Q. But you do remember talking to them; is that correct?

A. Yeah, I remember talking to them.

THE COURT: Are you saying him? Was it one detective or two detectives?

THE WITNESS: I remember --

THE COURT: So we've been going for an hour and a half. I think it's time for a break. I'm going to take a five-minute break. You can get up, walk around, use the rest room. Be back in five minutes. All right. Do you want to go out that way or she can use the rest room over here.

(Whereupon a recess was taken at 1:26 p.m. and the proceedings resumed at 1:32 p.m.)

THE COURT: Okay. So the record will reflect that we took a few minute break and while we were in the hallway, the witness asked me how much longer she thought she'd be asked questions.

MS. ALLEN: For the record I don't think it's very much. I apologize. I lost my

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train of thought.

THE COURT: You were asking about punishment.

MS. ALLEN: That's correct.

Q. Remember I'd asked you some questions about talking to the detective.

A. Yes.

Q. You indicated I just want to make sure you remember they talked to you at the Blankenship house; is that right? Yes? But please speak into the microphone because we need to be able to hear you. I'm almost done. Okay.

Do you remember when the police came to the house on Blankenship to talk to you?

A. Yes.

Q. Okay. Did they talk to all of you?

MS. LUZAICH: Well, objection, vague as to all of you.

MS. ALLEN:

Q. Do you remember who they talked to?

A. I know they talked to Taquanda.

Q. They talked to Taquanda?

A. Uh-huh.

Q. Is that a yes?

A. Yes.

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Q. And they talked to you; is that right?
A. Yes.
Q. Do you remember if they talked to Ann?
A. I don't know. I don't remember if they talked to her.
Q. Okay. Were there any other of your sisters that were living in the house at the time?
A. No.
Q. At the time that you spoke with that detective in 2011, you didn't tell him about anything that had happened with Fred; is that right?
A. That's right.
Q. You didn't say anything about being hit with a belt; is that right?
A. No.
Q. You didn't say anything about Fred touching your vagina; is that right?
A. No, I didn't say anything.
Q. And they asked you a lot of questions about that, didn't they?
A. I guess, yes.
Q. You don't remember.

A. I don't remember.

Q. Okay. Do you know Shakira?

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A. Uh-huh. I know her.

Q. And do you know who she is?

A. Yes.

Q. Pardon?

A. Yes.

Q. Okay. Who is she?

A. She's Miss Ann's daughter.

Q. Ms. Ann's daughter. Did she live at the house?

A. Yes.

Q. Do you want to eat the candy?

A. No, no, I'm cool.

THE COURT: Do you need a -- go ahead.

MS. ALLEN:

Q. Who is Shakira?

A. Shakira is Ms. Anne's daughter.

Q. Do you know how old she is?

A. Right now she's either 19 or -- right now she would either be 19 or 20 right now.

Q. All right. And did she live there when you did?

A. Like she -- like she would live there and she would move out then she would come back again.

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Q. So she was in and out of the house?

A. Not like in and out. She would stay there for a long period of time and then move out then come back.

Q. What I mean she didn't live there the whole time you did. You said she'd move in and out. Is that right?

A. Yes.

Q. Did you ever see Fred beat or hit or whip Shakira?

A. No.

Q. Okay. Do you know Fred's daughter,

Shaday (phonetic)?

A. I heard of her.

Q. Did he ever beat Shaday?

A. No. I don't remember that, no.

Q. What about a son by the name of Moses. You never met Moses.

A. I met him.

Q. You did. Yes. And did you ever see Fred whip Moses?

A. No.

Q. Did you ever have any problems with Shakira?

A. No.

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Q. Did you ever did take anything from her?

A. No.

Q. Are you currently on any medication?

A. No.

Q. You're not taking any medications at all?

A. No.
Q. Did you have -- at any point in time from 2007 to when you moved out in 2012, were there any other kids living there besides your family?
THE COURT: Other than Shakira?
MS. ALLEN: Other than Shakira.
Q. Were there any cousins living there or any other children of Miss Ann's, anybody else?
A. When we first moved in there was like, it was like some kids staying there.
Q. Okay. Do you know what kids they were?
A. No.
Q. Do you know who they belonged to or how they were related to anybody?
A. They was related to Fred.
Q. They were related to Fred. Okay. Do you remember their name?

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A. No.

Q. Do you remember how old they were?
A. They was little.
Q. When you say little, do you mean like five, six years old?
A. Like somewhere around that age.
Q. Little little kids?
A. It wasn't little little but like yeah.
Q. Okay. And do you remember how many there were?
A. No.
Q. Okay. And do you remember if they were boys or girls?
A. Well, I know there was boys.
Q. When you say boys, meaning more than one boy?
A. I don't -- I can't remember.
Q. You can't remember. Okay.
MS. ALLEN: I think I pass the witness.
THE COURT: Take a moment.
MS. ALLEN: Okay. I think I pass the witness.
(Whereupon Ms. Allen concluded this portion of her examination

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at 1:40 p.m.)

THE COURT: Any further questions?

MS. LUZAICH: Yeah, thank you, sorry, Tahara, it doesn't mean you're quite done yet. Okay.

REDIRECT EXAMINATION

BY MS. LUZAICH:

Q. Now, the last bunch of questions that Ms. Allen asked you about was when the Henderson detective came and talked to you in 2011 at the Blankenship house just so that we're talking about the same thing. You remember that, those questions and stuff. Now, when he came and talked to you, was it like 3:30 in the morning?

A. I know it was early.

Q. Like in the middle of the night?

A. Well, yeah.

Q. And were Fred and Ann in the next room when they came or at least in the house when they came and talked to you?

A. Uh-huh.

Q. Is that a yes?

A. Yes.

Q. Why did you not tell the Henderson detective what Fred had been doing?

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A. I don't know, I was scared to talk about it.

Q. What were you scared of?

A. I don't remember if I was just scared.

Q. Were you ready to talk about it yet to anybody?

Is that a no? You're shaking your head back and forth.

A. No.

Q. Had you told Taquanda? Yes?

A. No.

Q. Taquanda hadn't seen what happened in the laundry room yet, had she?

A. No.

Q. Had you told anybody by then?

A. No.

Q. As -- Ms. Allen also asked you about, you know, where you got your clothes and stuff for school. She asked you did Fred and Ann buy you your clothes and you kind of hesitated when you answered that. You don't personally know who paid for all that stuff, do you?

A. Fred and Ann I guess.
Q. You guess but you don't know. They physically drove you somewhere so that you got

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clothes?
A. Uh-huh.
Q. Is that a yes?
A. Yes.
Q. She also asked you about whether or not Shabazz had a temper. Did Fred have a temper?
A. That's like I don't know like yes and then like I don't know. Like I don't know. Like yes.
Q. Why are you kind of wishy-washy about that?
A. Because like there would be good days and there would be bad days like.
Q. Tell me what a good day would be like.
A. Like we would probably go out to eat

or we would go to the movies or we would go to the park.

Q. Okay. Would a good day remain a good day?

A. Not always. There would always be something that happened to mess it up or something like that.

Q. Okay. Were there more good days or more bad days?

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A. Even out.

Q. When we talk about the things that happened that Fred did, you talked about things that happened in Fred and Ann's room. Did it happen more than one time in Fred and Ann's room?

A. Uh-huh.

Q. Is that a yes?

A. Yes.

Q. In Fred and Ann's room is there a bathroom?

A. Yes, they had a bathroom.

Q. Okay. Did it happen in there as well?

You're nodding your head.

A. Yes.

Q. Did it happen more than one time in your old room?

A. Yes.

Q. Did it happen more than one time in the laundry room?

A. I can't remember.

Q. Okay.

THE COURT: What are we talking about happening specifically? I'm not sure what you're asking.

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MS. LUZAICH: Well, the sexual touching.

THE COURT: Right. But you're -- digital, penis, touching the breasts so I mean I don't know --

MS. LUZAICH: Right.

THE COURT: -- what you're asking.

MS. LUZAICH: Ms. Allen was asking her about a specific incident in Fred and Ann's room. My point is just that it happened more than one time, not just one time.

THE COURT: Okay. All right. I just want to know if you're going to be alleging new counts or not.

MS. LUZAICH: Your Honor, I expect I will after we see the transcript but I also recognize that there are some counts that I haven't met so . . . .

THE COURT: So when I was asking for clarification so if you're alleging new counts, you're going to clarify which count we're talking about.

MR. LUZAICH: Thank you.

Q. Is it difficult for you to talk about the sexual touching?

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You're nodding your head again.

A. Yes.

Q. Why?

A. That's an uncomfortable subject for me.

Q. Okay. Have you told me in the past that you've done everything you can to forget it?

A. Yes.

MS. ALLEN: Your Honor, I'd object.

THE COURT: Sustained.

MS. LUZAICH:

Q. Do you want to remember these things?

A. No.

MS. LUZAICH: I pass the witness.

(Whereupon Ms. Luzaich concluded her examination at 1:45 p.m.).

MS. ALLEN: Just briefly.

RECROSS-EXAMINATION

BY MS. ALLEN:

Q. You said that you were -- when you talked to the Henderson police officer, that you were scared; is that right?

A. Yes.

Q. Were you scared because he's a police officer?

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A. No.
Q. Okay. Do you trust police officers generally?
Are police officers there to help you?
A. Yes.
Q. And you knew he was a police officer; isn't that right?
A. Yes.
Q. He showed you a badge?
A. Yes.
Q. Did he explain to you what he was there for?
A. I don't know. Yes.
Q. That was in 2011; is that right?
A. Yes.
Q. Were you still talking to your mom back then?
A. Yes. What do you mean by that?
Q. Well, did you talk to your mom on the phone?
A. Sometimes.
Q. Did you see her?
A. Sometimes.
Q. Did you stay with her?
A. Sometimes.

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Q. Okay. So Miss Ann or Fred would take you and your sister Taquanda over to stay with your mom and Vickie maybe for a weekend?

A. Yes.

Q. Okay. You were in touch -- what I'm saying is you were in touch with your mom during this time, is that right, in 2011?

A. Yes.

Q. What about in 2010, did you have contact with your mom in 2010?

A. Yes.

Q. The same thing, would you go there on the weekend?

A. Yes.

Q. And how about in 2012?

A. Uh-huh.

Q. Yes?

A. Yes.

Q. Okay. Ms. Luzaich, Lisa asked you about what happened in Fred and Ann's room, the

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sexual touching in Fred and Ann's room, and she specifically said something about the bathroom. Do you remember that question a few minutes ago?

A. Huh-uh.

Q. No. Okay. Lisa asked a few minutes

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ago about sexual touching that had happened in Fred and Ann's room. Do you remember that just a couple minutes ago?

A. Yes.

Q. And she specifically said it happened in the bathroom.

A. Yes.

Q. Do you remember me asking you questions about something that happened in the bathroom?

A. Yes.

Q. Okay. And do you remember talking to a woman in September of 2012 about the incident that happened in the bathroom?

THE COURT: Okay. Hold on a second.

In the shower, is this in the bathroom or not?

MS. ALLEN: She had gotten out of the shower.

THE COURT: Was the bathroom Fred and Ann's bathroom or was it a different bathroom in the house?

THE WITNESS: It was Fred and Ann's bathroom.

MS. ALLEN:

Q. Do you remember telling the woman in

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2012 about an incident that happened after you got out of the shower?

A. Yes.

Q. And can you describe that incident for me now.

You're shaking your head no. Is that a no?

A. Yeah, that's a no.

Q. Why can't you describe it for me now?

Pardon?

A. I don't know. I don't want to.

Q. You don't want to.

A. No. You all should know what happened. We've been talking about it the whole time.

MS. ALLEN: Okay.

THE COURT: Let me explain how this process works. All right? So the fact that you've spoken to other people, you haven't told me and I'm the one that needs to hear. Okay?

THE WITNESS: Okay.

THE COURT: So they're not trying to be mean to you. We're not trying to, you know, annoy you or upset you or make you talk about things you don't want to talk about, but I have to

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hear so I've never heard any of this before so when they're asking you all these questions, they're doing it for my benefit so I hear what you've told them and what you told other people. So I

apologize for being mean but you have to tell me. So you said something happened after you got out of the shower when you were in Fred and Ann's bathroom.

THE WITNESS: Yes.

THE COURT: So tell me what happened.

THE WITNESS: Well, I had got out of the bathroom and I guess the light went off and I guess I got raped.

MS. ALLEN: Okay. I'm sorry, Your Honor. May I proceed? Okay.

Q. So you got out of the shower and you said the light went off?

A. Uh-huh.

Q. Yes?

A. Yes.

Q. Did you shut the light off?

A. No.

Q. Did you see who shut the light off?

A. No.

Q. All right. They just went off.

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A. Yes.
Q. Were you still in the shower when the light went off?
A. No. I just got out.
Q. Is the light switch in the bathroom or is it outside the bathroom?
A. Like this went in the bathroom and there's one outside the bathroom.
Q. Okay. So you can shut the light off and on both in and out of the bathroom?
A. Yes.
Q. Okay. And then you said you got raped; is that right?
A. Yes.
Q. Can you describe for me how it happened.
THE COURT: Okay. So you got out of the shower. Did you have a towel on you or not? Do you remember?
THE WITNESS: I don't remember.
THE COURT: You remember you were taking a shower and then you got out of the shower and then the light went off in the bathroom, right?
THE WITNESS: Uh-huh.

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THE COURT: Okay. And then what happened?

THE WITNESS: That's all I remember.

THE COURT: Did somebody come into the bathroom?

THE WITNESS: Uh-huh.

THE COURT: Yes.

THE WITNESS: Yes.

MS. ALLEN: I'm assuming those were all yeses for the last four or five questions.

THE COURT: And you don't know who it was who came in the bathroom.

THE WITNESS: I know who it was.

THE COURT: So who came into the bathroom when the lights were off?

THE WITNESS: Fred.

THE COURT: And how do you know it was Fred?

THE WITNESS: 'Cause he was the only one into the room when I was taking a shower.

THE COURT: Was he in the bathroom when you were taking a shower?

THE WITNESS: No.

THE COURT: Where was he?

THE WITNESS: He was in the bedroom.

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THE COURT: Fred and Ann's bedroom?
THE WITNESS: Yes.
THE COURT: Not connected to that bathroom.
THE WITNESS: Yes.
THE COURT: Is the bathroom connected to Fred and Ann's bathroom?
THE WITNESS: Yes.
THE COURT: Was there anybody else home at the time?
THE WITNESS: There was only my sister home.
THE COURT: Okay. So just you, Fred and Taquanda.
THE WITNESS: Yes.
THE COURT: Okay. Go ahead.
MS. ALLEN: Thank you.
Q. Okay. So you said Fred came into the bathroom; is that correct?

A. Uh-huh.
Q. Did you see his face?
A. No.
Q. You didn't see his face. Okay. But you said that -- I know this is difficult, but I need you to describe it to me. You said you were

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raped. So what happened?
Were you on the ground, were you standing up, what happened?
A. When I was standing up.
Q. Okay. You were standing up and were you facing him?
A. No.
Q. Okay. What were you facing?
A. The wall.
Q. Okay. And you said that -- what part of his body touched your body?
A. His private part.
Q. His penis?

A. Uh-huh.
Q. His penis touch what on you?
A. My private part.
Q. Your vagina?
A. Uh-huh.
Q. Yes. Okay. Was that the first time that ever happened?
A. No.
Q. In the bathroom that's not the first time that ever happened?
A. It happened multiple times.
Q. Okay. So but what I'm asking is when

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you said today about what happened in the bathroom, that was not the first time it happened to you; is that right?
A. Right.
Q. Okay. It had happened prior to that?
A. Yes.
Q. Okay. You said you described good days with Fred and Ann and you said that it

involved movies and going out to eat; is that right?

A. Uh-huh.

Q. Yes. Is that a yes?

A. Yes.

Q. And did you -- would he take all of you? You, your sister Taquanda, Ann, Shakira, would you guys all go out when he did this?

A. Yes.

Q. Okay. Anybody else go with you guys?

A. It was, sometimes we would take Ms. Ann's nice, Nana, we would take her.

Q. Nana?

A. Uh-huh.

Q. Is that her real name or that is her nickname?

A. That's her nickname.

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Q. Do you know her real name?

A. Uh-huh.

Q. What is it?

A. Anyia Thomas.

MS. ALLEN: Anyia Thomas. All right. I think that's it. I pass the witness, Your Honor.

(Whereupon Ms. Allen concluded her examination at 1:55 p.m.)

THE COURT: Anything further?

MS. LUZAICH: No.

THE COURT: Thank you. You're excused. You did well. You can step down and go with Felizia.

(Whereupon Tahara Duke was excused from the witness stand at 1:55 p.m.)

THE COURT: Okay. So we have another minor child that we're going to do today, right? And then is the next one going to take an hour and a half?

MS. LUZAICH: Oh, no, no, no.

THE COURT: What time do you have to leave?

THE MARSHAL: 3:00.

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THE COURT: You have to leave at 3:00 or you have to leave before 3:00?

THE MARSHAL: 3:00.

THE COURT: 3:00 o'clock you're walking out the door. Do you have someone who can cover for you?

THE MARSHAL: Yes, I have someone.

THE COURT: The next witness.

MS. LUZAICH: Taquanda.

THE COURT: Taquanda is how old?

MS. LUZAICH: Younger than Tahara.

12.

TAQUANDA DUKE,

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

THE COURT: So she is asking you when you're sitting here today and they're asking you questions, you're going to tell the truth, right?

THE WITNESS: Yes.

THE COURT: And you understand the difference between the truth and a lie, right?

THE WITNESS: Yes.

THE COURT: So if I said I'm wearing red today, would I be telling the truth or lying?

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THE WITNESS: Lie.
THE COURT: I'd be lying?
THE WITNESS: Yes.
THE COURT: Okay. Have a seat.
Could you spell your name for the record. So this lady right here in front of you, she's taking down everything that we're saying so it's really important that only one person speaks so if an attorney is asking you a question, don't answer until everybody starts, stops talking and then when you're asked a question, I need you to say yes or no or whatever your answer is, but you can't just shake your head or nod our head or if you say uh-huh, then we're going to prod you to say yes or no so just before that happens if you know we're not trying to be rude or we're not trying to get you to say something, we just need you to say it out loud so this lady in front of you can take down what you're saying.
Do you understand that?
THE WITNESS: Yes.
THE COURT: Excellent. Thank you. So will you spell your name for me, please.

THE WITNESS: T-A-Q-U-A-N-D-A

D-U-K-E.

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THE COURT: Thank you. Go ahead.

MS. LUZAICH: Thank you.

DIRECT EXAMINATION

BY MS. LUZAICH:

Q. Hi, Taquanda. How are you doing?

A. Good.

Q. Are you a little nervous?

A. Yes.

Q. That's okay. Please remember you seem to be doing a good job talking out loud but we always have to talk out loud so everybody can hear. Okay?

A. Okay.

Q. And we always have to answer in words, not uh-huh or huh-uh. Our nice court reporter has a yes button and a no button but no uh-huh button.

A. Okay.

Q. Taquanda, how old are you?
A. I'm 12. My birthday is October 3rd.
Q. What year were you born?
A. I was born 2000.
Q. Do you go to school?
A. Yes.
Q. What school do you go to?
A. I go to Sedway.

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Q. Is that a middle school?
A. Yes.
Q. What grade are you in at Sedway?
A. Sixth.
Q. Do you like sixth grade?
A. Yes.
Q. What do you like about it?
A. I like that you're independent and you're on your own.
Q. Do you have a favorite class?
A. No.
Q. Do you have a favorite teacher?

A. No.
Q. You like all your classes?
A. Yes.
Q. Good. Do you go to -- well, do you have a sister named Tahara?
A. Yes.
Q. And did she just walk out of here?
A. Yes.
Q. Do you and Tahara go to the same school?
A. Yes.
Q. Do you have sisters besides Tahara?
A. Yes.

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Q. Who are your other sisters?
A. Mahlica and Victoria.
Q. How do you spell Mahlica?
A. M-A-H-L-I-C-A.
Q. Do you have any brothers?
A. Yes.

Q. What's your brother's name?
A. Shabazz.
Q. Can you spell Shabazz?
A. S-H-A-B-A-Z-Z.
Q. Can you tell me who is the oldest down to the youngest of all of you?
A. Okay. First my older sister Victoria, then it goes Mahlica, then it goes Shabazz, then Tahara, then me.
Q. Okay.
A. And then my other brother, yeah. He got adopted.
Q. Okay. So he doesn't live with you?
A. No.
Q. Do you live with your mom and your sisters and brother other than Tahara?
A. No.
Q. Where do you live?
A. I live with my foster mom.

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Q. Okay. When did you start living with

a foster mom?

A. October like the 1st.

Q. Would that be 2012?

A. Yes.

Q. So just a couple months ago?

A. Yes.

Q. Where did you live before you went to live with the foster mom?

A. I was living with my guardian.

Q. Who is your guardian?

A. Lealer Ann Cook.

Q. Do you also refer to her as Miss Ann?

A. Yes.

Q. When you lived with Miss Ann, where did you live?

A. At 966 Blankenship.

Q. Is that here in Las Vegas, Clark County?

A. Yes.

Q. Did anybody else that you see in the courtroom today live in the house on Blankenship with you?

A. Yes.

Q. Who is that?

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A. Fredrick.
Q. Can you just kind of point to where he's sitting?
THE COURT: The record will reflect the witness has identified the defendant.
MS. LUZAICH: Thank you.
Q. Do you know when you started living with Miss Ann and Fred?
A. In '07, 2007.
Q. I'm sorry.
A. 2007.
Q. When you came to live with them in 2007, was it just before school started that year?
A. No.
Q. Was it a little bit before school started?
A. I can't really remember. I just know I was going to school. I wasn't in school.
Q. Okay. When you started school, what grade did you go into when you first started living with them?
A. First.
Q. Okay. So when you came -- where did you come from before you were at Blankenship house in 2007?

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A. I came from Utah.
Q. Okay. Who lived in Utah?
A. Me, my sister -- all my sisters and my brother and my mom.
Q. Okay. When you came down back to Las Vegas and moved into the house on Blankenship, who moved into the house on Blankenship?
A. Okay. First it was me, Mahlica and Shabazz and Tahara, and my mom and Vickie lived on Walnut.
Q. Okay. So when you came back to Utah the four of you live in the house on Blankenship, mom and Vickie went somewhere else.
A. Yes.
Q. When you got to the house on Blankenship, did anybody live there with Fred and Miss Ann?
A. Yeah. I guess some other children lived there but I don't know who.
Q. Okay. As time went by and you continue to live there, did anybody that was not in

your family also live with you?

A. Yes.

Q. Who was that?

A. Shakira lived there, Marcus and

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Lonnie.

Q. Who?

A. Lonnie.

Q. Who is that?

A. I guess Ms. Ann's cousin.

Q. Did he live there the whole time?

A. Not the whole time.

Q. How much of it?

A. Like a year or so.

Q. Okay. Shakira, who is that?

A. Miss Ann's God daughter.

Q. Did she always live there?

A. No.

Q. Did she kind of come and go?

A. Yes.

Q. And you mentioned Marcus. Was that

the first name you said? Who is Marcus?

A. Miss Ann's son.

Q. Okay. Did he always live there?

A. No.

Q. How long did he live there?

A. Like for a year.

Q. Okay. After -- when you started the first grade and it was you and Shabazz, Mahlica and Tahara did there come a time that mom and Victoria,

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Vickie came?

A. Yes.

Q. When was that about?

A. I really don't remember but I guess it was like a year after we came.

Q. Okay. And then did they live there for a while?

A. Yes.

Q. And when I say a while, how much is a while, weeks, months, years?

A. Probably a year.
Q. Did there come a time that some people moved out of the house?
A. Yes.
Q. Of your family I should say.
A. Yes.
Q. Okay. Who moved out?
A. My mom, Vickie, Mahlica, and Shabazz.
Q. Do you remember when it was they moved out or what grade you were in when they moved out?
A. I was in, it was the summer of fourth grade.
Q. The summer you finished fourth grade or the summer you were getting ready to start fourth grade if you remember?

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A. I don't remember, but I remember in fourth grade I would go to visit them so it was probably like the beginning.
Q. Okay. When you would visit them when you were in fourth grade, where would you go to

visit them?
A. I would go to the Alexander apartment.
Q. Is that also St. Andrews?
A. Yeah, yes.
Q. Okay. So St. Andrews on Alexander?
A. Yes.
Q. Did they then move to another apartment?
A. Yes.
Q. Where is that?
A. They moved to Lakewood in Henderson.
Q. Okay. Now, when you guys moved into the house in 2007, how did -- how did Fred act?
A. He was -- when I first moved in, I really wasn't around him 'cause I was little.
Q. Did you see things going on around you?
A. Yes.
Q. What did you see going on around you?
A. I saw -- well, this is as I grew older

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I saw him being very abusive towards animals and my family, my sisters and brother.

Q. Okay. What did you see him do towards your family, your sisters and brother?

A. Starting with who?

Q. Your choice.

A. Well, I'm going to start with me so I guess there's this day I don't know what year it was but everyone was getting if trouble that day and so -- no. I can't start with me.

I'm going to start with Shabazz. So we was cleaning and stuff and Shabazz I guess he got in trouble 'cause he got RPC'd or something for something with a girl based on what a girl -- I can't remember what it was, but it was funny though.

I can't remember what it was but and so like when you walk in the kitchen there was, when you walk in the kitchen there's a counter, there's the kitchen and then there's a counter and then there's a slide door and Fred and Shabazz was over there talking and I heard them talking, but I didn't go in the kitchen.

I went back because when I was going in I was going to get a trash bag but I stood back

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and Shabazz and Fred was in that corner where the slide door was and the counter door was and Fred was asking questions and stuff like why and stuff -- I don't remember exactly the type of questions he was asking him but I guess it was taking Shabazz too long to answer and I guess Fred just started punching him and stuff.

Q. Did you see that happen?

A. Yes.

Q. How did Shabazz react?

A. He was like blocking.

Q. Okay. When you say you saw Fred punching, where was he punching him? Where was Fred punching Shabazz? Sorry.

A. In the face and the shoulder and the stomach.

Q. Did you see any marks left on Shabazz after that?

A. No, I didn't see any marks. I just saw like you know when someone hits you and your skin turns red and stuff, yeah.

Q. Okay. Where did you see red marks?

A. On his arms and his like on his cheek.

Q. And with your right hand you were rubbing your right cheek; is that correct?

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A. Yes.

Q. Just now. Okay. So you saw red marks on his arms and on his cheeks.

What was Fred's tone while he was talking to Shabazz? Was he talking quietly like you and I are right now or was it different?

A. It would be, when I first walked in there, it was like that but then it got louder.

Q. Okay. Was that the only thing that you ever saw regarding Shabazz?

A. No. And then so when Shabazz, when they got done when Shabazz got back I ran back and then after that I saw Shabazz going his way I went in that hallway again and I went in the kitchen to get a trash bag and Fred turned around and he got like there's a big butcher knife and he, and I was right there 'cause there's another counter with -- I guess there's another cabinet where the trash cans was but the trash can but where the trash bags was and he turned.

There's another drawer on the other side of the sink so he turned and he got in that and he held it to me and he was like do you want to die, and then I was like, it was quiet, then I was like no and then he just put the knife back and

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then I went back in the room.

Q. I'm sorry, honey.

A. Can I have water?

THE COURT: Sure.

MS. LUZAICH:

Q. When you say he got the knife from the kitchen, who is he?

A. Fred.

Q. And when Fred was holding the butcher knife and saying that to you, how did you feel?

A. I felt scared.

Q. Did you feel like he was still angry regarding Shabazz?

A. Yes.

Q. He hadn't calmed down?
A. No.
Q. He didn't touch you with the knife, though, correct?
A. Yeah.
Q. Yes, he did?
A. Yes.
Q. Where did he touch you with the knife?
A. He held it right here up like in the movies they hold it to your throat but he didn't hold it like this. He held it like this.

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Q. What part of the knife was --
A. The point.
Q. The point of the knife was touching your neck.
A. Yes.
Q. Like the center of your neck.
A. Yes.
Q. Directly between your shoulder. I'm trying to make a record. Is that right?

A. Right here.
Q. I guess the better question was he didn't cut you with the knife.
A. No.
Q. It didn't break the skin, did it?
A. No.
Q. Is that a no?
A. No.
Q. Okay. Did he ever say anything to you about that afterward?
A. No.
Q. Was there another incident that you observed regarding Shabazz?
A. Yeah, and then like the day after or, yeah, the day after like they would always go in the garage and stuff and I guess he was beating him

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up 'cause that's what I heard like, you know, like when they be making those punching sounds.
Q. Okay. I'm going to stop you for a

second. Who was in the garage?

A. Fred and Shabazz.

Q. And when you said you heard, where were you so you could hear?

A. I was in the hallway listening.

Q. And you said you heard the punching sounds.

A. Yeah.

Q. Did you hear any words spoken?

A. I just heard like quiet conversation but I didn't know what they was saying and then after that you could just hear like the punching in there.

Q. Okay. Did you see one or both of them come out of the garage?

A. I saw them go and I saw them come out and that day when he came out he had like a red thing in his eye.

Q. Who is he?

A. Shabazz had like, yeah.

Q. Shabazz had a red thing in his eye?

A. Yeah, like it was busted.

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Q. Did you see anything else around his eye?

A. Like on the skin around his eye. It was just like, it was like kind of dark right there and then you could see like a vein busted in his eye and it was red.

THE COURT: Was it dark? I'm sorry I couldn't see. So you're pointing.

THE WITNESS: It wasn't really dark where you can see but it wasn't really -- it was like dark.

THE COURT: So you were pointing to your right eye. Was it Shabazz's right eye or his left eye, do you know?

THE WITNESS: I don't know. It was his eye and it was discolored underneath the eye and then it was red inside it, yeah.

MS. LUZAICH:

Q. And how was Shabazz acting when he came out of the garage?

A. He was just acting like nothing happened.

Q. Okay. Did he say anything?

A. No.

Q. Did Fred say anything?

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A. No.
Q. Were there any other instances that you heard or saw anything regarding Shabazz?
A. No, not that I can remember right now.
Q. Okay. Were there any other instances regarding you?
A. No, that was the only one that I can remember.
Q. Did you ever see anything pertaining to Mahlica?
A. Yes. Okay. The room was clean and stuff like that. Mahlica, she was reading and I was sitting on the bed and then Fred, he's going to come in there with rage and he's going to be asking questions like why and stuff like that and Mahlica, she didn't answer. You got like five seconds and then after the five seconds was up he started choking her.
Q. What room were you in? I'm sorry.
A. The room right next to I guess the master bedroom.
Q. Was it a bedroom that you guys were in?
A. Yes.

25 Q. Was it a bedroom that you shared, you

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1 and Mahlica?
2 A. Me and Mahlica and Tahara.
3 Q. Was it just you and Mahlica in the
4 room when Fred came in?
5 A. Yeah, Tahara was there for a little
6 bit but she left.
7 Q. You said he choked her. What part of
8 his body did he use to choke her?
9 A. His hand.
10 Q. Both hands or just one?
11 A. Both.
12 Q. Where was she when he did that?
13 A. She was backed up in the corner right
14 by the mirror and the dresser.
15 Q. Was she standing or sitting or
16 kneeling?
17 A. She was standing and then -- no. She
18 was sitting on the bed and reading a book and then

she stood.

Q. How did it come to be that she got out, off of the bed?

A. Because I guess when they was talking she had stood up.

Q. Okay. What did she do or say when his hands were around her neck?

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A. Nothing.

Q. I mean was she crying, was she yelling, was she anything?

A. She was crying and gasping for air.

Q. And what was he saying, if anything?

A. Nothing.

Q. What ended that?

A. I don't know.

Q. I mean did he just stop or did somebody call him?

A. No, he just stopped.

Q. Okay. And then what?

A. Then he just left.

THE COURT: Could you speak up a little bit? I'm sorry. If you want, you can move closer to the microphone. Okay. So what did you say happened?

MS. LUZAICH:

Q. You said he left the room and then what?

A. He just stopped and left the room and then everything went back to normal.

Q. Okay. How was Mahlica after that?

A. Quiet.

Q. Did you ever see anything else

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pertaining to Mahlica or hear?

A. No.

Q. Did you ever see Fred with a belt?

A. Yes.

Q. Did you ever see him use it?

A. Yes.

Q. Who did you see him use it on?

A. I saw him use it on Shabazz, Tahara, me, the dogs.

Q. After he used it on you, did it leave marks?

A. Yes.

Q. What part of your body did he hit?

A. My butt and my upper back.

Q. Your butt and your upper back?

A. My back my lower back.

Q. You mean above your pants?

A. Yeah.

Q. Okay. Did the belt hit the skin of your body or through clothes?

A. Through clothes.

Q. Did it leave marks?

A. Yes.

Q. Did he DO that one time or more than one time?

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Q. Okay. What about Shabazz, did you see it or hear it or both?
A. I didn't see it. I just heard it.
Q. Okay. Where were they when you heard it?
A. They was in his room, I mean Fred's room.
Q. Fred's room. Okay. Where were you when you heard it?
A. In my room.
Q. Was that one time or more than one time?
A. More than one time.
Q. And did you ever see marks afterwards?
A. No.
Q. What did you hear?
A. Like, you know, whipping of a belt, yeah.
Q. Did you hear any words or voices?
A. Yeah, screams.
Q. Who did you hear screaming?
A. Shabazz.
Q. Did you see him afterwards?

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A. Yeah.
Q. When he came out of the room?
A. Yeah.
Q. And how did he appear when he came out of the room?
A. He appeared angry like, like angry with tears.
Q. Okay. You said you had heard or saw him do something to Tahara. Did you hear it or see it or both?
A. Both.
Q. Where were you and they when you saw it?
A. Okay. So I guess Tahara she got RPC'd and he came in there with the belt and stuff. He was like -- I don't know exactly what he said, but she had answered the question and she had stood up and I guess Fred just started whipping her and she was down -- I don't remember how she got in the hallway on the floor but she was in the hallway on the floor and he was kicking her and hitting her with a belt down the hallway.
Q. What part of her body did he kick?
A. I don't remember. I just saw him kicking and hitting her with the belt.

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Q. Okay. Could you tell what part of the body he was hitting with the belt?
A. Like anywhere.
Q. Did it start out so that you only heard it and then when she moved you could see it or did you see it from the beginning?
A. I saw it from the beginning.
Q. Where were they when it started?
A. In their room.
Q. Which room?
A. I don't know who -- I don't know whose room it was at that time.
Q. So it was not in Fred and Ann's room?
A. No.
Q. It was one of the other bedrooms?
A. Yes.
Q. Was that the only time or was there any other times that you saw or hear anything pertaining to Tahara?
A. There was more times.
Q. In other rooms?
A. Yes.

Q. What other rooms?
A. In the laundry room.
Q. Okay. To you, was that with the belt

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or something else?
A. Say it again.
Q. At the laundry room, did that involve a belt or something else?
A. Something else.
Q. Okay. I'm going to come back to that then.

Did you ever see or hear a belt with Tahara again?
A. Yeah, because I guess she was outside. It was me, my cousin Anyia, like my play cousin Anyia and Tahara. We was out there, and I guess Fred had came out and she was looking for something on the floor 'cause she had dropped it when she was out there.

We was out there all day and she had dropped it earlier and was playing in the rocks and

at nighttime we was looking for it and stuff, and I guess there was a group of boys over there and Tahara, she was right by the group of boys and Fred came out and he was like talking to the boys and stuff and he was right in the house and I guess she had got a whipping.

Q. And she got a whipping where?

A. In Fred's room.

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Q. Did you see that and/or did you hear it happen?

A. I saw her.

Q. That's okay. Take your time.

A. I saw them. I saw them walk in the room but I didn't -- I heard the belt.

Q. Okay.

THE COURT: Before you ask the next question, I don't know what RPC'd means.

THE WITNESS: Like when you get suspended from school.

MS. ALLEN: Required parent conference.

THE COURT: Okay. Thank you. Go ahead.

MS. LUZAICH:

Q. You saw them walk into a room?

A. Walk in Fred's room.

Q. And then what did you hear?

A. The belt broke out.

Q. And did you see anything or did you hear any words or voices?

A. The door was shut.

Q. Through the door could you hear any words or voices?

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A. I heard voices and stuff. I didn't know what they was talking about and then I just heard the belt come out, yeah.

Q. And then after the belt, did you hear Tahara say or do anything?

A. No.

Q. And then did you see them come out?
A. I saw Tahara come out.
Q. How was Tahara when she came out?
A. Crying, sad, hurt.
Q. Did you see any marks afterward?
A. No.
Q. Were there ever any occasions that you heard anything pertaining to your mom?
A. Yes.
Q. What did you hear pertaining to your mom?
A. Okay.
Q. I'm sorry. What's your mom's name just for the record?
A. Tina.
Q. What did you hear?
A. Excuse me. I heard -- okay. So there was this night and I got up to use the bathroom and I heard Fred. He was talking about she was saying

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open the door and stuff like that and he was cursing and cursing and stuff and so I guess he had busted the door.

MS. ALLEN: Judge, objection as to foundation. Did she see it?

THE WITNESS: I saw it.

THE COURT: Okay. So you saw Fred bust down a door.

THE WITNESS: He punched like, he punched a hole in the door.

THE COURT: So he didn't bust down the door. He punched a hole in the door. What door was it?

THE WITNESS: It was the second room after his room.

THE COURT: So one of the bedrooms in the Blankenship house.

THE WITNESS: Yes.

THE COURT: Go ahead.

MS. LUZAICH:

Q. And who was in the room when he busted --

THE COURT: Punched the door.

MS. LUZAICH:

Q. Punched the door?

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A. My mom.
Q. Anybody else?
A. That's all.
Q. And when you said he was saying open the door, what tone of voice was he using when he is cursing and saying open the door?
A. Loud, like mean, rage, forcefulness.
Q. Sorry?
A. Forcefulness.
Q. Did you hear the door being punched?
A. Yes.
Q. And then what did you hear?
A. It just went like it broke like the hole in the door like boom like.
Q. Did he get inside the room?
A. Yeah.
Q. And did you hear what happened inside the room?
A. I heard what happened but first after I got done from watching I just ran in the bathroom and then I heard him talking. I didn't know what they was talking about but I heard them talking and then after that I just heard my mom scream and then after that they was talking and stuff.
It wasn't talking. It was more like

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yelling and stuff and so after that I flushed the toilet and then I heard the door like slam again and then I heard someone walk down the hall and I was assuming it was Fred.

MS. ALLEN: Objection.

THE COURT: Okay. Hold on. What's your objection?

MS. ALLEN: Objection to assuming. She said I'm assuming it was Fred.

THE COURT: Okay. Do you know if it was Fred or not? You were talking about people were yelling and screaming. Did you hear the voices? Was it Fred's voice or not?

THE WITNESS: Yes.

THE COURT: And then did you actually see him punch the door?

THE WITNESS: Yes, I saw him.

THE COURT: You're objecting to what?

MS. ALLEN: She said I'm assuming it was Fred walking down the hallway. Again she either sees him walking down the hallway or she

doesn't.

THE COURT: So you're in the bathroom and you flush the toilet and then you heard Fred walking down the hallway.

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THE WITNESS: Yes.

THE COURT: And you knew it was Fred walking down the hallway because was anyone else in the home besides Fred and your mom?

THE WITNESS: Everyone was asleep.

THE COURT: Oh, this was night.

THE WITNESS: Yes.

THE COURT: Go ahead.

THE WITNESS: After that I hear him going down the hallway and after I hear him, I open the door and no one was out there. I open the door and I went in my room and I went to sleep.

MS. LUZAICH:

Q. You said you heard your mom scream. Did you hear her scream like words or something

else?
A. It was just like a scream. It wasn't no words.
Q. Did you hear anything immediately like right before the scream?
A. No.
Q. Okay. Did you say you didn't hear what they were talking about?
A. It was something about some money.
Q. About money.

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A. Yes.
Q. Did you see anything on your mom after that?
A. No, I didn't see her. She went to work but there was another time when she had a black eye. I was getting ready for school in the morning and I saw her with a black eye 'cause I was telling her see you, I'm going to school. So I saw her with a black eye. I was like what happened?
MS. ALLEN: Objection.

THE COURT: Hold on.

MS. ALLEN: Hearsay.

THE COURT: Okay. So don't tell me what your mom said but tell me what you saw. So she had a black eye.

THE WITNESS: Uh-huh.

THE COURT: Yes.

THE WITNESS: Yes.

THE COURT: Okay. Go ahead and ask a question.

MS. LUZAICH:

Q. Did you ever see Fred lay a hand on her?

A. Yes.

Q. Where was it that they were that you

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saw Fred lay a hand on her?

A. In the garage.

Q. And was he saying anything?

A. He was saying something about turn

down the loud music.

Q. Anything else?

A. About turn down the loud music and he was talking about some money.

Q. What about some money?

A. He was like for rent and bills money. I didn't know exactly what he said but I heard them words.

Q. Do you remember what words you heard?

A. I know I heard the words rent, bills and money and turn down the music.

Q. And what did you see him do?

A. He just started beating on her and hitting her with the belt in the garage.

Q. Okay. You said that there also came a time that you saw something to do with Tahara in the laundry room.

A. Yes.

Q. Tell me about that it.

A. Okay. So it was Friday and it was an afternoon and Tahara, she was asleep on the bed

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against the wall and I was asleep in front of the bed and there was two mirrors on the other side where the closet was. And he went up in there and Fred went in there and he said to Tahara where's your sister and she pointed to me on the floor and I guess he said, "Come on," and the mirror -- there was a reflection.

I saw them go in his room and I saw them go out because the mirror and the reflection and I saw them go down the hallway up to where the kitchen is and then I saw them come back and I saw them go towards where 'cause after they go down the hallway, they go back down to the left side and there's a bathroom, a laundry room, and a garage and after that --

Q. Did you follow them or could you hear what they were doing at this point?

A. Okay. At this point I was hearing all that was happening and I was seeing it in the mirror.

Q. Oh, okay.

A. In the reflection like, yeah.

Q. Okay. So go on. What did you see?

A. I saw them go in his room, then I saw them go up where the kitchen was and I saw them go

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back where the laundry room and back where the garage was.

Q. And then what?

A. And then after that I had got up 'cause I was already up but I wasn't up like standing up so I stood up. I stood in the middle of the where the doorway was and where the doorway was and where the hallway was and so I had went in the kitchen to see what time it was and I don't remember what time it was 'cause it was like a long time ago.

It wasn't that long but it was like a year ago and so after that I went back in the other room and then I checked in the bathroom and no one was there and then I saw a hand in the laundry room since the door was cracked and I saw a hand and then I saw another hand over that hand and the door. It was cracked.

The door was cracked and after that I didn't say nothing 'cause I got scared so I knew someone was in there so I just went in the garage. No. Before that I heard the belt buckles and stuff and then after I went in the garage and then after I came out 'cause I was in the garage I was looking for Tahara.

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I knew she was in the garage. No. I knew she was in the laundry room so I went in the garage and no one was up in there so I went back out and I saw Fred going in his room and I saw Tahara turning into the bathroom. I was like, oh, where was you? She was like I was in the bathroom and so I was like -- and so after that I went in the room and started crying 'cause I knew what happened and Tahara she was acting like nothing happened and then when Ann got home --

Q. Wait, wait, wait. I'm going to stop you. I'm going to go back for one second. So as you're walking up in the beginning, you said you saw a hand and another hand over it. Whose hand did you see?

A. I saw Tahara's hand and I saw a big hand which was Fred's hand over Tahara's hand.

Q. Where were those hands?

A. It was at the, it wasn't at the door.

It was like the crease like.

Q. The door frame?

A. I don't know what that is.

THE COURT: So the door wasn't all the way shut.

THE WITNESS: No.

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THE COURT: Okay. So between the edge of the door and the edge of the wall you could see into the laundry room.

THE WITNESS: Yes.

THE COURT: And then what did you see?

MS. LUZAICH:

Q. Was the hand on the wall?

A. Yes.

Q. Okay. You said that you -- who is in the house at the time, Fred, Tahara, you, anybody else?

A. That's all.

Q. Nobody else was in the house?

A. No.
Q. Okay. You said you heard belt buckles, what do you mean by that?
A. Like the belt buckles that the two chains that go through the loops and the square part of it that makes that sound, yeah.
Q. So opening or closing?
A. I couldn't tell.
THE COURT: Going through the belt buckle.
/ / /

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MS. LUZAICH:
Q. Not either/or. Like doing that kind of motion like opening or closing a belt buckle as opposed to taking the belt buckle and hitting it on somebody. That's not what you heard, right?
A. No.
Q. You didn't hear somebody being hit with a belt buckle?

A. No.
Q. Did you hear any other sounds?
A. I heard like whispering and stuff, but I didn't know what they was saying.
Q. You said that you were crying afterwards 'cause you knew what happened. What did you think had happened?
A. Fred had raped Tahara.
Q. What does that mean to you?
A. It's abuse.
Q. Where did you learn about that?
A. At school.
Q. So you said Miss Ann wasn't home when that happened.
A. No.
Q. Did there come a time that you did something?

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then she was like oh.

Q. What did you tell Miss Ann?

A. That Fred had raped Tahara.

Q. Was Tahara there when you told Miss Ann?

A. No. I was outside and Fred and Ann was doing something with the car.

Q. Was Fred there when you told Miss Ann?

A. We walked away from him and I told her.

Q. Okay. How did she react?

A. She didn't act surprised. She was just like, oh, really?

MS. ALLEN: Objection, hearsay.

THE COURT: Okay. So --

MS. LUZAICH: It's not offered for the truth. I just said how did she react.

THE COURT: Not what she said but what she did. Tell me how she looked. How did she act when you told her? You said she wasn't surprised. Why do you think that?

THE WITNESS: Because.

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THE COURT: Because of what she said or how she looked?

THE WITNESS: Because of what I said and how she looked.

THE COURT: So how did she look?

THE WITNESS: Because she was like with a blank face.

MS. LUZAICH: Okay.

Q. Did Miss Ann talk to Tahara?

A. Yes.

Q. Were you there when that happened?

A. I was there half of the time because the next day she had asked Tahara what happened.

MS. ALLEN: I'll object as to hearsay.

MS. LUZAICH: She didn't say any hearsay.

THE COURT: Well, I guess she was starting to.

MS. ALLEN: Well, she said Miss Ann asked Tahara what happened and speaking would be hearsay and anything Tahara said would be hearsay.

MS. LUZAICH: I wasn't going to ask what Tahara said.

THE COURT: Oh, so you're not asking

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what she said.

MS. LUZAICH: No.

THE COURT: So the next day Ann talked to Tahara.

THE WITNESS: Yes.

THE COURT: And were you there?

THE WITNESS: Yes.

THE COURT: Did you say anything?

THE WITNESS: I didn't say anything.

THE COURT: Okay. Next question.

MS. LUZAICH:

Q. And then what happened?

A. And then we was driving in the car so -- can I say what someone said or I can't?

Q. No.

THE COURT: Sorry.

MS. LUZAICH:

Q. Was Miss Ann going to do something with you guys, with you and Tahara?

A. Yes. She said that she was going to --

Q. You can't tell us what she said.

A. And she did. She had got an apartment

but she didn't move in and she lost the apartment and then she didn't do nothing else after that.

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She acted like she forgot all about that so I did something about it.

MS. LUZAICH: Okay. Thank you very much, Taquanda. I pass the witness.

(Whereupon Ms. Luzaich concluded this portion of her examination at 2:37 p.m.)

THE COURT: So the next attorney is going to ask you questions? Did you want some more water? I know it's difficult. I apologize. Everything that you are saying that they're asking you is -- I need to hear what happened. That's why you're repeating it even if you told other people. If you need a break, let me know. If you need to use the rest room or you need to walk around --

THE WITNESS: Can I stretch?

THE COURT: Do you want to stand up right now?

THE WITNESS: I'd like to use the bathroom, please.

(Whereupon a recess was taken at 2:38 p.m. and the proceedings resumed at 2:45 p.m.)

THE COURT: We're back on the record.

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Counsel and the witness are present. Proceed.

MS. ALLEN: Thank you.

CROSS-EXAMINATION

BY MS. ALLEN:

Q. Good afternoon, Taquanda. How are you?

A. Good.

Q. My name is Betsy Allen. I'm just going to ask you a couple follow-up questions. Okay?

A. Okay.

Q. You currently attend Sedway?

A. Yes.
Q. S-E-D-W-A-Y?
A. Yes.
Q. Before Sedway, where do you go to school?
A. Hyde Park.
Q. Hyde Park. And what about before you went to Hyde Park?
A. I was going to elementary.
Q. Do you remember the name?
A. HG Fitzgerald.
Q. And do you remember when you started Sedway?

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A. In October.
Q. Of 2012?
A. Yes.
Q. Okay. And so you've been there not even a year; is that right?
A. Yes.
Q. You were in sixth grade?

A. Yes.
Q. And prior to that, you said it was Hyde Park; is that correct?
A. Yes.
Q. And what grade did you attend at Hyde Park?
A. Sixth.
Q. Sixth grade as well?
A. Yes.
Q. That was 2011?
A. No, the same year.
Q. Thanks. 2012 as well?
A. Yes.
Q. Okay. Did you start then at Hyde Park the end of August or September?
A. Yes.
Q. Did you only get to attend Hyde Park for a month?

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Q. You don't remember. Okay. You don't remember being at Hyde Park for more than a month or for a year, a full year?

A. No.

Q. Okay. And then you said that Fitzgerald was elementary school; is that correct?

A. Yes.

Q. What grade did you start at Fitzgerald?

A. First.

Q. And what grade did you go to?

A. Fifth.

Q. You were there all five years?

A. Yes.

Q. Do you have an IEP?

A. No.

Q. Okay. Do you know what an IEP is?

A. No.

Q. Individualized educational plan.

A. Yes.

Q. Do you know what that is?

A. Yes.

Q. Okay. You don't have one?

A. No.

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Q. Do you have any problems in school?
A. No.
Q. Okay. So I wanted to go to when you were living on Blankenship. Okay? And you were living with Miss Ann and Fred. Do you remember that? You testified about that. And you talked about your mom and Vickie and Shabazz and Mahlica moving out. Do you remember talking about that?
A. Yes.
Q. And you said I think that they moved to an apartment called St. Andrews.
A. Yes.
Q. Is that right?
A. Yes.
Q. And do you remember where that apartment complex is?
A. It's on Commerce and Craig.
Q. Okay. Did you ever go to that apartment complex?
A. Yes.
Q. You did. Okay. Do you remember -- just to back up, do you remember when approximately they moved out? Do you remember the year?
A. I don't remember the year.
Q. Do you remember what grade you were

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in?

A. Like in fourth.

Q. You think you were in fourth grade. Okay. And how old would you have been?

A. I'm thinking.

Q. Pardon?

A. I'm thinking.

Q. Sorry.

A. Like four years ago.

Q. Pardon me?

THE COURT: Four years ago.

MS. ALLEN:

Q. You are in sixth grade now; is that right?

So if you were in fourth grade, that would be two years ago; is that right?

A. Yes.

Q. So were you maybe ten?

A. Yes.

Q. Okay. All right. I wasn't good at math either. Don't worry about it. So you were ten years old, and how often do you think you would

go over to your mom's house?

A. Like every other weekend.

Q. Okay. So you were there a lot.

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A. Somewhat a lot.

Q. You didn't go month to month to month without seeing her, did you?

A. I don't remember.

Q. You don't remember. Okay. So you don't remember if you saw your mom every other weekend?

A. Yeah. We saw her not every other weekend but I remember going to her house.

Q. Okay. Do you remember how you got there?

A. Yes.

Q. How?

A. Either with Ann dropped me off or Fred.

Q. Okay. Was it just you or was it you

and Tahara?

A. Me and Tahara.

Q. Did you guys always go together?

A. Yes.

Q. At any time -- well, let me back up. You said at some point your mom was living at the Blankenship house.

A. Yes.

Q. Your mom and Vickie; is that right?

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A. Yes.

Q. You described an incident where you said that Fred punched a hole in the door.

A. Yes.

Q. Was that when your mom was living there?

A. Yes.

Q. And you said you heard like arguing; is that right?

A. Yes.

Q. Were they arguing with each other,

Fred and your mom, were they arguing with each other?

A. Yes.

Q. Okay. So you heard your mom arguing with Fred about something?

A. It was something about money.

Q. Okay. I'm getting it. I just want to know if you hear -- you heard your mom yelling at Fred.

A. No.

Q. You just heard them arguing.

THE COURT: Did you hear Fred yelling at your mom?

THE WITNESS: Yes.

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MS. ALLEN:

Q. Did you hear your mom yell back at him?

A. Nope. She wasn't saying nothing.

Q. Okay. So they weren't arguing?

A. I don't know what they was doing but they was like -- Fred, he was just saying stuff like open the door.

Q. Okay. And then you said something about money?

A. Yes.

Q. Okay. You heard him say something about money; is that right?

A. Yes.

Q. Okay. Now, you said that at one point you saw him punching Shabazz; is that right?

A. Yes.

Q. And Shabazz was blocking him; is that right?

A. Yes.

Q. You knew Shabazz to be in karate?

A. Yes.

Q. And then you said that when you came back into the kitchen, he pulled a knife out and stuck it to your throat?

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A. Yes.
Q. Okay. Is that the first time today that you've told anybody about that?
A. No.
Q. Okay. Who else have you told about that?
A. I told my district attorney. I told Miss Ann, and I told my counselor at school.
Q. Okay. When did you tell your counselor at school?
A. When it happened.
Q. And when was that?
A. I don't remember.
Q. Do you remember if you were at Sedway?
A. No. I remember I was at HP Fitzgerald and my counselor's name was Ms. House.
Q. I'm sorry. Ms. what?
A. House.
Q. Do you know how to spell that --
A. House.
Q. Like you live in house?
A. Yes.
Q. So you were at Fitzgerald; is that right?
A. Yes.

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Q. And you don't remember what grade you were in.

A. I don't remember.

Q. Okay. And you told your counselor at the time at Fitzgerald; is that correct?

A. Yes.

Q. Do you know if your counselor did anything about that?

A. I don't know if she did anything about it.

Q. But you did tell her that Fred held a knife to your throat; is that right?

A. Yes.

Q. And he threatened to kill you; is that right?

A. Yes.

Q. You told her that whole story about how he punched, repeatedly punched Shabazz?

A. Yes.

Q. Do you remember being interviewed by a police detective like a detective who was with the Henderson Police Department?

A. Yes.

Q. Okay. What, about in 2011?

A. Yes.

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Q. When you were living over on Blankenship, do you remember that?

A. Yes. And --

THE COURT: Hold on. She's got to ask a question.

MS. ALLEN:

Q. Do you remember that?

THE COURT: Hold on, please. So she has to ask you a question before you start talking. You have to wait to make sure the court reporter gets everything down so if you can slow down, let her ask the question and then answer. All right?

MS. ALLEN: Thank you.

Q. Do you remember talking to the detective while you were living at Blankenship?

A. Yes.

Q. Okay. And do you recall relaying that story to him about the knife to your throat?

A. I don't remember.

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Q. Okay. You remember telling him about Shabazz getting punched, right?

A. Yes.

Q. Okay. And then would it surprise you if you didn't tell the detective anything about the

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knife being to your throat?

A. It kind of would surprise me if I didn't tell him.

Q. You said Shabazz was bruised all over. Like his eye was bruised and you could see bruises on him. It was really severe. Do you remember saying all that?

THE COURT: What she testified to?

MS. ALLEN: I'm sorry. I apologize. Let me clear that up.

Q. Remember when you were talking with that detective at Blankenship back in 2011? Do you remember that?

A. Yes.

Q. Do you remember he had a little

tape-recorder or something that he recorded your conversation.

A. Yes.

Q. Do you remember where you talked to him?

A. At the kitchen table.

Q. Okay. Were you by yourself?

A. Yes.

Q. It was just you and the detective, right?

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A. Yes.

Q. No one else was around.

A. No.

Q. Okay. And do you remember telling him about the fight that Fred had with Shabazz?

A. Yes.

Q. Okay. And do you remember talking about how severe it was and that he had bruises?

A. Yes.

Q. And you were referring to Shabazz, correct?

A. Yes.

Q. And you told him about the bloodied eye. Do you remember telling him about that?

You have to say yes or no.

A. Yes.

Q. Okay. But you didn't say anything about a knife being held to your throat. That was in 2011; is that correct?

A. Yes.

Q. You don't recall saying anything.

A. I don't remember.

Q. Okay. Shabazz, did Shabazz go to school at the time?

A. Yes.

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Q. Do you remember what school he went to?

A. He went to Sedway.

Q. Back when this happened?

A. Yes.
Q. He got beat up?
A. Yes.
Q. Do you remember him going to school with bruises on his face?
A. Him going to school with bruises?
Q. Do you remember him going to school when he had big bruises on his face from Fred?
A. I don't -- I don't know if he still had them in the morning.
Q. Okay. So the bruises that you say happened when Fred hit him went away by the next morning?
A. I don't remember.
Q. How about the bloodied eye, did that go away the next morning?
A. Oh, no.
Q. Did he go to school with the bloodied eye?
A. Yes.
Q. You indicated he had bruising or

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darkness under his eye that he had a black eye. Do you remember telling the judge that?

A. Yes.

Q. Did he go to school with that black eye the next day?

A. Yes.

Q. He did. Okay.

You also just a little while ago you talked about Fred and your mom getting into an argument in the garage. Do you remember talking about that?

A. Yes.

Q. And you said that there was a problem with the music.

A. Yes.

Q. And was your mom playing music too loud?

A. Yes.

Q. Okay. And you said that he came in with a belt; is that right?

A. Yes.

Q. Do you remember if he had it on or if he came in?

A. No, he came in with it in his hand.

Q. In his hand. And you were standing in

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the garage with your mom?

A. Yes.

Q. And you said that he took, he kept hitting her with the belt; is that right?

A. Yes.

Q. Okay. Do you remember telling -- I apologize. Let me get the date. In December of 2011 when you talked to the Henderson police detective, do you remember telling him anything about that?

A. I don't remember telling him.

Q. Do you also recall in September of 2012 you talked to someone else about some stuff that had been going on at Ann and Fred's house? Do you remember that?

A. Say that again.

Q. Do you remember in September of 2012 someone talked to you, interviewed you with a little, another recorder and asked you a bunch of questions about things that had been happening in Ann and Fred's house. Do you remember that?

A. I remember. I remember.

Q. Okay. I thought you were going to say something else. So you do remember that?

25 A. Oh, yes.

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Q. And you remember they recorded your conversation.

A. Yes.

Q. And they told you they were recording it. Do you remember that?

A. Yes.

Q. Okay. Do you remember telling them anything about that incident with your mom in the garage?

A. I don't remember.

Q. Okay. And they asked you about a number of instances that had happened in the house; isn't that correct?

A. I don't remember.

Q. Did they ask you -- did they give you sort of an open-ended question like go ahead and tell me everything that's going on in the house? Do you remember just freely telling them things that had been going on?

A. Yes.
Q. Do you remember saying that Miss Ann had also been beating you?
A. I don't remember. I don't remember the conversation.
Q. Okay. You don't. As you sit here

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today, do you remember Miss Ann beating you?
A. Yes.
Q. So Miss Ann was also beating you. What did she beat you with?
A. Her hand and the belt.
Q. Her hand and the belt.
A. There was only one time with her hand though.
Q. And the rest of the time it was with the belt?
A. Yes.
Q. Did you see either Fred or Ann beat Shakira?

A. No.
Q. What about Marcus.
A. No, not that I can remember.
Q. Okay. Do you recall at the end of the taped interview this would have been in September 2012 when you talked to someone from family services, do you remember a Michelle Fisher? Do you remember her?
A. No.
Q. Okay. But you do remember having a conversation with someone back in September of 2012.

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A. Yes.
Q. Okay. And this would have been shortly before you were taken out of the home, is that right, taken out of Fred and Ann's home?
A. Yes.
Q. And do you remember talking about but they haven't even taken you for school clothes yet, do you remember saying that?

A. Oh, yeah.
Q. Do you recall saying that?
A. Yes.
Q. Were you upset that they hadn't taken you shopping?
A. Yes.
Q. Now, you said -- I'm going to go to the incident in the laundry room with your sister, okay?
A. Yes.
Q. Okay. There we go. You said it was a Friday afternoon; is that correct?
A. Yes.
Q. Do you remember the exact date?
A. No. I just know it was in May.
Q. It was in May?
A. Yes.

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Q. You remember that it was in May and that it was a Friday afternoon?

A. Yes.
Q. Do you remember the year?
A. 2012.
Q. 2012. Okay. So it was last year; is that right?
A. Yes.
Q. Okay. So it's in fact almost exactly one year ago. Would you agree with me today is April 29th --
A. Yes.
Q. -- of 2013?
A. Yes.
Q. Okay. So it was May of 2012 so it was almost exactly a year ago; is that correct?
A. Yes.
Q. And it was a Friday afternoon. Do you remember the time?
A. No.
Q. Okay. Was it dark outside or light outside?
A. It was, it was before, you know the blue before it gets dark outside.
Q. Dusk?

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A. Yes.

Q. And do you remember or did you -- I don't know if you recall saying this today or not, but did you say that you had been sleeping? Were you sleeping when Fred came to talk Tahara out of the room?

A. Before I was sleeping but when he walked in -- 'cause I'm a light sleeper. Like I hear everything so when he walked in, I heard footsteps especially I was laying on the floor so like when you lay on the floor, you can hear the stuff on the floor like if I would have at that point like someone over there could hear it and you could feel the vibration.

Q. Let me go back and ask again because maybe I didn't ask it the right way. So were you asleep when Fred walked into the room?

A. Yes.

Q. You had been sleeping.

A. Yes.

Q. Had you been at school that day?

A. Yes.

Q. Okay. And you would have been at Hyde Park that day, is that correct, or would you have been --

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A. I was in Fitzgerald.

Q. You were in Fitzgerald. Okay. So you were at school that day and you came home and you said you were sleeping but the vibrations of him walking into the room woke you up; is that correct?

A. Yes.

Q. 'Cause you were on the floor under the bed?

A. Yes.

Q. And you said that he gestured or somehow took Tahara with him?

A. No. He went up to Tahara and said where is your sister.

Q. And could you see her at the time?

A. Yeah. There is a mirror. There was a mirror, right by the mirror there was a mirror plus I was up under the bed so I could see.

Q. So you said there's a mirror up by the mirror so how many mirrors were you looking at?

A. Two.

Q. How big were they?

A. Big like almost as big as this wall, this long wall right here.

24 Q. Okay. So you say big. So from the
25 wood to the other side of the wood?

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1 A. No. That one.
2 Q. The one panel?
3 A. Yes.
4 Q. And did it go floor to ceiling? Does
5 it go from the floor to the ceiling?
6 A. Yes.
7 Q. So was it as big as that one panel and
8 from the floor to the ceiling?
9 THE COURT: So that is like three feet
10 wide. Is that what you're talking about?
11 THE WITNESS: Yes.
12 THE COURT: So the mirror was three
13 feet wide and it was from the top -- was it on a
14 closet or just hanging on the wall?
15 THE WITNESS: It was like, it was a
16 closet and a mirror like the slide doors.
17 THE COURT: So it was the closet door

had a mirror on it.

THE WITNESS: Yes.

THE COURT: And it was all part of the door.

THE WITNESS: Yes.

THE COURT: Those are the two mirrors that you're talking about, the closet doors that are on the outside of the closet door.

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THE WITNESS: Yes, and there was two of them. There was two on the left side, two on the right side. There was four.

THE COURT: So how -- if we're looking at the wall over here, how much of that wall was taken up by mirrors?

THE WITNESS: The last two at the end. That much.

THE COURT: Those would be two closet doors then, sliding closet doors.

THE WITNESS: Yes.

THE COURT: And they're right next to

each other, right?

THE WITNESS: Yes.

THE COURT: So maybe six feet width of mirrors essentially. Something like that.

THE WITNESS: Yes.

THE COURT: Over six feet.

THE WITNESS: Yes.

THE COURT: Go ahead.

MS. ALLEN: Thank you.

Q. So you see your sister motion to where you are; is that right?

You said Fred asked where is your sister; is that right?

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A. Yes.

Q. And Tahara motions to where you were or pointed to where you were?

A. Yes.

Q. Okay. And that's when she got up and left with him; is that correct?

A. Yeah. He made some type of signal and said something.

Q. Okay. Was your bedroom the one closest to the garage or was it closer to the master bedroom?

A. It was closest to the garage.

Q. So it was closest to the garage.

A. Yes.

Q. So closest to the front of the house; is that correct?

A. The garage is in the back.

Q. Okay. The garage doesn't face the street?

A. No.

Q. Okay.

A. Not the door.

Q. No, no, the actual garage door does not face the street.

A. No.

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THE COURT: Which door are you talking

about?

MS. ALLEN: The garage door.

THE COURT: The one that rolls up and down or the door you walk in from the house? Which one are you talking about?

THE WITNESS: I'm talking about the door you open to go in the garage.

THE COURT: With the car or you walk as a person?

THE WITNESS: You walk as a person.

THE COURT: So the door you walk in from the door to the house. You're saying that door is more towards the back of the house because you drive into the garage with the car and then it's at the end of the garage furthest away from the door that rolls up.

THE WITNESS: Yes.

THE COURT: Okay. Go ahead.

MS. ALLEN:

Q. So your room is closest to the garage; is that correct?

A. Yes.

Q. And it's closest to the door that leads into the garage; is that correct?

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A. Yes.
Q. And across, right across from your bedroom is the laundry room; is that correct?
A. No. Bathroom.
Q. The bathroom. Okay. What about the laundry room?
A. It's next to the bathroom.
Q. So the bathroom and the laundry room. Is that right?
A. The bathroom and the laundry room.
Q. And then you have to turn the corner to the kitchen; is that correct?
A. You have to walk down the long hallway and then --
Q. Turn a corner, is that right, to get to the kitchen. Okay. I just wanted to be clear.
All right. You said you went to the kitchen to find out what time it was; is that right?
A. Yes.
Q. Do you remember what time it was?
A. I don't remember what time it was.
Q. And you said that when you came back, you saw the shadows in the laundry room; is that right?

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A. Yes.

Q. And you said you saw a hand holding another hand or holding a wrist; is that right?

A. Yes.

Q. And you started crying; is that right?

A. Uh-huh, yes.

Q. And you went back to your bedroom; is that correct?

A. Yes.

Q. And you said the next time you see Tahara that night she acted like nothing has happened; is that right?

A. Yes.

Q. Now, how far was the laundry room door open?

A. Like about this much.

Q. Okay. So maybe two inches?

A. Enough for me to see their hand.

Q. Okay. Enough for you to see their hand. And you said you heard whispering; is that right?

A. Yes.
Q. Okay. And you said you heard belt buckles; is that correct?
A. Yes.

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Q. What was Tahara wearing?
A. I don't remember.
Q. Had she been asleep as well?
A. Yes.
Q. Okay. So she was asleep. What about Fred, what was Fred wearing?
A. I don't remember.
Q. Okay. Did you see her later on that night?
A. Yes.
Q. Did you see him later on that night?
A. No.
Q. You said no one else was home; is that right?
A. Right.
Q. Okay. Now, you'd been asleep prior to

Fred walking into the bedroom, correct?
A. Yes.
Q. How long had you been asleep, do you remember?
A. I don't remember.
Q. Had it been a little bit of time?
A. Well, we get out of school at 3:21.
Q. Okay. What time did you get home that day? Do you remember?

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A. I don't remember.
Q. Do you remember what time you usually get home?
A. Like at 3:30.
Q. So it was close then. So the school's close to the house on Blankenship?
A. Yes.
Q. Did you walk home or take the bus?
A. Walk.
Q. So you walked home and do you usually

get a snack or something?

A. Yes.

Q. Who was home when you got there?

A. I don't remember.

Q. You don't remember who was there?

A. No.

Q. Would Fred be home?

A. Sometimes.

Q. Okay. Do you remember if he was there the day that you, this Friday that you came home?

A. I don't remember.

Q. Okay. Do you remember if Miss Ann was there?

A. I don't remember.

Q. Okay. Did you generally go to sleep

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right after you got home from school?

A. No.

Q. Okay. And you don't recall the time you fell asleep that date; is that correct?

A. Right.

Q. But when you fell asleep, it was your understanding that it was just you, Taquanda and Fred?

A. I'm Taquanda.

Q. Sorry. You, Tahara and Fred?

A. Right.

Q. During the time you were asleep, you wouldn't be aware if other people came in the house, would you?

A. Yes, I would hear the door.

Q. Okay. So you believe you would have heard if other people came home?

A. Yes.

Q. Okay. After you were out of school in 2012, so this would have been in May or June when you were finished with school last year -- okay? -- do you remember school ending last year and starting summer break?

A. Yes.

Q. Okay. Did you go stay with your mom

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for most of the summer?
A. Yes.
Q. How long were you at your mom's house last summer?
A. I don't remember. For a couple of months.
Q. So you spent generally the entire summer break there?
A. Yes, pretty much.
Q. And when you were there, it was you and Tahara?
A. Yes.
Q. Was she there with you the whole time?
A. Yes.
Q. And Vickie?
A. Yes.
Q. Mahlica?
A. Yes.
Q. And Shabazz?
A. Yes.
Q. And your mom?
A. Yes.
Q. Anybody else?
A. No.
Q. After the incident with Tahara in May

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of 2012 in the laundry room which we just talked about, did you go to school and tell your counselor about it?

A. No.

Q. Okay. Did you tell any of your teachers?

A. No.

Q. I think you said or who did you tell about the incident besides Miss Ann?

A. My fake cousin.

Q. Who is your fake cousin, what is her name?

A. Anyia Thomas.

Q. Anyia Thomas?

A. A-N-Y-I-A Thomas T-H --

Q. How old is Anyia?

A. 12.

Q. She's 12. Okay. And who is she related to?

A. Ann.

Q. Okay. Is she Ms. Ann's --

A. Niece.

Q. -- niece. Okay.

Was she -- she was at the house a lot, wasn't she?

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A. Yes.
Q. She played with you guys a lot?
A. Yes.
Q. Did Fred ever -- did you ever see Fred beat her?
A. Not that I can remember.
Q. Not that you can remember. Okay.
A. But no.
Q. I don't know if I asked you these questions or not. You know Shakira.
A. Yes.
Q. You do. Okay. And Shakira lived there; is that right?
A. Yes.
Q. Did you ever have any problems with Shakira?
A. No.
Q. Was there ever a time that you and your sister took some things from Shakira?
A. We were accused of.

Q. Do you remember what you were accused of taking?
A. Yeah.
Q. What was it?
A. A dildo.

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Q. Okay. When was that?
A. It was in the same summer before we went to our mom's house for a couple of months.
Q. Was it while you were still there before school ended or was it after --
A. After school ended.
Q. And you went to your mom's house?
A. Yes.
Q. Was it both you and your sister that were accused of that?
A. It was me.
Q. Just you?
A. Yes.
Q. It wasn't Tahara?

A. No.
Q. Did you know Shaday?
A. I heard of her but I don't know her.
Q. You never met her?
A. No.
MS. ALLEN: Okay. If I may have the Court's indulgence.
THE COURT: Sure.
MS. ALLEN:
Q. Do you remember who accused you of stealing the dildo?

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A. I don't remember. No. Ann.
Q. Miss Ann did?
A. Yes.
Q. Do you remember where it was found?
A. Huh?
Q. Do you remember where they found it?
Is there a reason why they accused you of it?
Was it found in your drawer of your

dresser?

A. Yeah.

Q. Do you remember being taken to a doctor sometime last year by Miss Ann?

A. Yes.

Q. Okay. Do you remember what kind of doctor it was?

A. I don't remember what type of doctor it was but I know the name.

Q. What was the name?

A. Nana Kuford.

Q. I'm sorry. What?

THE COURT: Can you spell it.

THE WITNESS: I don't -- N-A-N-A Kuford K-U-F-O-R-D.

/ / /

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MS. ALLEN:

Q. Was that a doctor that you'd seen previously?

A. No.
Q. Okay. That would be the first time you saw this doctor was last year?
A. Yes.
Q. And was it a male or female?
A. A male.
Q. It was a male?
A. Uh-huh.
Q. Okay. Do you remember what you saw this doctor for?
A. No. I just know I got my blood tested, not tested but, you know, when they wrap that thing around your arm.
Q. They take blood. Did they take blood out of your vein?
A. No.
THE COURT: She's talking about blood pressure. Blood pressure they pump it up and you have the pressure.
THE WITNESS: And I got my weight and my height.
/ / /

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MS. ALLEN:

Q. Did you get shots?

A. Yeah. I got six.

Q. You got six shots. Okay. Did you talk to the doctor at all while you were there?

A. No.

Q. You didn't have any conversation with him at all?

A. He just talked about the school, shots and all the shots that I missed.

Q. Okay.

A. And that's why I'm getting six shots. That's why I can remember.

Q. Do you recall -- if you know, this is only if you know. Do you know why you ended up living with Ann and Fred?

A. I hear stories but I really don't know.

Q. Were you too young really to know when you moved in with them what was going on?

A. Yeah.

Q. Was Ann and/or Fred both of them either were they the ones who registered you for school?

A. Yes.

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Q. They took you to school; is that correct?

A. Yes.

Q. Was Fred strict about grades?

A. Yes.

Q. Okay. Did he want you to do well in school?

A. Yes.

Q. Okay. And he didn't like you guys to be missing classes, right, or missing school?

A. Correct.

Q. He made sure you guys went to school all the time.

A. Yes.

Q. Did either one of them drive you to school when you were too young to walk?

A. We walked with a neighbor.

Q. You walked with a neighbor. Okay. And every -- well, did Fred and/or Ann take you school shopping every year for clothes?

A. Yes.

MS. ALLEN: Okay. May I have another minute.

THE COURT: Sure.

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MS. ALLEN:

Q. Do you remember living in Utah at all?

A. Yes.

Q. You do. Do you remember how long you lived in Utah?

A. No.

Q. Was it more than a couple of months?

A. Yes.

Q. Okay. While you were in Utah, did you live with your mom full time there?

A. Yes.

Q. You lived with your mom the whole time?

A. Oh, no.

Q. Okay. Did you live with someone else while you were there?

A. Yes.

Q. Do you know where your mom was?

A. Huh-uh, no.
Q. You didn't know where your mom lived?
A. No.
Q. Did you live with a foster family there as well?
A. Yes.
Q. Do you remember how long you lived

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with a foster family?
A. No.
Q. You don't remember?
A. No.
Q. Did you go to school there too?
A. Yes.
Q. Do you remember what school you went to?
A. No.
MS. ALLEN: Okay. I pass the witness.

(Whereupon Ms. Allen concluded her examination at 3:18 p.m.)

THE COURT: Any other questions?

MS. LUZAICH: Just very briefly to clarify.

REDIRECT EXAMINATION

BY MS. LUZAICH:

Q. Taquanda, last summer, so the summer between fifth and sixth grade when mom was living in Henderson. You said you were living in Henderson. Did you kind of go back and forth to Miss Ann's or did you live at mom's the whole time?

A. I lived at mom's the whole time.

Q. And when you talked about the time

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with Tahara and Fred in the laundry room that day when you came home from school, were you just like taking a nap. Is that why you were sleeping?

A. Yes.

Q. When you talked to the detective from Henderson when you were living at Blankenship, he came to your house, right, and talked to you there?

A. Yes.

Q. Wasn't it like 3:00 o'clock in the morning?

A. Yeah.

MS. LUZAICH: Okay. Thank you.

(Whereupon Ms. Luzaich concluded her examination at 3:19 p.m.)

THE COURT: Anything further?

MS. ALLEN: No.

THE COURT: Thank you. You did really well. You can leave.

(Whereupon Taquanda Duke was excused from the witness stand at 3:19 p.m.)

THE COURT: So at 3:30 we go into overtime so I have to stop.

MS. ALLEN: We're not done today anyway. Mahlica is how old?

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MS. LUZAICH: Yeah, in Henderson although they've all been sitting here since 9:00 o'clock.

THE COURT: You can start and go until 3:30 and then your cross-examination --

MS. ALLEN: No. It's okay. Thank you.

THE COURT: All right. So we'll be back here then on May 7th at 1:00 o'clock and you'll have enough time to get the transcript.

So we'll see you back May 7th at 1:00 o'clock.

(Whereupon the proceedings adjourned at 3:21 p.m.)

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AFFIRMATION

Pursuant to NRS 239B.030:

The undersigned does hereby affirm that the preceding Volume I of transcript of preliminary hearing district court case No. C-13-291374-1 does not contain the social security number of any person.

Dated this 2nd day of May, 2013.

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

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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 2nd day of May, 2013.

/s/ Cheryl Gardner

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CASE NO. C-13-291374-1
DEPT. NO. XII

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

-oOo-

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

VOLUME I

REPORTER'S TRANSCRIPT

OF

PRELIMINARY HEARING

BEFORE THE HON. JANIECE MARSHALL
JUSTICE OF THE PEACE

MONDAY, APRIL 29, 2013
11:47 a.m.

APPEARANCES:

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

For the Defendant: BETSY ALLEN, ESQ.

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

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Docket 69093 Document 2016-18966 0000108

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LAS VEGAS, CLARK COUNTY, NV, MONDAY, APRIL 29, 2013
11:47 a.m.
-oOo-

P R O C E E D I N G S

THE COURT: Fredrick Harold Harris, Jr., 13F02924X.

MS. LUZAICH: Lisa Luzaich for the State.

MS. ALLEN: Betsy Allen on behalf of Mr. Harris. He's present in custody.

MS. LUZAICH: Your Honor, pursuant to 100.405 I am going to ask the Court to close the courtroom so that nobody is in the court that doesn't need to be here. The Court has the authority to do that, and given the fact that there are a bunch of kids that are going to testify two of them are going to be testifying about repeated acts of sexual assault and all sorts of craziness, I just think it would be easier for them if there's nobody else in the courtroom and then there are

people here that they know.

THE COURT: Okay.

MS. ALLEN: May I respond. Judge, we would object to the closing of the courtroom. First of all I believe the statute is primarily for the purposes of children testifying. I will advise

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the Court that Tina is an adult. She is probably 50 years old. Victoria is at least 19 or 20. Mahlica is as well 19 or 20.

That's three of the five witnesses. The other two are roughly 12 and 13 at this point in time. Certainly they're old enough that there can be people in the courtroom. I'm not specifically objecting to the high school students in the courtroom.

My client's mother is here as well as other individuals here to support him. He has the right to -- obviously this is a public courtroom. There's no reason to exclude anybody at this point

and I don't think there's been any indication there's been threats by any family members. I haven't heard anything.

THE COURT: Are there minor -- is there a minor that's testifying?

MS. LUZAICH: Yeah. Mahlica is not 19 or 20. She's like 16.

THE DEFENDANT: Mahlica is 19.

THE COURT: When are you calling her? We'll clear the courtroom when she testifies.

MS. LUZAICH: The first two are minors.

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THE COURT: All right. So we'll clear the courtroom for the minors and then you're having the adult testify.

MS. ALLEN: I believe Mahlica is of age. I have her being 19.

THE COURT: Okay. So when the minor child testifies, we'll clear the room. Who is going to be your first witness?

MS. LUZAICH: The minor child.

THE COURT: So we'll clear the courtroom for the minor child and for any adults that are testifying anybody who wants to come back in the courtroom we'll just close it for the minor child to testify if there's one or more minor children.

So, marshal, if you could escort the two high school students back to Wendy and have Wendy find them someplace to watch or you can sit there until after the minor child testifies. I don't know how long you're going to be here. So you can -- either we can find you another courtroom that you can observe or you can wait until after the minor child testifies and then come back in the courtroom.

MS. LUZAICH: There's jury selection

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THE COURT: Thank you. You can come back any other day. This doesn't usually happen. Thank you for being here.

All right. So there was also an amended Complaint filed.

MS. LUZAICH: I did file an amended Complaint, Judge.

MS. ALLEN: I actually received it on Friday, Thursday or Friday.

THE COURT: So you're waiving reading of the amended Complaint.

MS. ALLEN: Oh, yeah.

THE COURT: So we're ready to go.

MS. LUZAICH: Just so that the Court is aware, as I was generating the amended, I realized I left out a charge and it's not going to become relevant until Victoria who is going to be the fourth witness testifies and before she gets on the stand, I'll remind the Court.

THE COURT: So how many witnesses are we going to have testify?

MS. LUZAICH: Five.

MS. ALLEN: What was that statute

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again?

MS. LUZAICH: 100 405.

MS. ALLEN: Your Honor, I would ask if you could that my client can be free to write. There will be a lot of testimony today and I think that I would like him to be able to write.

THE COURT: Is it all right with you? Okay. So ordered. All right. So --

MS. LUZAICH: Before we get on the stand, I think what I'm going to ask the Court to do at the end of the prelim is rather than argue the bindover today, wait for a transcript.

THE COURT: Okay.

MS. LUZAICH: Just because.

MS. ALLEN: We both have a little bit of a time constraint today I think.

THE COURT: What time do you need to end by?

MS. ALLEN: 3:30-ish. My daughter has an ortho appointment.

THE COURT: That's all right. You don't need to explain. So you're anticipating we're going until 3:30.

MS. ALLEN: Oh, yeah.

THE COURT: Because at some point I

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have to give the staff a break because we've gone straight through this morning so is there a time -- in the order of witnesses that you have people here right now that you can let them go and have them come back that we can at least take --

MS. LUZAICH: What I would like to do if it's okay with the Court is get the two young girls. They're in middle school. At least if they can get on and off, they can go to school.

THE COURT: How long do you think it will take, an hour, hour and a half?

MS. ALLEN: It's going to be a little bit of time. They made two statements to the police and they are very conflicting statements so . . . .

THE COURT: So if your other witness you're going to tell them to be back then.

MS. LUZAICH: Whenever you break, I'll tell them to come back.

THE COURT: If they're just sitting here now, I don't want them to have to do that. Okay. My marshal has a 3:00 o'clock appointment so you need to get somebody to cover for you because

we'll need to get as many witnesses as we can get done.

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So I anticipate we'll probably break at 1:30 for at least a half hour so then whatever witness if you're not going to get through everybody today, then you probably want to make that decision today if there's somebody that you would like to let go and we can reschedule. If we don't get to everybody today, we can continue.

MS. LUZAICH: Can we start and figure that out after?

THE COURT: Sure. But you might want to talk to the witness rather than have them sitting here all day. So if you need additional time, we have -- for sure we could do it Monday the 6th otherwise we can do a special setting in the afternoon if you want to get it done.

(Discussion off the record.)

THE COURT: If you need to come back,

we need to be looking at at least next week, maybe May 6th if you don't get done today.

MS. LUZAICH: Assuming I'm done with my trial by the 6th. I will be done by the 7th but I might not be able to do the 6th.

THE COURT: Or we can do it on the 7th. So if we need to hear more additional witnesses, we can hear it on May 8th and we can do

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it in the afternoon if you want to do that. I don't know. If you are going to have enough energy to do that otherwise it would be the next week 14th, 15th, 16th, or 17th. Friday the 17th.

MS. LUZAICH: I'd rather do it the week of the 6th, 7th.

MS ALLEN: I have another prelim that day. I can do the afternoon of the 7th. I could do the 9th.

THE COURT: We can do it in the afternoon. Probably the 7th would be better. You're going to be done on the 7th.

MS. LUZAICH: Yeah, I'm done on the 7th.

THE COURT: We can do it on the afternoon of the 7th. We'll work it out to see what we have left.

MS. LUZAICH: The State calls Tahara Duke.

MS. ALLEN: Your Honor, for the record this is Monique McNeill. She actually represents a codefendant. She was charged in a separate case in a separate courtroom.

MS. LUZAICH: Which is why I did not object to her presence.

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MS. ALLEN: She's sort of here helping.

THE COURT: How old are you?

THE WITNESS: I'm 13.

THE COURT: And what's your name?

THE WITNESS: Tahara.

THE COURT: And your last name?

THE WITNESS: Duke.

THE CLERK: Do you promise to tell the truth, the whole truth and nothing but the truth?

THE COURT: So I need you to verbalize your responses so -- the court reporter is taking down everything we say so the clerk asked you if you promise to tell the truth, the whole truth, and nothing but the truth.

MS. LUZAICH: Do you promise that?

THE WITNESS: Uh-huh.

THE COURT: I need you to say yes or no.

MS. LUZAICH: Honey, can you move forward just a little bit. This right here is a microphone and while it is going to help everybody hear what you have to say, you still have to speak up because everybody here has got to hear you. Okay? Okay?

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MS. ALLEN: You need to answer yes or

no.

THE DEFENDANT: Okay.

MS. LUZAICH: Remember, you have to answer out loud.

DIRECT EXAMINATION

BY MS. LUZAICH:

Q. Are you all right? Are you nervous?

A. Uh-huh.

Q. Are you very nervous?

A. Kind of.

Q. Okay. May I -- I'm sorry. Tahara, how old are you?

A. 13.

Q. What is your birthday?

A. October 9th.

Q. What year were you born?

A. 1999.

Q. Okay. Now you're not speaking in your big girl voice. Can you talk a little bit louder, please.

A. 1999.

Q. Thank you. Do you go to school?

A. Yes.

Q. What school do you go to?

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A. Sedway Middle School.
Q. What grade are you in at Sedway?
A. Seventh.
Q. Do you like being in seventh grade?
A. Yes.
Q. You look hesitant. What do you like about seventh grade?
A. I don't know. But then again --
MS. ALLEN: I can't hear her, Your Honor, at all.
THE COURT: So can you scoot a little bit closer to the microphone and you need to project your voice a little bit so you've got to speak out so even though the attorney's asking you the question, you've got to make sure everybody in the court can hear you. And it would help if you don't put your hand up to your mouth.
Do you understand?
THE DEFENDANT: Uh-huh.
THE COURT: Yes?
THE DEFENDANT: Uh-huh.
MS. LUZAICH:
Q. Is that a yes?
THE COURT: You actually have to verbalize your responses so we don't have to guess

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what you're saying. If at any time you don't understand what the attorney's asking you, you need to make sure that you say I don't understand what you're asking. So you don't want to agree to something or answer something if you don't understand the question.

So it's real important that you understand the question before you give a response. And then if another attorney starts making an objection to the question, you want to wait until I rule on it before you answer. All right?

So there will be a question. You'll know you get to go because nobody will be talking and then you give your answer as long as you understand the question. If you don't understand a question, you need to speak up and let the attorney know you don't understand what they're asking you. All right?

THE WITNESS: Okay.

THE COURT: All right. Thank you. Go

ahead.

MS. LUZAICH: Okay.

Q. So, Tahara, you're in seventh grade now. Did you go to Sedway Middle School all of

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seventh grade?

A. Well, at first I went to Hyde Park and then I guess they switched me so I went to Sedway.

Q. Okay. When you switched from Hyde Park to Sedway, why was that?

Was it because you got taken out of the home that you were living in?

A. Uh-huh.

Q. Is that a yes? See this nice lady. She has a yes button and a no button. She does not have an uh-huh button. Okay?

When you got taken out of the home that you were living in, who were you living with?

A. I was living with Fred Ann, Shakira, me, and Taquanda.

Q. Okay. When you say you were living

with Fred and Shakira, is any of those people here in court today?

A. Yes.

Q. Who is here in court today?

A. Fred.

Q. Can you point to him and describe something he's wearing.

A. He's wearing a shirt.

Q. What color shirt is he wearing?

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A. It's black.

THE COURT: So he's wearing glasses and he's sitting down at the table, correct?

THE WITNESS: Uh-huh.

THE COURT: So the record will reflect the witness has identified the defendant.

MS. LUZAICH: Thank you.

Q. So when you say you were living with the defendant Fred and Ann and Shakira, who was Ann?

Do you know -- does she have another name?

A. Yes.

Q. What's her other name?

Lealar, L-E-A-L-A-R. Does that sound right?

A. Yes.

Q. Okay. So you were living with Fred and Shakira. Who is Shakira?

A. Miss Anne's daughter.

Q. Is that S-H-A-K-I-R-A do you think?

A. I don't know. I don't know how to spell it.

Q. If you don't know the answer to a question, you just tell me you don't know. You

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were living with Taquanda also, right?

A. Yes.

Q. Who is Taquanda?

A. My sister.

Q. Can you spell that for our nice court

reporter?

A. T-A-Q-U-A-N-D-A.

Q. Okay. How -- is Taquanda older than you or younger than you?

A. Younger.

Q. Why were you living with Miss Ann and Fred, do you know?

Did Miss Ann have guardianship of you?

A. Yes.

MS. ALLEN: Your Honor, I'm going to object to leading.

MS. LUZAICH: I think it's evidenced by the lack of response.

THE COURT: Okay.

MS. LUZAICH: It's just foundational.

THE COURT: I'll overrule it at this time.

MS. LUZAICH:

Q. What is your mom's name?

A. Tina Duke.

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Q. Did you used to live with your mom before you lived with Miss Ann and Fred?

A. I don't understand that question.

Q. Okay. You said that at the beginning of seventh grade you got taken out of the house that you lived in with Miss Ann, Fred, Shakira and Taquanda, correct?

Is that a yes?

A. Yes.

Q. Before did you used to years ago live with your mom Tina?

A. I still don't know 'cause --

THE COURT: Did you ever live with your mom, your biological mom?

THE WITNESS: Uh-huh.

THE COURT: Okay. So that's yes, you did.

THE WITNESS: Uh-huh.

THE COURT: When did you live with your mom? How old were you?

THE WITNESS: I can't remember how old I was.

THE COURT: You were smaller.

THE WITNESS: I was.

MS. LUZAICH: Okay. Can I follow-up

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on that.

THE COURT: Go ahead.

MS. LUZAICH: Okay.

Q. Do you have brothers and sisters?

A. Yes.

Q. Other than Taquanda, what other sisters do you have?

A. I have Mahlica, Vickie, and then I have Shabazz.

Q. Shabazz is your brother; is that right?

A. Uh-huh.

Q. Is that a yes?

A. Yes.

Q. And did you guys, were you born and did you start growing up in another state?

A. What do you mean by that?

Q. Were you born in Louisiana?

A. No.

Q. Did you live in Louisiana before you came to Las Vegas?

A. Yes.

Q. Okay. Sorry. And when you came to Las Vegas, did you live here for a little while with your mom and your sisters and your brother and

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then did you go to Utah?

A. Yes.

Q. Do you know how old you were when you went to Utah about?

A. I was young. I don't remember it all.

Q. Okay. Was that before you started going to school?

A. Yeah. I guess. I don't know. I can't remember.

Q. You can't remember. That's okay. Do you know when you came back from Utah to Las Vegas?

A. 2007.

Q. Okay. And when you came back from Utah in 2007, who did you come back here with?

A. With?

Q. Okay. Maybe who did you live in Utah with?

A. My mom, my sister, my brother.

Q. All of your sisters and your brother?

A. Uh-huh.

Q. Is that a yes?
A. Yes.
Q. Okay. So when you came back from Utah in 2007, where did you go to live?
A. We went, we went and stayed with Fred

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and Ann.
Q. Fred and Ann. Do you remember what street you lived on?
A. 966 Blankenship Avenue.
Q. Is that in Las Vegas here in Clark County?
A. Uh-huh.
Q. Is that a yes?
A. Yes.
Q. And when you went there, do you remember what month it was in 2007?
A. Huh-uh, no.
Q. Was it before school started?
A. Yes.

Q. Okay. What grade did you start when you came back in 2007?

A. Second grade.

Q. Okay. Now, when you went to stay with Fred and Ann in the second grade, who lived there then, Fred and Ann and you and any of your brothers or sisters?

A. Uh-huh.

Q. Which brother and/or sisters?

A. All of them.

Q. Did Victoria live there when you came

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back in 2007?

A. Huh-uh.

Q. No. Is that a no?

A. No.

Q. So Mahlica, Taquanda, and Shabazz and you lived there?

A. Uh-huh.

Q. Okay. Now --

MS. ALLEN: Is that a yes?

MS. LUZAICH:

Q. Was that a yes?

THE COURT: Did you live with Shabazz in 2007, right?

THE WITNESS: Uh-huh, yes.

THE COURT: Sorry. We need you to say yes or no because the court reporter can't interpret what you're saying so that's why we keep asking you to say yes instead of uh-huh so if you could just try to remember. We don't mean to be rude or, you know, put you on the spot or anything. We're just trying to get you to verbalize your responses. All right?

THE WITNESS: Okay.

THE COURT: Go ahead.

/ / /

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Fred and Ann -- we're on the same page.

A. Uh-huh.

Q. How did Fred treat you guys while you were living there?

Did he treat you good or bad or somewhere in between?

A. In between.

Q. Okay. So was it good sometimes, bad sometimes, was it always good, was it always bad, what was it?

A. It was like -- there would be good days and then there might be bad days.

Q. Okay. What would the bad days be like?

A. It would be like kind of sad and stuff.

Q. Okay. What would he do that made you sad?

A. I don't know 'cause it's like we didn't do our chores or something or like something went wrong, it would be like we'd either get yelled at. It depended on what we did, though. We'd get

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yelled at. We'd have to do push-ups or we'd get a whipping.

Q. When you got a whipping, what would you get whipped with?

A. A belt.

Q. When you lived there, did he ever whip you with a belt?

A. Uh-huh.

Q. Is that a yes?

A. Yes.

Q. Did he do that more than one time?

A. More than one time.

Q. The way you said that it sounds like a bit more than one time. Was it five times?

A. I don't know.

Q. Okay. When he hit you, whipped you with a belt, where on your body would he whip you with a belt?

A. My bottom.

Q. When he whipped your bottom, would that be on top of clothes or would your pants be down?

A. It would be on top of clothes.

Q. Did it leave a mark?

A. It left a little. You could see where

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I got whipped with marks or whatever.

Q. Okay. Did it hurt?

A. Yes.

Q. The way you say it, did it hurt a lot?

A. Well, yes.

Q. Okay. Did you ever see him whip Shabazz with a belt?

A. I heard it.

Q. How did you hear it?

A. The belt just whipping him and Shabazz screaming or whatever.

Q. Where were you when you heard it?

A. I would either be in my room or doing something.

Q. Okay. Where would Shabazz and Fred be when he would do it?

A. He would be in Fred's and Ann's room.

Q. So Fred and Ann shared a room in that house on Blankenship?

A. Uh-huh.

Q. Is that a yes?

A. Yes.

Q. Are you saying that you could hear it but not see it because you were not in the same

room?

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A. Uh-huh.
Q. Is that a yes?
A. Yes.
Q. Okay. Did you hear it more than one time, him whip Shabazz with a belt?
A. Yeah, more than one time.
Q. Okay. Did you ever see or hear him whip Mahlica with a belt?
A. Oh, yeah, I heard him whip Mahlica with a belt.
Q. Okay. Where were they when that happened?
A. I can't remember.
Q. Okay. Were you not in the same room?
A. I don't know.
Q. Is there a reason that you heard it but did not see it?
A. No. I don't know. I don't know what

you're trying to ask me like.

Q. Well, you said you heard him whip Mahlica with a belt.

A. Uh-huh.

Q. So yes?

A. Yes.

Q. You heard it but you did not see it.

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A. Yes.

Q. Did you hear it but not see it because you weren't in the same room that it happened in?

A. Yes.

Q. Were you in the house at the time?

A. Uh-huh.

Q. Yes?

A. Yes.

Q. Okay. Did you hear that more than one time?

A. I only heard that once.

Q. For Mahlica. Okay. Did you hear or see him do anything else to Mahlica?

A. That's all.
Q. Did you ever hear or see him whip Taquanda with a belt?
A. Yes.
Q. Did you hear or see that one time or more than one time?
A. It was only like a couple of times.
Q. Okay. Did you hear it or see it or both?
A. I just heard it.
Q. Okay. And where would they be when that happened?

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A. In Miss Ann and Fred's room.
Q. Okay. And you were not in that room when it happened; is that right?
Were you standing in Miss Ann and Fred's room when Fred whipped Taquanda with a belt or were you somewhere else in the house?
A. I don't know. There was just me and

her both got a whipping.

Q. So one time you saw it.

A. Uh-huh.

Q. Is that a yes?

A. Yes.

Q. Did you ever see any marks left from the belt on Taquanda?

A. Uh-huh.

Q. Is that a yes?

A. Yes.

Q. Did you see any marks left from the belt on Mahlica?

A. Yes.

Q. You nodded your head yes and then you stopped and said yes out loud.

Did you ever see any marks left from the belt on Shabazz?

A. I don't know. He didn't really show

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himself like that like.

Q. Okay. Did there come a time that --

well, I'm sorry.

When you came back to the house in 2007 you said your sisters Taquanda and Mahlica and Shabazz lived there but your mom and Vickie did not?

A. Yes.

Q. Did they live somewhere else in Las Vegas?

A. Yes.

Q. Do you know where that was?

A. They lived somewhere on Walnut in an apartment.

Q. Did you ever visit them at a location somewhere around Walnut?

A. Yes.

Q. Did there also come a time when they moved into the house on Blankenship, Victoria and your mom?

A. Uh-huh, yes.

Q. And did they live there for a while like months or years as opposed to days or weeks?

A. Yes. They lived there again for a while but then again they moved to St. Andrews.

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Q. Do you remember when they moved into the house on Blankenship?

A. Sometime between third grade, third and second grade, sometime between there.

Q. Okay. And do you remember when they moved out of the house and moved to St. Andrews?

A. No, it was between when I was about, when I was like in fifth grade or when I was going to sixth grade it was between those two times that they moved yeah, before school, yeah.

Q. Okay. So before you started sixth grade.

A. Uh-huh.

Q. Is that a yes?

A. Yes.

Q. Okay. When they moved to St. Andrews before you started sixth grade, who was it that moved?

A. Say that again.

Q. Who moved out of the house on Blankenship when you were getting ready to start sixth grade and moved into St. Andrews?

A. It was Vicky, Mahlica, and Shabazz and my mom and me.

Q. And you say Vickie. I say Victoria.

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That's the same person, right?

A. Uh-huh.

Q. Okay. Since you call her Vickie, I will too. So you're getting ready to start sixth grade. Is it still you and Fred and Ann and Taquanda living in the house?

A. Uh-huh, yes.

Q. Did there come a time that something else happened that made you uncomfortable?

A. Yes.

Q. Okay. Tell me about that.

Okay. Did somebody do something that made you uncomfortable?

You're nodding your head.

A. Yes.

Q. Who was it that did something that made you uncomfortable?

A. Fred.

Q. Okay. And what you're about to talk about, did that happen one time or more than one time?

A. More than one time.

Q. Did -- where did it happen?

A. At the house on Blankenship.

Q. 966 Blankenship that we've been

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talking about.

You're nodding your head.

A. Yes.

Q. Okay. Did it always happen only at the house on Blankenship?

A. Yes.

Q. Did it happen in one room or in more than one room at the house on Blankenship?

A. More than one room.

Q. Okay. The first time that something happened, when was that? Either how old were you, what grade were you in, how close in time or was it before or after the others moved out of the house? That was a really long question. Let me start it over.

Did it happen before or after the others moved out of the Blankenship house the first

time?

A. I can't remember.

Q. Okay. The first time it happened do you know where Victoria, Vickie, your mom, Shabazz, and Mahlica were?

Were they still living there or did they live somewhere else?

A. I can't remember.

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Q. Okay. Do you remember what grade you were in or how old you were?

A. 11.

Q. Okay. Where were you the first time that it happened?

A. In one of the rooms.

Q. Which room?

A. In Fred and Anne's room.

Q. Okay. Let me ask another way. It happened in Fred and Ann's room. Did it happen in Fred and Ann's room one time or more than one time?

A. More than one time.

Q. What other rooms, if any, in the house did it happen at?

A. A garage, my old room, and then my other old room.

Q. Okay. When you say the garage, did -- was the garage just a place that vehicles were or were there other things in the garage?

A. There was an exercising thing, well, it used to be couch up in there but then there was, there used to be a TV then there was this thing that they hung up.

Q. Did people actually live in the house, sleep? Like was it somebody's room?

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A. Well, we used to like sleep up in the garage and stuff 'cause they made the garage into a room.

Q. Okay. Now, I'm going to go back to Fred and Ann's room. When it happened in Fred and Ann's room, tell me what happened in Fred and Ann's

room. What did he do?

Are you embarrassed?

Is that a yes?

A. Yes.

Q. Okay. Did he touch you somewhere?

A. Yes.

Q. What part of your body did he touch in Fred and Ann's room?

A. My private part.

Q. Your private part. Is there more than one private part of your body?

Are there a few private parts of your body?

You're nodding your head up and down.

A. Yes.

Q. The private part that you're talking about right now, is that the front of your body or the back?

A. The front.

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Q. Is there something that you do with that part of your body every day?

A. I use the bathroom.

Q. Okay. So is it above the waist or below the waist?

A. Below.

Q. Is it above the knees or below the knees?

A. Above.

Q. Is there a word for that or is that something you can't say?

You're nodding. You're saying no. Okay.

When he touched that front private part of your body where you go to the bathroom every day, what part of his body touched that in his room?

A. Fingers.

Q. When his fingers touched your private part, did the skin of his fingers touch the skin of your private part?

You're nodding your head.

A. Yes.

Q. Did it go inside your private part.

A. Yes.

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Q. Did you want that to happen?
A. No.
Q. Did any other part of his body touch you in his room?
A. Yes.
Q. What other part of his body touched you in his room?
A. His private.
Q. Is his private in the front or back of his body?
A. Front.
Q. Is it above the waist or below the waist?
A. Below.
Q. Is it above the knees or below the knees?
A. Above.
Q. Is it different than a girl's private part in front?
A. Yes.
Q. What's different about it?
Did you see it at that time?
MS. ALLEN: What was the response?
MS. LUZAICH:
Q. Did you see it at that time. Yes?

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A. Yes.
Q. You're nodding your head up and down. Okay. Let me put it this way.
Where in his bedroom were you when his front private touched yours?
A. On his bed.
Q. Okay. Did the skin of his front private touch the skin of your front private?
A. Yes.
Q. Did it go inside?
A. Yes.
Q. How did that feel?
A. That hurt.
Q. Did any other part or did that part of his body touch any other part of your body in his room?
A. No.
Q. Nowhere else in his room?
A. Huh? Say that again.
Q. Did he put that part of his body, the front private anywhere else on your body or in your

body in his room?

A. No.

Q. Did he cause you to touch his front private in his room?

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A. Yes.

Q. What part of your body did he cause to touch his front private?

A. My hand.

Q. How did he cause your hand to touch his front private?

A. He grabbed my hand and put it on there.

Q. When he grabbed your hand to put it on there, did he do anything with your hand?

Did he cause your hand to do anything?

You're nodding your head.

A. Yes.

Q. What did he cause your hand to do?

A. I don't know, kind of like feel it or whatever.

Q. Feel it how?

Did he cause your hand to move while touching his front private?

A. Yes.

Q. How did he cause your hands to move? What kind of motion?

A. An up and down motion.

Q. Did anything happen to his private

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when you did that?

A. No.

Q. Was he saying anything to you while this is happening?

A. No.

Q. How did you feel while that was happening?

A. Weird, uncomfortable.

Q. While his fingers were in your front private, did any other part of his body touch your

body?

A. What do you mean by that?

Q. Other than his front private, did any other part of his body touch yours?

Did his hand go anywhere else --

A. No.

Q. -- on your body?

A. No.

Q. Did his front private do anything to the back of your body in his room?

A. No.

Q. Did he say anything to you about whether or not you should say anything to anybody else?

MS. ALLEN: Objection, leading.

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THE WITNESS: He was like --

THE COURT: Hold on one second.

MS. ALLEN: Your Honor, just for the record she was asked did he say anything to her and

she answered no and now the State has suggested the answer so I will object.

MS. LUZAICH: No. I previously asked did he say anything to you while this was happening.

THE COURT: Now asking about after it what happened.

MS. LUZAICH:

Q. What did he say after?

A. He said don't tell nobody. I can get in trouble and stuff.

Q. You said he told you don't tell anyone I can get in trouble. When you say "I," do you mean you or he could get in trouble?

A. Yes. He.

Q. Did he say how he could get in trouble?

A. He was like I'll go to jail or something like that.

Q. Okay. Did you tell anybody?

A. Uh-huh.

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Q. Did you tell anybody immediately or later?

A. Later.

Q. Okay. Did it happen again before you told anybody?

A. Uh-huh.

THE COURT: Is that a yes?

THE WITNESS: Yes.

MS. LUZAICH:

Q. Did it happen a lot of times before you told anybody?

A. Yes.

Q. Why did you not tell anybody right away?

A. I thought there was a reason.

Q. Did -- you said that he did it in other rooms as well. In the garage where did he touch you when you were in the garage?

A. Fingers on his private part.

Q. Where did his fingers touch you?

A. My private part.

Q. Did his fingers touch you anywhere else?

A. No.

Q. Did he touch your chest?

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A. Uh-huh, yes.
Q. Is that a yes?
A. Yes.
Q. What did they do to your chest?
A. They was just like feeling it.
Q. Now, did he do that in his room as well?
A. Yes.
Q. Okay. When his fingers touched your private part in the garage, did they go inside?
A. Yes.
Q. You said his private part also touched you in the garage. Where did his private part touch you?
A. On my private part.
Q. When you say on your private part, did it go in also?
A. Yes.
Q. Did his private part go anywhere else around your body?
A. No.
Q. Did it go in your mouth?
MS. ALLEN: Judge, objection, leading.
THE WITNESS: Yes.
THE COURT: Sustained.

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MS. LUZAICH:

Q. Where, if anywhere else, did his private part go?

A. The top.

Q. What --

A. What you just asked me like I mean like -- the question.

Q. Tell me everywhere his private part touched your body in the garage.

A. My private and my mouth.

Q. Okay. When it touched your mouth, what did it do?

A. It went inside my mouth but it hurt.

Q. Did anything come out of it?

A. White stuff.

Q. Did he cause -- while you were in the garage, did he cause you to touch any part of his body?

A. No.

Q. Not in the garage?
A. Not in the garage.
Q. Sorry?
A. Not in the garage.
Q. You said that there was another bedroom that this happened in.

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A. Yes.
Q. Which other bedroom did it happen in?
A. My old bedroom.
Q. When you say your old bedroom, what do you mean by that?
A. Like I had -- I didn't have a lot of rooms in there but it was like we would swap out rooms and stuff.
Q. So you would move to different room at different times while you were staying there?
A. Uh-huh.
Q. Is that a yes?
A. Yes.
Q. In your old room, what happened in

your old room?

A. His private touched mine, also his fingers.

Q. When you say his private touched your private, did it go inside?

A. Yes.

Q. Did his fingers also?

A. Yes.

Q. Did his private go anywhere else in your old room?

A. No.

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Q. Did his hand touch you anywhere else?

A. No.

Q. Did he cause you to touch him?

Did it cause your hand to touch him in your old room?

You're nodding your head yes.

What did he cause your hand to do?

A. Feel it.

Q. Anything else?
A. That's all.
Q. Did he do similar to before?
A. Yes.
Q. Okay. Can you describe that. Did your hand move?
A. Like up and down.
Q. Okay. Was there another room? I'm sorry. I remember you said Fred and Ann's room, your old room, the garage. Did you say the laundry room?
A. Yes.
Q. What happened in the laundry room?
THE COURT: Is the laundry room one of her old bedrooms?
THE WITNESS: Huh-uh. That's where you do laundry at.

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THE COURT: You testified before that it was, happened in Fred and Anne's room, the garage, and then two of your old bedrooms.

THE WITNESS: I already described those.

THE COURT: You described two bedrooms already.

THE WITNESS: Uh-huh.

THE COURT: You did?

THE WITNESS: I did.

THE COURT: I only heard one.

MS. LUZAICH:

Q. Did it also happen in the laundry room?

MS. ALLEN: Objection, leading.

THE COURT: Sustained.

MS. LUZAICH: Okay.

Q. What happened in the laundry room?

A. He touched me with his fingers on my private part.

Q. Did they go inside?

A. Yes.

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Q. Anything else?
A. That's all.
Q. His private part didn't touch you in the laundry room?
A. No.
Q. Okay. Did there come a time that -- well, actually earlier you said that there came a time that you told somebody.
A. Uh-huh.
Q. Who did you tell?
A. I told Miss Ann.
Q. Okay. Did somebody else tell Miss Ann before you did?
A. Uh-huh, Taquanda did.
Q. How is it that Taquanda told Miss Ann?
A. Because she caught him in the act doing that to me.
Q. Where were you and he when she caught him?
A. Laundry room.
Q. Did -- how close in time to when she caught you in the laundry room did she tell Miss Ann?
A. It was like -- I can't remember. It was either two days later or one day later.

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Q. Okay. So kind of close in time?
A. Uh-huh.
Q. Is that a yes?
A. Yes.
Q. Were you present -- were you there when Taquanda told Miss Ann?
A. Yeah, I was there.
Q. Okay. And how did Miss Ann react?
A. She was like are you serious, are you kidding me? She was like shocked. She was like I kind of believe you but then again I kind of don't believe you.
Q. Okay. Did you tell Miss Ann at that time or another time?
A. At that time.
Q. Okay. What did you tell Miss Ann?
A. I told Miss Ann that Fred had put his hand in my private part.
Q. Did Miss Ann indicate to you that she was going to do something as a result of what you guys told her?
A. At first she was like -- I can't remember what she said though.

Q. Okay. Did she take you somewhere eventually?

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A. Somewhere?
Q. Yes. Did she take you to a doctor?
A. Uh-huh.
Q. Is that a yes?
A. Yes.
Q. Okay. And did she indicate to you that she was going to do something else with you and Taquanda?
A. No.
Q. Did she indicate that she was -- that you guys were going to stay there?
MS. ALLEN: Objection, leading.
THE COURT: Sustained.
MS. LUZAICH: Well, in light of the difficulty that -- I think that leading a little bit is not inappropriate.
MS. ALLEN: I understand but she is also -- she is 13 years old and so I mean she's not

five. If this was a five-year-old, I certainly wouldn't be objecting but she's leading.

MS. LUZAICH: Chronology really doesn't matter. I mean it's pretty obvious that some leading is necessary.

THE COURT: Okay. So you -- well, the fact she's telling you what Ann said is a whole

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different objection.

MS. ALLEN: I understand, Judge. I haven't objected to that.

THE COURT: So you're asking -- what did Miss Ann tell you she was going to do, if anything?

THE WITNESS: She said that she was going to move but then like we wound up staying there. She liked moved half her stuff in there and then like we were still at the house she was like moving all her stuff in there and then at the last minute something happened where she lost the

apartment so we had to go help her move all her stuff back in.

MS. LUZAICH:

Q. She originally said she was going to move you out and then she didn't.

A. Yeah, she didn't.

Q. Did there come a time that the police and CPS got involved or DFS?

A. No.

Q. Did you talk to police and child protective services or the department of family services about this?

A. Yes.

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Q. Okay. And after you spoke to them, did it ever happen again?

A. No, wait, 'cause we had got tooken (sic). Once they spoke to him, they didn't let us go home.

Q. Let me ask another question. After you told Miss Ann, did it happen again?

A. Yes.
Q. And later you talked to the police and CPS and then you got taken out of the house. Is that what you were saying?
A. Yes.
Q. And that's when you switched schools.
A. Yes.
Q. So you started seventh grade, this school year at Hyde Park.
Do you remember when you talked to the police and CPS?
A. One at the same time in September, yeah, I think.
Q. It could have been September 2012.
A. Yes.
Q. Okay. Thank you -- did you want any of those things to happen, Tahara?
A. No.

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MS. LUZAICH: Thank you. I pass.

(Whereupon Ms. Luzaich concluded this portion of her examination at 12:36 p.m.)

THE COURT: So this attorney is going to ask you some questions. All right?

THE WITNESS: Uh-huh.

CROSS-EXAMINATION

BY MS. ALLEN:

Q. Good morning, Tahara. How are you? Good morning. My name is Betsy. I'm going to ask you a couple questions to follow up with what Lisa asked you.

A. Uh-huh.

Q. You need to say yes.

THE COURT: She doesn't need to say yes. She needs to verbalize her answer.

MS. ALLEN: Can I ask you to put your hand down. We need a very clear record. When your hand is up there, sometimes I can't understand you.

THE WITNESS: Uh-huh.

MS. ALLEN:

Q. How old are you now, 13?

A. Yes.

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Q. And you said you're in seventh grade.
A. Yes.
Q. And the school is Sedway. Is it S-E-D-W-A-Y?
A. Yes.
Q. What kind of classes are you in?
A. I'm in math, reading, science, history, art.
Q. The usual stuff?
A. Uh-huh.
Q. Yes?
A. Yes.
Q. Okay. Do you have an IEP?
THE COURT: What is that?
MS. ALLEN: Individualized educational program.
THE WITNESS: Yes.
MS. ALLEN: Okay.
Q. What kind of issues do you have in school that gives you an IEP?
A. Reading and English.
Q. Are you dyslexic?
A. No.
Q. Okay. You just have problems with reading and English?

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A. Uh-huh.
Q. Yes?
A. Yes.
Q. Do you attend any special classes as a result of your IEP?
A. Yes.
Q. You do. Okay. Can you tell me what special classes that you attend because of your IEP?
A. Like reading.
Q. Okay. So your reading classes are the ones that are special. Yes?
A. Yes.
Q. You said your birthday is 1999; is that right?
A. My birthday is October 9, 1999.
Q. Okay. And what state were you born in?
A. I was born in Lakeland, Florida.
Q. Lakeland, Florida.
A. Uh-huh.
Q. Do you remember Florida?

A. Well, yes. I remember it.
Q. How long did you live in Florida?
A. I don't -- like I don't remember how

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long. I remember us moving to Louisiana.
Q. You do remember moving to Louisianna?
A. Uh-huh.
Q. And how old were you when you moved to Louisiana, do you remember?
A. I was little.
Q. You were little?
A. Uh-huh.
Q. Is that a yes?
A. Yes.
Q. The school that you attended before Sedway was Hyde Park; is that correct?
A. Yes.
Q. How long were you in Hyde Park?
A. At the beginning of the year until September.

Q. When you say the beginning of the year, what year are you talking about?
A. Like once it first started.
Q. Which year, 2011, 2012, 2010?
A. 2000 -- what is this, '13? 2012.
Q. So 2012 you started at Hyde Park; is that right?
A. Yes.
Q. Before Hyde Park, where did you go to

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school?
A. I went to school at West Prep.
Q. Is that a school here in Las Vegas?
A. Yes.
Q. Okay. Were you there in 2011?
Is that when you were there was 2011?
A. Huh-uh. I started going to that school when I was in sixth grade.
Q. Okay. So let's -- so in sixth grade how old were you?
A. I was 11.

Q. You were 11 in sixth grade and you went to West Prep; is that right?
A. Yes.
Q. Then and the next year you went to Hyde Park.
A. Yes.
Q. And then after that it's Sedway; is that correct?
A. Yes.
Q. Okay. And where did you go prior to West Prep?
A. HP Fitzgerald.
Q. In HP Fitzgerald?
A. Uh-huh.

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Q. Is that a yes?
A. Yes.
Q. How long -- how many years were you at HP Fitzgerald?
A. I was in second grade through fifth.

Q. Second through fifth grade. Perfect. Did you ever go to school while you were in Utah?

A. Yes.

Q. You did. Do you remember the name of the school?

A. Westmore.

Q. Westmore?

A. Uh-huh.

Q. Where did you go live while you were in Utah?

Do you remember the name of the city?

A. No. I don't remember that.

Q. You don't remember. Okay. Did you always live with your mom while you were in Utah?

A. Yes.

Q. At any point in time did you live anywhere else other than with your mom while you were in Utah?

A. No.

Q. Okay. When you came back from Utah in

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2007, you went to live with Fred and Ann; is that correct?

A. Yes.

Q. And said you lived with Fred and Ann prior to that?

A. Yes.

Q. Okay. Do you remember when you first moved in with Fred and Ann?

A. All I know is I went to this day care whatever called Tinker Town or whatever, that's all I could remember.

Q. In Tinker Town?

A. Uh-huh.

Q. Is that when you lived with Fred and Ann?

A. The first time then we moved to Utah then we came back.

Q. Then you came back. Okay. When you came back, you lived with Fred and Ann for what, three years, is that correct, four years?

A. I can't remember.

Q. Okay. You lived there in 2007; is that correct?

A. Uh-huh, yes.

Q. 2008?

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A. Yes.
Q. 2009?
A. Yes.
Q. 2010?
A. Yes.
Q. 2011?
A. Yes.
Q. Okay. What about into 2012?
A. Uh-huh.
Q. Yes?
A. Yes. Well, half of 2012.
Q. Okay. When did you leave Fred and Ann's house, do you remember the month in 2012?
A. Sometime around September, somewhere around there.
Q. Okay. When is the last time that you saw a doctor, do you remember?
A. No.
Q. You don't remember. Do you remember seeing a doctor last year in 2012?
A. Uh-huh.
Q. Yes?
A. Yes.
Q. Do you remember Miss Ann taking you to see a doctor?

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A. Yes.
Q. Do you remember the name of the doctor?
A. Huh-uh, I don't remember her name.
Q. It was a girl?
A. Uh-huh.
Q. Yes?
A. Yes.
Q. Did you see any other doctors while you lived with Miss Ann?
A. I can't remember.
Q. Okay. Did she take you into get shots and things for school?
A. Yes.
Q. Okay. Not very pleasant.
A. I mean they didn't really hurt me. All you got to do is just not look I mean.
Q. So it wasn't that bad?
A. It wasn't that bad.
Q. Okay. Were Fred and Ann the ones that

took you to school every day or made sure that you went to school every day?

A. Uh-huh.

Q. Yes?

A. Yes.

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Q. Did they buy you clothes for school every year?

A. Some years we would have to wait until they got money and stuff.

Q. But they brought you clothes for school every year; is that right?

A. Uh-huh.

Q. Yeah?

A. Yes.

Q. Did Fred and Ann put you in any classes like dance or singing or anything like that outside of school?

A. Huh-uh.

Q. No?

A. No.

Q. Do you remember if Shabazz was in any classes like karate?
A. He was in karate and that's -- he was in karate and stuff. Oh, wait, and then ROTC.
Q. But Fred and Ann -- are they the ones who put him in karate?
A. Yes.
Q. How close are you with your brother Shabazz?
A. Close. I guess I know him, yes. We

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don't get to see him now.
Q. You don't get to see him now?
A. Yes.
Q. How about when he lived with you at Fred and Ann's house, were you close with him then?
A. Yes.
Q. Does he have a temper?
A. Shabazz, Shabazz, Shabazz. I don't know. He like now he like has this attitude

problem. Like he wears these sunglasses or whatever. I mean if you tell him take it off, he might not take it off but then again I don't know. Man, he looking like Bruno Mars with those sunglasses stuff.

Q. Okay. Do you remember if he had a temper though? Did he get angry pretty easily?

A. I mean it depend on what you did, though. Sometimes he would be getting angry off of stupid stuff but other than that you just leave him alone and let him do him --

Q. Did he ever hit you or your sisters?

A. Huh-uh.

Q. He never got violent with you guys?

A. Not else he was just playing, it wasn't violent. It was just playing.

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Q. You said he'd hit you but it was for fun?

A. Uh-huh.

Q. You said that Fred, there were good

days and bad days living with Fred; is that right?
A. Uh-huh.
Q. Yes?
A. Yes.
Q. On good days were things like he made sure you guys got to school; is that right?
A. Yes.
Q. Was he strict with homework?
A. Well, yes. We got to get our education.
Q. Okay. Was he very concerned about all of you getting an education?
A. Uh-huh.
Q. Yes?
A. Yes.
Q. He wanted to make sure you got the best grades you could; isn't that right?
A. Yes.
Q. When you got in trouble at school, did you get in trouble at home?
A. Yes.

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Q. Okay. So he didn't like it when you guys misbehaved at school; is that right?
A. Yes.
Q. Did you get in trouble at school?
A. Yes. I mean like I was like I was just -- I don't know. I used to get into a lot of fights but it was like I got into fights, yeah, but I got better at it 'cause like when I was in sixth grade, I didn't get into no fights.
When I was in fifth grade I got in a couple but other than that sixth grade, seventh grade I'm doing good. Like I haven't got in any fights this year so that's good.
Q. Did Miss Ann catch you guys stealing something and take you back to the store? Do you remember that?
A. Oh, yeah, I remember that. I remember that.
Q. You and Taquanda. Do you remember you and Taquanda stole something from a store and she found out about it?
A. I remember that.
Q. She took you back to the store to return it, didn't she?
A. Uh-huh.

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Q. Yeah. You have to say yes.
A. Yes.
Q. And you got in trouble about that, didn't you?
A. Yes.
Q. Was Fred upset with you about that?
A. Uh-huh.
Q. Yes?
A. Yes.
Q. Do you remember Fred being gone from the house a lot at work?
A. Well, he used to work at this at Embarq then he got this job it was like at Nellis Air Force Base or the air force base. That's all.
Q. And he worked at the air force base?
A. Uh-huh.
Q. Yes. You said that he used to, sometimes he would give you guys what you called a whipping; is that right?
A. Uh-huh.
Q. Yes?
A. Yes.
Q. And it was with a belt; is that right?
A. Yes.

25 Q. And you said it would make a mark; is

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that correct?
A. Yes.
Q. Would you see the mark the next day?
A. It was like kind of being faded but you could still feel the pain.
Q. So it hurt?
A. Uh-huh.
Q. Yes?
A. Yes.
Q. Was your mom there when that happened?
A. No.
Q. Do you remember Miss Ann being there when that happened?
A. Yes.
Q. Do you remember what it was for?
A. I mean like if we didn't do chores or like getting in trouble at school whatever.
Q. No. Do you remember specifically -- well, let me put it this way.

You said that he hit you, he whipped you less than five times; is that right.

MS. LUZAICH: Well, objection. That's not what she said.

THE COURT: Sustained.

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MS. ALLEN:

Q. How many times do you remember Fred whipping you about?

A. I don't know.

Q. Was it more than five times?

A. Yes.

Q. More than ten times?

A. No.

Q. Okay. Of the less than ten times that he whipped you with a belt, can you remember specifically why he did it?

A. Oh, it was that time when, oh, yeah when we was, we was walking home from school so I

guess we decided to stop and hang around at a friend's house and then we came home and got in trouble.

Q. Okay. So that was one instance when that happened. Can you give me another one?

A. And then another one was at the store, the store whatever.

Q. The what?

A. It was because of we had went to the store.

Q. Stealing things from the store?

A. Yeah.

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Q. Okay. So that's two instances. Can you tell me another instance in which it happened and why?

A. No.

THE COURT: She said it was the chores.

MS. ALLEN:

Q. Was it because you didn't do your

chores?

You're shaking your head no.

A. No. I can't remember.

Q. You can't remember. Okay.

THE COURT: Do you know if it was for not doing chores or not?

THE WITNESS: No. I don't know.

THE COURT: You just don't remember. Okay.

MS. ALLEN:

Q. At any point in time did you tell anybody at school that you were being whipped by Fred or Ann, either one of them?

A. No.

Q. Okay. In 2007 after you'd come back to live with Fred and Ann you said that Victoria or Vickie and your mom moved out; is that right?

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is that correct?

A. Yes.

Q. And then at some point Shabazz and Mahlica moved out; is that right?

A. Yes.

Q. Do you remember the reason why they moved out?

A. I don't know.

Q. Did Fred and Ann ask them to leave because they were causing too many problems in the house?

MS. LUZAICH: Objection, foundation, hearsay.

MS. ALLEN: If she knows.

THE WITNESS: I don't know.

THE COURT: Do you know?

THE WITNESS: I don't know, no.

MS. ALLEN:

Q. So you don't know why they were asked to move.

MS. LUZAICH: Well, objection, assuming facts not in evidence.

THE COURT: Sustained. I don't know

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that they were asked to move.

MS. ALLEN: Okay.

Q. Do you know if they were asked to move out?

A. Yeah. I don't --

THE COURT: Okay. So at some point your mom and other siblings moved out, right?

THE WITNESS: Uh-huh.

THE COURT: Do you know why?

THE WITNESS: I don't know. I think because they wanted to. I don't know.

MS. ALLEN: I'm being specific actually to two of them.

Q. Victoria and your mom moved out sometime in 2007.

MS. LUZAICH: No. That misstates the testimony.

THE COURT: I don't know. At some point your mom moved out of the Blankenship house, right?

THE WITNESS: Uh-huh.

THE COURT: Yes.

THE WITNESS: Yes.

THE COURT: When she moved out, did she take one of your sisters with her?

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THE WITNESS: Yeah, Vickie and Mahlica.

THE COURT: And do you know when that was? Do you know what grade you were in?

THE WITNESS: Starting sixth grade or fifth grade, one of those.

THE COURT: And do you know why they moved out?

THE WITNESS: I think, I don't really know but I think it's because like --

THE COURT: So you don't know, right?

THE WITNESS: I don't know.

MS. ALLEN: Okay.

Q. So then Shabazz stayed behind; is that right?

A. Huh-uh. Shabazz moved out with them.

Q. So a minute ago when the judge asked you, you said it was mom, Vickie, and Mahlica so now it's mom, Mahlica, and Shabazz?

MS. LUZAICH: Well, objection. The question was very specific. Did your sisters go with you?

MS. ALLEN: This is

24 cross-examination. She was doing a lot of leeway
25 examining the witness so I'm trying to clarify that

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1 so if I can --
2 THE COURT: I understand.
3 MS. ALLEN: Thank you.
4 THE COURT: Overruled.
5 MS. ALLEN: All right.
6 Q. So do you remember you said you were
7 in fifth or sixth grade when mom and Vickie, at
8 least mom and Vickie moved out; is that right?
9 A. Uh-huh.
10 Q. Yes?
11 A. Yes.
12 Q. Do you remember what school you were
13 in?
14 A. I was going to HP.
15 Q. That would be HP Fitzgerald?
16 A. Yes.
17 Q. Okay. So that would have been fifth

grade; is that right?

A. Yes.

Q. Okay. Then you said that mom, at least mom and Vickie moved to an apartment on Walnut; is that correct?

A. At first like when we came back in 2007 Vickie and mom moved to an apartment then they moved in and then a couple years passed and then

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they moved into an apartment on I can't think of those two streets I think it was Commerce and Alexander, something like that. It was St. Andrews.

Q. St. Andrews you believe was the name of the apartment complex?

A. It was an apartment.

Q. Isn't that what I just asked?

THE COURT: Is St. Andrews an apartment complex or a school?

THE WITNESS: It's an apartment complex.

MS. ALLEN:

Q. Are Mahlica and Shabazz then they lived in the apartment on Walnut, they lived there with mom and Vickie.

A. It was only mom and Vickie staying there.

Q. Okay. Then where were mom and Vickie or where were Mahlica and Shabazz living when mom and Vickie were living on Walnut?

A. They was living with us, with me and my sister Taquana.

Q. On Blankenship --

A. Yes.

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Q. -- with Fred and Ann?

A. Yes.

Q. How long did they stay with you after mom and Vickie moved to Walnut?

A. Say that again.

Q. How long did Mahlica and Shabazz stay

at the Blankenship address with you and your sister after mom and Vickie moved to Walnut? How long were they there?

A. Until Vickie and mom they moved in with us so they continued to stay there until they moved out and went to the St. Andrews apartment complex.

Q. Okay. So just to be clear, mom and Vickie moved back from the Walnut address back to Blankenship; is that right?

MS. LUZAICH: Well, objection. The problem is the phrasing of the question.

MS. ALLEN: I'm trying to clarify what she's saying.

THE COURT: I thought that I said what she said too. Hold on. Let me ask it. So -- are you okay?

THE WITNESS: Okay.

THE COURT: Okay. So your mom and

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apartment, right? Just those two moved into the Walnut apartment, right?

THE WITNESS: Yes.

THE COURT: And then did you say that your mom and Vickie after they moved in the Walnut apartment, they moved back in with Fred and Ann at the Blankenship house?

THE WITNESS: They moved.

THE COURT: To the Blankenship house?

THE WITNESS: Yes.

THE COURT: And what grade were you in at that time when they moved back into Blankenship?

MS. LUZAICH: That's the problem with the back in 'cause they didn't live there before.

THE COURT: Did your mom and Vickie ever live at the Blankenship house before?

THE WITNESS: Yes.

THE COURT: When did they live there?

THE WITNESS: When I was in third grade, but they weren't living there until they moved into St. Andrews.

THE COURT: Okay. So mom and Vickie, did they live at the Blankenship house at any time

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when you first moved to Las Vegas?

THE WITNESS: No. They lived on Walnut.

THE COURT: So when you moved to Las Vegas, you moved in with Ann and Fred to the Blankenship house.

THE WITNESS: Yes.

THE COURT: And they moved into the Walnut apartment at the same time that you moved into the Blankenship house.

THE WITNESS: Yes.

THE COURT: And then they moved from the Walnut apartment. Did they move into the Blankenship house at that point when they left the Walnut apartment?

THE WITNESS: Yes.

THE COURT: Do you know how old you were when that happened?

THE WITNESS: I was either in third grade or second grade.

THE COURT: Okay. Go ahead.

MS. ALLEN: Thank you.

Q. Okay. So going back to the judge just asked you about moving mom and Vickie moved from Walnut back to Blankenship?

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THE COURT: No. They moved into Blankenship.

MS. ALLEN: Okay.

Q. Do you remember a few minutes ago saying when you moved back from Utah everybody lived at Blankenship?

MS. LUZAICH: Objection, that misstates the testimony.

MS. ALLEN: I'm asking if she remembers. I'm not misstating.

THE COURT: Overruled. You can ask her.

MS. LUZAICH: My objection is she said do you remember saying before that everybody moved in. That's not what she said.

THE COURT: Okay. She's asking if she ever said that and I don't know. Did you ever say that everybody -- when everybody moved from Utah, did everybody move into the Blankenship house initially?

THE WITNESS: Huh-uh.

THE COURT: Never. Okay. So she didn't testify to that.

MS. ALLEN:

Q. So when you moved back from Utah, it

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was just the kids that moved, you and Taquanda that moved into Blankenship, right?

A. Say that again.

Q. When you moved back from Utah, it was just you and Taquanda that moved into Blankenship.

A. It was me and Taquanda and Shabazz and Vickie and mom went to Walnut, something like that.

Q. At some point Mahlica and Shabazz moved out of Blankenship; is that right?

A. Huh?

Q. At some point Mahlica and Shabazz moved out of Blankenship; is that right?

A. Okay.

Q. They moved in with your mom and Vickie; is that right?

A. Okay. Like not all but me, me,

Mahlica, Vickie -- me, Mahlica, Shabazz, and Taquanda was living -- something that happened where they -- I don't know, but I guess they moved from the Walnut, lived with us and then --

MS. LUZAICH: They. Who moved from Walnut?

THE WITNESS: Vickie and mom moved from Walnut and started living with us but then a couple years passed and then Vickie, Mahlica,

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Shabazz, and my mom, they moved to St. Andrews.

MS. ALLEN: Okay.

Q. A couple years passed. Do you remember approximately what years they were?

A. It was between -- I don't know. I don't remember, but I know they moved out. It was either 2011 or 2012.

Q. 2011 or 2012. Okay. And you stayed at Blankenship; is that right? You stayed at the Blankenship address.

A. Yes.
Q. Okay. When Lisa asked you, Ms. Luzaich -- I'm not sure how you refer to her -- but she did ask you a number of questions about feeling uncomfortable with things that happened at the Blankenship address with Fred; is that correct?
Do you remember those questions?
A. Yes.
Q. And I'm going to ask you about those questions and I apologize for how uncomfortable it makes you but I have to ask you those questions.
A. Okay. Uh-huh.
Q. Yes?
A. Yes.

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Q. You said the first time it happened you were 11 years old; is that correct?
A. Yes.
Q. And that would have been in about 2010.

A. Yes.
Q. Is that right?
A. Yes.
Q. Do you remember?
A. I don't know.
Q. You don't know. Okay. This -- these event that you described happening with Fred, were they startling to you?
A. It was uncomfortable.
Q. Okay. Were you shocked that they happened?
A. Uh-huh.
Q. Yes?
A. Yes.
Q. Okay. Nothing like that had happened before; is that right?
A. That's right.
Q. Okay. So you have a vivid recollection of the events that occurred with Fred; is that correct?

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THE COURT: Do you know what vivid means?

MS. ALLEN: A very distinct.

Q. Do you know what the word distinct means? I apologize. No?

How about a very good memory of it. You have a very good memory of what happened.

A. Is like kind of. I don't know.

Q. You kind of remember what happened.

A. Yeah.

Q. Okay. You have -- do you remember that there came a time back in 2011 that you spoke with a detective from the Henderson Police Department?

A. Yes.

Q. Okay. Do you remember his name?

A. No.

Q. Okay. Does detective -- I'm going to say it wrong -- Melcher (phonetic), does that sound familiar?

A. I don't know. I don't remember his name.

Q. Okay. Do you remember speaking with a Detective Madsen (phonetic) maybe?

A. I don't know 'cause I don't remember

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their names.

Q. You don't remember their names. But do you remember speaking with two men who were from either the Henderson Police Department or Las Vegas Metropolitan Police Department?

A. Yes.

Q. You do. Okay. Do you remember giving them a tape-recorded interview?

A. Yes.

Q. And do you remember that they asked you a number of questions about living with Fred and Ann?

A. Yes.

Q. Do you remember that?

A. Yes.

Q. And that was in 2011; is that right?

A. Yes.

Q. Okay. And this is after the time that you're telling us today that Fred started touching you; isn't that right?

A. Yes.

Q. Okay. You said when Fred started touching you the first time, it was in his room; is that right?

A. Yes.

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Q. Okay. And you said that he touched your private part.
A. Yes.
Q. Do you know that private part to be your vagina?
A. Yes.
Q. Okay. And you said that he touched you with his fingers; is that correct?
A. Yes.
Q. All right. Do you remember which hand he used?
A. No.
Q. Okay. Do you remember was it more than one finger?
A. It was either one or two.
Q. Two. Okay. And these fingers, did they actually go into your vagina?
A. Yes.
Q. You said he grabbed your hand; is that correct?

A. Yes.
Q. And he put it on his -- you know his private part to be his penis; is that right?
A. Yes.
Q. And you said he grabbed your hand and

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put it on his penis; is that correct?
A. Yes.
Q. Did that happen before or after he put his fingers in your vagina?
A. Sometimes it was before, sometimes it was after.
Q. I'm asking specifically about the first time. You said when you were 11 in Fred's room.
THE COURT: Do you remember?
THE WITNESS: No, I don't remember.
THE COURT: You don't remember the order that it happened.
THE WITNESS: No.

THE COURT: Okay. Go ahead.

MS. ALLEN:

Q. You said that he made you feel his penis; is that right?

A. Yes.

Q. Okay. And he made you make an up and down motion with your hand.

A. Yes.

Q. Was this also in his room?

A. Yes.

Q. Where in his room were you when it

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happened?

A. I was right by the bed.

Q. You were standing by the bed, sitting by the bed? Were you on the floor?

A. I was by the bed.

Q. Do you remember if you were standing or sitting?

A. No.

Q. You don't remember. Do you remember

if he was standing or sitting?

A. No.

Q. Okay. Do you remember the month that this happened?

A. No.

Q. So you don't remember if it was warm or cold outside?

A. No.

Q. Okay. Do you remember what clothes Fred had on?

A. No.

Q. Okay. Were his clothes on or off?

A. It was like, it was like, it was like half and half.

Q. Okay. Which half was on and which half was off?

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A. He didn't have no shirt on and I guess he had some shorts on or whatever.

Q. Some shorts. Okay. Do you remember

what the shorts looked like?

A. There was like some jean shorts or whatever.

Q. Jean shorts. Okay. You said that -- I believe you said that in his bedroom that his penis also touched your vagina; is that right?

A. Yes.

Q. Okay. Do you remember if his penis touched your vagina before or after his fingers touched your vagina?

A. I don't remember what order but I just remember that it happened.

Q. You don't remember that it went in.

Okay. You said you testified that you didn't tell anybody because you thought that they wouldn't believe you; is that right?

A. Yes.

Q. Had you been at that time talking with your sister Victoria?

A. No.

Q. No. Did you ever discuss this with Victoria?

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A. No.
Q. You've never talked to Victoria about it at all?
A. No.
Q. You said that in the garage -- this also happened in the garage; is that correct?
A. Yes.
Q. And you said that he put his fingers in your vagina; is that right?
A. Yes.
Q. And he was feeling your chest?
A. Yes.
Q. Your breasts?
A. Yes.
Q. Do you recall if he put his finger in your vagina at the same time or before or after he was feeling your breasts?
A. I don't know.
Q. Pardon?
A. I don't know. I don't remember what order.
Q. You don't remember what order it went in?
A. No.
Q. Okay. You also said he made you put

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your mouth on his penis; is that right?

A. Yes.

Q. Was that before or after he put his fingers in your vagina?

A. After.

Q. After. And were you standing or sitting?

A. I was sitting.

Q. Do you remember where you were sitting?

A. It was this exercising thing and I guess it had a seat.

Q. You think you were sitting on the exercise thing?

A. Yeah.

Q. Okay. Was he sitting next to you?

A. Yeah.

Q. And that's when he put your mouth on his penis.

A. Say that again.

Q. You were sitting on the exercise thing; is that correct?

A. Yes.

Q. And you said he was sitting next to

you; is that correct?

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A. No. He was standing like in front of me.

Q. He was standing in front of you and that's when he put your mouth on his penis; is that right?

A. Uh-huh.

Q. Yes?

A. Yes.

Q. Okay. You said that it also happened in your old bedroom; is that correct?

A. Yes.

Q. Okay. And at this point you said I believe that he put his penis in your vagina; is that right?

A. Yes.

Q. As well as his fingers; is that correct?

A. Yes.

Q. Do you remember which happened first?
A. No.
Q. Pardon?
A. No.
Q. And you said he asked or he made your hand feel it. "Feel it" meaning his penis; is that correct?

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A. Yes.
Q. Okay. Did anything happen at that time?
A. No.
Q. Nothing. Did he move your hand?
A. Yes.
Q. He just made you grab it; is that correct?
A. Yes.
Q. Lastly you testified that something happened in the laundry room; is that correct?
A. Yes.
Q. Okay. And he put his fingers in your

vagina; is that right?

A. Yes.

Q. And that's the only thing that happened in the laundry room; is that correct?

A. Yes.

Q. Do you remember what you were wearing in the laundry room?

A. No.

Q. Do you remember where you had been prior to going into the laundry room?

A. No.

Q. Do you remember what time of day it

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happened?

A. Afternoon.

Q. Sometime in the afternoon?

A. Yes.

Q. Do you remember if it was -- was it after school or was it a weekend?

A. It was -- I don't know. It was either

a weekend or something.

Q. You believe it was a weekend?

A. Uh-huh.

Q. Yes?

A. Yes.

Q. Do you remember then in 2012 you also had, you also spoke with some people at family services. Do you remember that?

A. Yes.

Q. Someone by the name of Michelle Fisher. Do you remember talking to somebody by the name of Michelle Fisher?

A. I don't remember the name but I guess I talked to somebody.

Q. Do you remember what month it was in 2012 you spoke with someone from family services?

A. September.

Q. Okay. September?

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someone from family services or do you know where they were from?

THE WITNESS: Well, I spoke to someone.

THE COURT: Do you know if they were from family services?

THE WITNESS: No.

THE COURT: Okay.

MS. ALLEN: Sorry, Judge.

THE COURT: She doesn't know if they were from Family Services.

MS. ALLEN: Okay.

Q. Do you remember being interviewed sometime in September 2012 --

A. Yes.

Q. -- by someone who had a tape-recorder.

A. Yes.

Q. And they told you they had a tape-recorder, right?

A. Yes.

Q. Okay. And she asked you a lot of questions about living with Fred and Ann. Do you

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remember that?

A. Yes.

Q. Before September 2012 when you talked to this woman, the interview that she tape-recorded, had you lived with your mom for that summer?

A. For the summer yeah, we went over there and visited.

Q. How long were you at your mom's house?

A. For a couple of weeks.

Q. So just a couple of weeks?

A. Uh-huh.

Q. Okay. You didn't spend more than the summer over there?

A. No. It was like some weeks like a couple of weeks but we came home.

Q. Home to Fred and Ann's house?

A. Yes.

Q. So was it a couple of weeks total for the summer or did you spend a couple of weeks with your mom and then go back to Fred and Ann's and then go back to Fred and Ann's?

A. It was like a couple of weeks and then they would come and get us.

Q. Then what?

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A. We would spend a couple of weeks and then they would come get us.

Q. They would come get you. Okay. Is it fair to say that you were back and forth between Fred and Ann's house and your mom's house for the summer?

A. Uh-huh.

Q. Yes?

A. Yes.

THE COURT: So which summer is that?

MS. ALLEN:

Q. This was the summer of 2012, correct?

THE COURT: So last summer.

THE WITNESS: Uh-huh.

THE COURT: Yes. Thank you.

MS. ALLEN:

Q. And do you remember telling the case worker that you didn't want to live there anymore; is that right?

Do you remember telling the woman who talked to you you didn't want to live there any more; is that right?

A. Yes.

Q. And you told her because you get in trouble for little things. Do you remember saying

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that?

A. Yes.

Q. Pardon?

A. Yes.

Q. And do you remember telling her that you were raped?

A. Yes.

Q. Okay. And what does the word rape mean to you?

A. Touched.

Q. I'm sorry?

A. Touched.

Q. Touched. Okay. It means touched. Can you specifically describe what the word rape means to you.

A. Someone touching you without your permission.

Q. Okay. And do you remember who talked to you about the word rape for the first time?
A. No, I can't remember.
Q. Do you remember who -- do you remember the first time you ever heard the word rape?
A. No.
Q. Okay. Do you remember if it was something you learned in school?

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A. I can't remember that.
Q. You can't remember.
A. No.
Q. But you used the word rape specifically with this woman you talked to in September; is that right?
A. Yes.
Q. Do you remember telling her the first time it happened that you were taking a shower?
A. No, I don't remember that.
Q. You don't remember telling her that.

A. No.

Q. I don't mean to -- I'm not trying to be mean but if I showed you this, could you read it for me? If I showed you a transcript, would you read it for me? No. You have problems with reading. Yes. You have to say that.

A. Yes.

Q. Not to say yes but you have to answer out loud. I apologize.

Okay. But you don't remember telling this woman last September that it happened, the first time it happened it happened in the shower. You don't remember that?

A. No.

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Q. I wouldn't be able to show you where you said it because you can't read the transcript; is that correct?

A. Yes.

Q. Do you remember telling this woman, this individual that talked to you that somebody

had grabbed your wrist.

A. Uh-huh, I remember that.

Q. You remember that? And like then raped me. Do you remember that?

A. Yes.

MS. ALLEN: Okay. I apologize, Your Honor.

THE COURT: Do you need a break? Do you need to use the rest room or anything?

THE WITNESS: No.

THE COURT: Okay. Go ahead.

MS. ALLEN:

Q. Do you remember telling this individual when you were talking to her that when this incident happened in the laundry room that you were asleep?

A. No.

Q. Okay. You don't remember saying that you were asleep and Fred came and got you.

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A. That was the other incident. Yeah, I remember saying that.

Q. Okay. So with regard to the incident that happened in the laundry room, you remember testifying about that.

A. Uh-huh.

Q. Yes?

A. Yes.

Q. Okay. And you said you believed today you said you believe it happened in the afternoon; is that right?

A. Yes.

Q. Do you remember telling the case worker that you were asleep?

A. Uh-huh.

Q. Yes?

A. Yes.

Q. Do you remember when asked about these incidents with Fred that you said the shower and the laundry room were the only two times that you could remember?

A. Huh-uh.

Q. You don't remember saying that?

A. No.

Q. Just for the record I can't show you

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the transcript and have you read it, is that correct, because you wouldn't be able to?

A. Yes.

Q. Okay. Do you remember talking to the case worker about going to the doctor, Miss Ann taking you to the doctor?

A. Yes.

Q. And do you remember telling the case worker that you told this doctor you were raped?

A. Yes.

Q. Okay. And do you remember saying that the doctor's response was you should just get away from the guy who is doing it?

A. Yes.

Q. Do you remember now going to see the doctor with Miss Ann?

A. Yes.

Q. And this was -- was this in 2012?

A. Yes.

Q. Okay. And you went to go see, was it an OB-GYN, an obstetric, a woman's doctor?

A. Uh-huh.

Q. Yes. And do you remember having an exam, a female exam by a female doctor?

A. Yes.

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Q. Okay. And do you remember telling this doctor that you were raped?

A. Yes.

Q. Okay. And did the doctor tell you that you should just move.

A. Yes.

Q. She also advised you, this doctor also advised you that you should probably call the police?

A. Yes.

Q. Did the doctor at any time indicate to you that she intended to call the police for you?

MS. LUZAICH: Objection, hearsay, relevance, foundation.

MS. ALLEN: She doesn't understand my question. Well, let me ask her this.

Q. Do you know if the doctor called the police?

MS. LUZAICH: Well, objection.

THE WITNESS: I don't even know.

THE COURT: Okay. Hold on one

second. Remember I said when there's an objection, we have to wait. So are you withdrawing the first question and you asked the second question?

MS. ALLEN: Which is just do you know.

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THE COURT: And you're asking -- hold on.

MS. ALLEN:

Q. Do you know if the doctor called the police?

A. No. I don't know who called the po-po.

MS. ALLEN: That's the only question I had. Thank you.

Q. Now, going back to the time that you talked to the two male detectives in 2011, it was December the 20th,'11, remember I had asked you a couple questions about that before.

A. Yes.

Q. Okay. And do you know -- if you know,

do you know why they were out there talking to you in December of 2011 so about a year before you spoke with them the second time?

A. Something happened somewhere. Someone called the cops.

Q. Okay. And you were interviewed by them; is that correct?

A. Yes.

Q. They asked you a lot of questions; is that right?

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A. Uh-huh, yes.

Q. And they tape-recorded that one as well; is that correct?

A. Yes.

Q. Okay. And they asked you how you felt about living in the house, Fred and Anne's house. Do you remember those questions?

A. Uh-huh.

Q. You have to say yes or no.

A. Yes.

Q. And do you remember telling them that you felt protected?
A. Yes.
Q. And do you remember telling them I feel safe?
A. Yes.
Q. Okay. And do you remember them asking you if there were any times that you didn't feel safe and your answer was no?
A. Yes.
Q. And in fact you said no, never that. Do you remember that?
A. Yes.
Q. Do you remember if they asked you if there were any problems between you and anybody in

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

the house. Do you remember those questions?
A. Uh-huh.
Q. You have to say yes or no.
A. Yes.

Q. And you mentioned something about Fred driving you to school.

A. Uh-huh.

Q. Did Fred drive you to school?

A. Uh-huh.

Q. Yes or no.

A. Yes.

Q. Okay. And they specifically asked you if you were ever uncomfortable being around Fred, do you remember that?

A. Yes.

Q. And you said no. Do you remember that?

A. Yes.

Q. Okay. They asked you if you felt pretty good about being in the house with Fred and Ann. Do you remember that question?

A. Uh-huh.

Q. I'm sorry. You have to say yes or no.

A. Yes.

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Q. You said you felt good and confident and positive. Do you remember saying that?

A. Yes, I guess.

Q. Do you not remember this conversation with the police?

A. That was a long time ago.

Q. Okay. Fair enough.

THE COURT: Do you remember in the beginning I said if you don't remember something or you don't understand something, you need -- she is asking you questions. You can't just say yes if you don't actually remember.

THE WITNESS: Uh-huh.

THE COURT: So did you ever use the word confident to the police? Do you know what that word means?

THE WITNESS: Yes.

THE COURT: Did you use that word before?

THE WITNESS: I can't remember. It's like a long time ago.

THE COURT: So you don't remember if you ever said that to the police officer. Is that true?

THE WITNESS: Yes.

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MS. ALLEN: Okay.

Q. Do you remember describing your feeling about the house as anything but negative?

A. No.

Q. You don't remember that.

A. No.

Q. Okay. And again I can't refresh your recollection by showing you the statement; is that correct?

A. Yes.

Q. Do you remember the detectives asking you about your mom's relationship with Fred?

A. Yes.

Q. And do you remember saying that it was loving and close? You don't remember that?

A. I don't know.

Q. Okay. Do you remember saying that Fred was a good man?

A. I don't know.

Q. Okay. Do you remember saying that it's a good relationship describing your relationship with Fred? It's a good relationship and he takes care of us and he provides for us. Do you remember saying that?

A. I don't know.

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Q. Okay. Do you remember them asking you about Fred's relationship with Ann?

A. Yeah, I remember that.

Q. Okay. Do you remember saying that that was a good relationship?

A. Yeah, I remember that.

Q. And you said it was a loving, kind, special, unique, do you remember using all those words, describing Fred's relationship with Ann?

A. Yeah.

Q. And that they go good together?

A. Uh-huh.

Q. Yes. What about the questions about Fred's relationship with Victoria, do you remember that?

A. No, I don't remember.

Q. No. You don't remember those questions. Okay.

How about when they asked you about

your punishment when you got in trouble. Do you remember them asking you a whole bunch of questions about what Fred did to punish? Do you remember that?

A. Yes.

Q. And do you remember telling them one

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time when I got in trouble, I had to do push-ups. Do you remember saying that?

A. Yes.

Q. And do you remember telling them that you would get grounded if you got in trouble?

A. Yes.

Q. And you would maybe get your C.D.s taken away from you?

A. Uh-huh.

Q. Do you remember saying that?

A. Yes.

Q. And then they asked you if anything else would happen as punishment and you said that was it. Do you remember that?

A. Uh-huh.
Q. Yes or no.
A. Yes.
Q. Okay. You never said to the two police officers that you were talking to that Fred would whip you with a belt; is that right?
A. Uh-huh.
Q. Did you ever tell these two police officers that you were talking to in 2011 that Fred whipped you with a belt?
A. I can't remember that.

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Q. Do you recall telling them that Fred had touched you inappropriately?
A. No, I didn't tell them that.
Q. You didn't tell them that; is that right?
A. Yeah, that's right.
Q. Do you remember where this interview took place?

A. I think it was in my room.
Q. You think it was in your room?
A. Yes.
Q. And in your room where, what address?
A. I think sitting on my bed and they asked me a lot of questions.
Q. I understand that but do you remember where, which address? Were you at your mom's house?
A. At Blankenship.
Q. You were at Blankenship when they interviewed you?
A. Uh-huh.
Q. Yes?
A. Yes.
Q. And you don't specifically remember the two detectives; is that correct?

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A. Yeah, I don't remember them.
Q. You don't?
A. Yeah, I don't remember them.

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 III

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ATTORNEY FOR APPELLANT
CHRISTOPHER R. ORAM, ESQ.
Attorney at Law
Nevada Bar No. 004349
520 S. Fourth Street, 2nd Floor
Las Vegas, Nevada 89101
Telephone: (702) 384-5563

ATTORNEY FOR RESPONDENT
STEVE WOLFSON
District Attorney
Nevada Bar No. 001565
200 Lewis Avenue
Las Vegas, Nevada 89101

ADAM PAUL LAXALT
Nevada Attorney General
Nevada Bar No. 0003926
100 North Carson Street
Carson City, Nevada 89701-4717

CHRISTOPHER R. ORAM, LTD.
520 SOUTH 4TH STREET | SECOND FLOOR
LAS VEGAS, NEVADA 89101
TEL. 702.384-5563 | FAX. 702.974-0623

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CHRISTOPHER R. ORAM, LTD.
520 SOUTH 4TH STREET | SECOND FLOOR
LAS VEGAS, NEVADA 89101
TEL. 702.384-5563 | FAX. 702.974-0623

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CHRISTOPHER R. ORAM, LTD.
520 SOUTH 4TH STREET | SECOND FLOOR
LAS VEGAS, NEVADA 89101
TEL. 702.384-5563 | FAX. 702.974-0623

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CHRISTOPHER R. ORAM, LTD.
520 SOUTH 4TH STREET | SECOND FLOOR
LAS VEGAS, NEVADA 89101
TEL. 702.384-5563 | FAX. 702.974-0623

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:

ADAM PAUL LAXALT
Nevada Attorney General

STEVE OWENS
Chief Deputy District Attorney

CHRISTOPHER R. ORAM, ESQ.

BY:

/s/ Jessie Folkestad
An Employee of Christopher R. Oram, Esq.

CHRISTOPHER R. ORAM, LTD.
520 SOUTH 4TH STREET | SECOND FLOOR
LAS VEGAS, NEVADA 89101
TEL. 702.384-5563 | FAX. 702.974-0623