Where were you living when you told Miss Rose?
A. I was living with my mom but I was staying over at Miss Rose's.
Q. Right. But where were you and mom living when you told Miss Rose?
A. In the Henderson apartment.
Q. Okay. Now, could you have told Miss Rose in December of 2011?
A. No.
Q. Are you sure?
A. Yeah.
Q. When -- well, how did it come about that you told Miss Rose?
A. Well, I was sitting there and I just -- like I just didn't feel good. Like I just felt like I was trapped and no matter what I would do I'd always have to go through like this and I had a friend, a guy friend and stuff and he was all like, he asked me, he's like, you know, he's like the first major friend, guy friend that I'm going out with.
Q. I'm going to stop you for one second. You had said a second ago that you were living with

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mom but you had been staying at Miss Rose's.
A. Yes.
Q. For how long were you staying at Ms. Rose's?
A. That first time?
Q. The time that you told Miss Rose what was going on.
A. I was supposed to be only being there for the weekend because I was helping her clean her place but after I told her she's lying, like I just don't feel safe. I was like I don't feel safe being back at my, you know, apartment and she was like, "Oh, you can stay with me."
Q. So you told Miss Rose what Fred was doing. I'm sorry. You said you were living at the apartment in Henderson at the time.
A. Yes.
Q. Did Fred ever come to the Henderson apartment?
A. Yes.
Q. Did that happen one time or more than one time?
A. More than one time.
Q. The sexual act occurred at the Henderson apartment?

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A. Yes.
Q. At the Henderson apartment were there any sexual acts that involved toys with Fred?
A. No.
Q. Were there any sexual acts with Fred that involved your mom at the Henderson apartment?
A. No.
Q. At the Henderson apartment what did he do sexually?
A. It was just sex.
Q. Okay. But sex means he put what --
A. He put his penis inside my vagina.
Q. Did that happen one time or more than one time?
A. More than one time.
Q. Where in the Henderson apartment was it, like what room in the Henderson apartment?
A. In my room.
Q. Only in your room?
A. Yes.
Q. After you told Miss Rose, did it ever happen again?
A. No.
Q. Did he ever touch you again?
A. No.

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Q. Did he ever hurt you again?
A. No.
Q. Did you ever see him again after you told Miss Rose?
A. No.
Q. When you told Miss Rose, did she contact anyone and tell them?
A. Yes.
Q. Who did she contact?
A. She told -- first she told the police, then she told her friend.
Q. Okay. But when you say the police, was it the Henderson Police Department?
A. Yes, it was the Henderson police.
Q. When you talked to the Henderson police detective, were you pregnant?
A. No.
Q. Where were you -- well, where were you when you told Miss Rose? I mean were you at her house?
A. Yes.
Q. And she you said contacted the police. How did that happen?
Did she call them?
Did she take you somewhere?

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A. She took me to the police.
Q. Like to a police station?
A. Yes.
Q. And did you talk to a detective at that time or on another date?
A. At that time.
Q. Was there like an interview room that you sat down and talked to a detective?
A. Yes.
Q. Do you remember who it was?
A. No.
Q. Does the name Aguilar mean anything?
A. A little bit.
Q. Do you know did the police talk to other people in your family as well?
A. Yes.
Q. How is it that you're sure that it was 2012 that that happened?
A. The sexual acts?
Q. No. The talking to the Henderson police.
A. 'Cause it was like I told her like in December or November.
Q. So this is May of 2013, correct?
A. Yes.

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Q. Did you talk to -- several months later did the Las Vegas police come talk to you?
A. No, I don't remember.
Q. You don't remember talking to detectives from the Metropolitan Police Department?
A. No.
Q. Detective Madsen. Did you give two different statements to police?
A. Two different?
Q. Yes. One in December and then one after. Well, did there come a time that you found out that something happened with your sisters?
A. Yes.
Q. Or one of your sisters.
A. Yes.
Q. Was that months after you told the Henderson police?
A. Yes.
Q. And then did you give the police a second statement after you found out what happened to one of your sisters?
A. Yes.
Q. What sister did you find out something had happened to?
A. Tahara.

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Q. And it pertained to Fred?
A. Yes.
Q. And you talked to another police officer, correct?
A. Yes.
Q. Did you give that police officer a statement in September of 2012?
A. Yes.
Q. Okay. You were pregnant at that time?
A. Yes.
Q. So if you gave the second police officer the statement in September of 2012, could you have given the Henderson detective the statement in December of 2011?
A. Yes, yes, yes.
Q. Does that sound more like it?
A. Yes.
MS. LUZAICH: Okay. I pass the witness. Thank you, Victoria.
(Whereupon Ms. Luzaich concluded her examination at 4:04 p.m.).
THE COURT: Do you want to start today?
MS. ALLEN: I prefer not to actually. I prefer to do it all at one time. I hate to start and stop.
THE COURT: You're going to be back here May 24th, 9:00 o'clock. We'll start as soon as we're done with the first calendar. Maybe 10:00 -- 9:30. So and then you'll start with Victoria and then you'll be calling --
MS. LUZAICH: Tina.
THE COURT: Tina. Okay.
MS. LUZAICH: And that will be it.
THE COURT: So you'll be back May 24th, 9:30. You'll be in the courtroom. The D.A. will be in touch with you. All right. So we'll see you back then, and then Mr. Sanft had an opportunity to speak with Ms. Duke, correct?
MS. LUZAICH: Yes.
THE COURT: And I guess he needs to be here.
MS. LUZAICH: We'll inform him of that date.

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AFFIRMATION

Pursuant to NRS 239B.030:

The undersigned does hereby affirm that the preceding preliminary hearing justice court case No. 13F02924X does not contain the social security number of any person.

Dated this 10th day of May, 2013.

/s/ Cheryl Gardner, CCR 230, RPR, RMR

REPORTER'S CERTIFICATE

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

I, Cheryl Gardner, RMR-RPR, CCR 230, do hereby certify that I took down in Stenotype all of the proceedings had in the before-entitled matter at the time and place indicated and that thereafter said shorthand notes were transcribed into typewriting by me and that the foregoing transcript constitutes a full, true, and accurate record of the proceedings had.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my signature in the County of Clark, State of Nevada, this 10th day of May, 2013.

/s/ Cheryl Gardner
CHERYL GARDNER, RMR-RPR, CCR 230

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IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

FREDERICK HARRIS, Appellant, vs. THE STATE OF NEVADA, Respondent.	S.C. CASE NO. 69093

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APPEAL FROM JUDGMENT OF CONVICTION
(JURY TRIAL)
EIGHTH JUDICIAL DISTRICT COURT
THE HONORABLE JUDGE MICHELLE LEAVITT , PRESIDING

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APPELLANT'S APPENDIX TO THE OPENING BRIEF
VOLUME I

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court 17th day of June, 2016. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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