


CLERK OF THE COURT

30613HAR

HARRIS - VOL. IV

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

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

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-oOo-

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STATE OF NEVADA,

8

Plaintiff,

9

vs.

10

FREDERICK HAROLD HARRIS, JR.,

11

Defendant.

12

VOLUME IV

13

14

REPORTER'S TRANSCRIPT OF

15

PRELIMINARY HEARING

16

BEFORE THE HON. JANIECE MARSHALL
JUSTICE OF THE PEACE

17

THURSDAY, JUNE 13, 2013
1:45 p.m.

18

APPEARANCES:

19

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

20

21

22

For the Defendant: BETSY ALLEN, ESQ.

23

For the witness: MICHAEL SANFT, ESQ.

24

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

25

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WITHOUT PAYMENT TO CHERYL GARDNER, CCR 230

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HARRIS - VOL. IV

2

1	I N D E X	
2	STATE'S WITNESS	PAGE
3	TINA RENE DUKE	
4	Direct Examination by Ms. Luzaich	4
5	Cross-Examination by Ms. Allen	49

6
7
8
9
10
11
12
13
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16
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19
20
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♀

HARRIS - VOL. IV

3

1 LAS VEGAS, CLARK COUNTY, NV, THURS., JUNE 13, 2013
2 1:45 p.m.
-oOo-

3 P R O C E E D I N G S

4 THE COURT: Frederick Harold Harris,
5 Jr., 13F02924X. So present we have counsel for the
6 defendant. We have the defendant present. We have
7 the State and Mr. Sanft on behalf of Tina Rene
8 Duke. And, Mr. Sanft.

9 MR. SANFT: Your Honor, on behalf of
10 Ms. Duke, I've been appointed to represent Ms. Duke
11 with regards to her testimony here today in this
12 case.

13 I have spoken at length with Ms. Duke
14 both prior as well as today with regards to whether
15 or not I should be present during this hearing. My
16 understanding is what I've advised my client is
17 that she is to speak freely about all questions
18 posed to her by both the defense as well as the
19 State in this matter.

Page 3

30613HAR

20 Based upon that at this point she's
21 going to waive my present so I don't have to
22 necessarily be here for the length of her
23 testimony.

24 THE COURT: And, Ms. Duke, you're
25 comfortable with that.

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HARRIS - VOL. IV

4

1 THE WITNESS: Yes, I am.

2 THE COURT: Okay.

3 THE WITNESS: Thank you.

4 THE COURT: All right. Thank you.

5 Ready to proceed. Go ahead and swear her in.

6

7 TINA RENE DUKE,

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

11

12 THE CLERK: Please state your name for
13 the record.

30613HAR

14 THE WITNESS: Tina Rene Duke.

15 MS. LUZAICH: May I?

16 THE COURT: Proceed.

17 MS. LUZAICH: Thank you.

18

19 DIRECT EXAMINATION

20 BY MS. LUZAICH:

21 Q. Good afternoon, Tina. We started
22 talking the other day and I believe we had
23 mentioned that you've got five kids and that you
24 were living in Louisiana and you moved your five
25 kids here to Las Vegas.

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HARRIS - VOL. IV

5

1 A. Yes.

2 Q. And that was around December of 2004.

3 A. Yes.

4 Q. Okay. So when you moved your kids
5 here to Las Vegas, where did you and the kids live
6 in December of 2004?

7 A. It was on Trish Lane.

8 Q. Was it a house or an apartment?

Page 5

0000547

30613HAR

- 9 A. It was a house.
- 10 Q. Did you live just you and your five
- 11 kids or did you live with anyone else?
- 12 A. I lived with someone else.
- 13 Q. Who was it that you guys lived with?
- 14 A. Miss Ann Cooks, Ms. LeLar Cooks.
- 15 Q. And is LeLar L-E-L-A-R just for the
- 16 record?
- 17 A. Yes.
- 18 Q. Was it just Miss Ann that lived in the
- 19 house or did she have other friends or family
- 20 living there as well?
- 21 A. It was -- well, Frederick Harris was
- 22 living there. He was like living there but he
- 23 lived, also he lived on Nellis at the Hampton
- 24 apartment also and he would come back and forth so
- 25 I guess he was living there also.

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♀

HARRIS - VOL. IV

6

- 1 Q. Okay. When you say Frederick Harris,
- 2 do you see him here in court today?

Page 6

0000548

30613HAR

3 A. Yes.

4 Q. Can you describe an article of
5 clothing that he's wearing as you're looking in
6 that direction.

7 A. Gray.

8 Q. Could it be blue?

9 A. Blue.

10 MS. LUZAICH: Let the record reflect
11 the identification of the defendant.

12 THE COURT: So you're identifying the
13 gentleman sitting at the table, correct?

14 THE WITNESS: Yes.

15 THE COURT: Yes.

16 MS. LUZAICH:

17 Q. So the defendant had an apartment but
18 he would also come and stay at the house. Is that
19 what you're saying?

20 A. Yes.

21 Q. Did anyone else live at the house, any
22 family members of Miss Ann?

23 A. It was her mother that was elderly.

24 Q. Okay. What was Miss Ann's
25 relationship to the defendant if you know in

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1 December of 2004?

2 A. She said that they were friends. They
3 were friends.

4 MS. ALLEN: Judge, I would object to
5 hearsay.

6 THE COURT: Sustained.

7 MS. LUZAICH: Okay.

8 Q. What was your relationship to the
9 defendant in December of 2004?

10 A. We were lovers, boyfriend/girlfriend,
11 however you want to say it.

12 Q. Okay. Did he ever talk to you about
13 Ann and his relationship however it was with her in
14 December 2004?

15 A. Yes.

16 Q. And how did he describe their
17 relationship back then?

18 A. They were friends and he said that
19 they were lovers too.

20 Q. Okay. When you came here at that
21 time, did you start working?

22 A. When I came here in December '04 I was
23 looking for a job.

24 Q. Did you find one?

25 A. Well, in January '05 I finally found

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HARRIS - VOL. IV

8

1 one.

2 Q. Okay. What were you doing?

3 A. I was working at Jason's Deli.

4 Q. Full time, part-time?

5 A. Part-time like just about five, six
6 hours a day.

7 Q. And did Ann, did Miss Ann work?

8 A. Yes.

9 Q. What did she do, if you know?

10 A. I believe she did care, took care of
11 elderly people.

12 Q. When you say home care, not at her
13 home. She would go to other people's homes.

14 A. She would go other people's homes.

15 Q. So when you brought your kids here,
16 did they start attending school?

17 A. Yes.

18 Q. Were some of them not yet old enough
19 to go to school?

20 A. Some of them wasn't hold enough.

21 Tahara and Taquanda wasn't old enough. They went
22 to day care. Ann would watch them sometimes. They
23 went to Tinker Town if I remember.

30613HAR

24 Q. How about the defendant, would he
25 watch them sometimes while you worked?

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HARRIS - VOL. IV

9

1 A. Sometimes.

2 Q. Were there some times that he would
3 watch them at his apartment?

4 A. Yes.

5 Q. Did there come a time when you
6 actually left Nevada and went to Utah?

7 A. Yes.

8 Q. When was that?

9 A. That was May '05.

10 Q. Before you left for Utah, had you
11 heard something about Victoria and the defendant?

12 A. Yes, I did. I heard about it.

13 Q. Who did you hear it from?

14 A. Miss Ann told me that. She called
15 everyone in her room.

16 Q. When you say she called everyone in
17 her room, was Miss Dorothy involved in that?

30613HAR

- 18 A. She called her on the phone. She
19 called Miss Dorothy on phone.
20 Q. Who is Miss Dorothy for the record?
21 A. Frederick's mother.
22 Q. Did you know that at the time?
23 A. Yes.
24 Q. So you had already met her at the
25 time.

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♀

HARRIS - VOL. IV

10

- 1 A. Yes.
2 Q. When you went to Utah in May of 2005,
3 did you bring all of your children?
4 A. Yes, I did.
5 Q. And at the time that you left here,
6 did you plan on staying?
7 Did you plan on coming back?
8 What was your plan, if any?
9 A. My plan was to go to Utah and
10 eventually I was going to stay in Utah but Fred
11 called me back and he said that --
12 Q. Okay. Before we get there. When you

Page 11

0000553

30613HAR

13 left, what was your plan?

14 A. To go to Utah.

15 Q. And stay there or to come back
16 eventually?

17 A. To stay there.

18 Q. Why did you go to Utah?

19 A. I went to Utah -- there was an
20 adoption agency I was dealing with. I was
21 pregnant.

22 Q. Okay. Were you pregnant at the time?

23 A. I was pregnant.

24 Q. And you were going to give the baby up
25 for adoption?

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HARRIS - VOL. IV

11

1 A. Yes.

2 Q. Did the adoption company or whatever
3 they were, were the people, were they the ones who
4 paid for you to move up to Utah?

5 A. They're the ones that got me to Utah.

6 Q. Okay. While you were in Utah, did you

Page 12

0000554

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7 actually deliver a baby and give the baby up for
8 adoption? 30613HAR

9 A. Yes, I did.

10 Q. While you were in Utah, did you also
11 get the kids into school?

12 A. Yes, I did.

13 Q. Did you continue to have contact with
14 the defendant while you were in Utah?

15 A. Yes.

16 Q. Okay. Did there come a time that you
17 came back from Utah to Las Vegas?

18 A. Yes.

19 Q. When was that?

20 A. That was '07. It was August.

21 Q. Okay. August of 2007. And was that
22 like just a while after Victoria's birthday?

23 A. Just about after her birthday.

24 Q. When is her birthday?

25 A. July the 31st.

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1 Q. How is it that you got back?
Page 13

30613HAR

2 Physically how did you get back from
3 Utah to Las Vegas?

4 A. Fred came to pick me up. He said that
5 what I was making I could make double of what
6 housekeepers make in Utah. I could make double
7 here which was true.

8 Q. You were working in Utah.

9 A. Yes.

10 Q. What were you working doing?

11 What were you doing for employment?

12 A. Okay. That was at the hospital, Utah
13 State Hospital housekeeping. I was cleaning dorms
14 and cleaning the whole hospital.

15 Q. Okay. So Fred told you that you could
16 make more money as a housekeeper down here in Las
17 Vegas.

18 A. Correct.

19 Q. Okay. And did you come back to Las
20 Vegas?

21 A. Yes.

22 Q. With your kids?

23 A. Yes.

24 Q. And when you got back to Las Vegas,
25 where did you stay?

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♀

HARRIS - VOL. IV

13

1 A. The very first day when we got back to
2 Las Vegas I stayed in efficiency hotel.

3 Q. With who?

4 A. With Victoria.

5 Q. What about the other kids?

6 A. They stayed with Miss Ann. They
7 stayed at 966 Blankenship. That was with Miss Ann
8 and Fred. They moved there again.

9 Q. So there was a new house that Miss Ann
10 was living at?

11 A. New house, yes.

12 Q. Before you went to Utah, she was
13 living on Trish Lane in a house.

14 A. Yes.

15 Q. And then when you came back, she was
16 living on Blankenship in a house.

17 A. Yes.

18 Q. And when you got back and she was
19 living in Blankenship, did you learn she was living
20 with anybody else?

21 A. Yes.

22 Q. Who was that?

23 A. She was living with Fred.

24 Q. Was it your understanding that was his
25 only home or did he have another apartment again

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HARRIS - VOL. IV

14

1 like he did before?

2 A. My understanding that was his only
3 home. That's where he was staying.

4 Q. Okay. Now, when you got back from
5 Utah and your kids went to Miss Ann's house, which
6 kids specifically?

7 A. It was Mahlica, Shabazz, Tahara, and
8 Taquanda.

9 Q. But you and Victoria did not.

10 A. No. For some reason no.

11 Q. For what reason?

12 why did the other kids go to Miss
13 Ann's and you and Victoria did not?

14 A. It kind of puzzles me. Because Fred
15 wanted me and Victoria to be in a motel. Okay?
16 And they had to make plans for me and Victoria to
17 come move in or something. I'm sorry. I can't
18 remember.

19 But then after we stayed in a motel I
20 think we stayed at Miss Dorothy's house for a
21 little bit and then we moved into Walnut Road. I

30613HAR
22 got a job at housekeeping at Bally's Hotel/Casino
23 then we was able to move into an apartment.
24 Q. whose decision was it for Fred or for
25 Victoria and you to go stay at the hotel and not

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♀

HARRIS - VOL. IV

15

1 the house?
2 A. It was Fred's decision.
3 Q. Did he have a conversation with you?
4 How did that come about?
5 A. He said it would be best for me and
6 Victoria to stay in the apartment.
7 Q. But you said you went to a hotel, not
8 an apartment, and then to Miss Dorothy's.
9 A. Yes, and then to the apartment.
10 Q. whose idea was it for you to stay at
11 Miss Dorothy's?
12 A. It was Fred's and his mother's.
13 Q. Okay. Did you have conversations
14 about it?
15 A. Not really. He just -- he was just
16 making all the decisions and he -- I said, well,

Page 17

0000559

30613HAR

17 okay. You know, whatever, to get it together, you
18 know, and move in with my other children which I
19 really wanted to do that. I wanted to move with
20 them. But, oh, Ann, she was tripping. Fred said
21 Ann was tripping. That's right. And so because
22 she was angry because I left and went to Utah.

23 That's why. That's why. It's coming
24 to me. I'm sorry. It's taking some time. I got
25 the 50 year old triggering in so it takes me a

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HARRIS - VOL. IV

16

1 while. Okay. It's taking a while. That's why.
2 She was tripping over me. That's why I couldn't
3 move in. She was pissed off. I'm sorry.

4 Q. Did Fred tell you that?

5 A. Yeah, yeah. That's why.

6 Q. Okay. Was there some sort of
7 arrangement regarding the custody of your other
8 kids?

9 A. Yes.

10 Q. What was the arrangement?

Page 18

0000560

30613HAR
11 A. For Ann to take custody of Tahara and
12 Taquanda in the year 2009 I believe, yeah, 2008,
13 2009.

14 Q. So there was no arrangement when you
15 came back in 2007.

16 A. As far as her taking legal custody of
17 them, no, no.

18 Q. Okay. When you first got back in
19 August of 2007, were you looking for a job?

20 A. Yes. I was looking for a job.

21 Q. Okay. What about Victoria, did
22 Victoria work?

23 Did she go to school?

24 What did she do?

25 A. She went to school.

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8

HARRIS - VOL. IV

17

1 Q. Okay.

2 A. She went to Desert Pines off of
3 Bonanza and Washington I think.

4 Q. Okay. So you said after the hotel you
5 moved here into Miss Dorothy's, his mom's. When

Page 19

0000561

30613HAR

6 was it that you found the job at Bally's, do you
7 remember?

8 A. It was September the 17th, 2007.

9 Q. And after -- what did you get a job
10 doing at Bally's?

11 A. Housekeeping.

12 Q. Okay. Were you supposed to -- well,
13 did there come a time when you were staying at Miss
14 Dorothy's that Fred told you anything about you and
15 Victoria?

16 A. Yes.

17 Q. Anything. Tell me about that.

18 A. That living arrangements are just --

19 Q. Well, did you guys go somewhere in a
20 car?

21 A. Oh, yes, yes. He said that he wanted
22 to have sex with Victoria.

23 Q. Tell me about -- how did that
24 conversation come about?

25 A. Because he just told me he just wanted

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1 to have sex with Victoria and he did everything to
2 get his way.

3 Q. What do you mean by "he did everything
4 to get his way"?

5 A. He had threatened me and threatened
6 Victoria.

7 Q. How did he threaten you?

8 A. He said that he was going to hurt me
9 and he was going to hurt Victoria and he said that
10 he would call CPS on me because of what happened in
11 Utah and he said that he would put us out in the
12 street. You know, he would put my whole entire --
13 school, like take them out of school and just take
14 them out. He said he didn't give a fuck.

15 Q. You can say what he said.

16 A. He said I don't give a fuck about what
17 you think and how you feel, and he was being
18 manipulative and plus he had put me in the streets
19 as a prostitute.

20 Q. When did he do that?

21 A. As soon as I came here.

22 Q. How did that happen? Tell me what he
23 told you.

24 A. He said, well, since you're not making
25 any money, haven't found a job yet, maybe you can

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1 do that. You know, you need to be making some
2 money so me and Ann can support the kids.

3 Q. Now, did he say maybe you could do
4 that or did he tell you to do that?

5 A. No, he told me to do it.

6 Q. What did he tell you to do?

7 A. He said that, well, that you're just
8 going to have to make some money, 'cuz, you know,
9 no money coming in. You don't have a job yet so
10 just -- so I just did it.

11 Q. Had you been looking for a job?

12 A. I was looking for a job.

13 Q. Had you been able to find one?

14 A. No.

15 Q. So what did he say to you?

16 A. He said that -- well, that you're just
17 going to have to get out there and get that money.
18 He said that it's not enough, there's money coming
19 from you so we have to get money somehow to support
20 your kids, you know.

21 Q. Did you tell him fine, I'll just take
22 my kids out of the house and I'll go somewhere
23 else?

24 A. I didn't have nowhere to go, and the
25 place, my rent was paid but when it came -- I

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HARRIS - VOL. IV

20

1 didn't pay it 'cuz I told the people I was moving
2 to, relocating so the apartment was not available
3 to me to go back home so I was trapped.

4 Q. So you said he made you go out on the
5 street. What did you do?

6 A. I slept with people for money.

7 Q. What did you do with the money when
8 you got it?

9 A. It wasn't mine. I had to give it to
10 him.

11 Q. Did you give all the money to him?

12 A. Yes.

13 Q. How did he act about it?

14 A. He said, you got my money?

15 Q. How would that happen?

16 A. You know, he would -- okay, turn out,
17 like drive me to whatever location.

18 Q. Where would he drive you to?

19 A. Sometimes it would be to a
20 hotel/casino, and I would walk in and sit at the

Page 23

0000565

30613HAR

21 bar.

22 Q. Would he tell you what to do?

23 A. Yes.

24 Q. What would he tell you about what you
25 should do?

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HARRIS - VOL. IV

21

1 A. You should sit at the bar, mingle and
2 see what's up. See what's up with people, see if
3 you could get a trick.

4 Q. Did he tell you --

5 A. He said to --

6 Q. Oh, I'm sorry.

7 A. I'm sorry. He said to make yourself
8 available, you know, like have, start a
9 conversation and he said that, you know, to look
10 for signs to see if they were a narc, you know, and
11 to be careful and to, you know, go upstairs
12 whatever room, go to the room and after you go to
13 the room call me after the trick or after I stopped
14 having sex.

Page 24

0000566

30613HAR

15 Q. Did he tell you what or who you should
16 stay away from?

17 A. Yes.

18 Q. What or who did he tell you to stay
19 away from?

20 A. Police, people who are undercover,
21 people who are asking too many questions.

22 Q. Did he describe any kind of people?
23 You know, don't sleep with just -- for example,
24 don't meet up with Mexicans or only see white
25 people? Did he tell you anything like that?

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Page 25

30613HAR

10 Q. Did he tell you -- oh, sorry. I
11 didn't realize you were not done.

12 A. And for oral sex a hundred dollars or
13 50.

14 Q. Did he tell you how many you had to do
15 a night or how much money you had to bring a night?

16 A. Sometimes.

17 Q. What would happen if you didn't either
18 do as many tricks or bring home as much money as he
19 told you to?

20 A. I would get beat up. I would get told
21 that I'm nothing. There was an incident where in
22 December it was a little after, no, before his
23 birthday and I was out prostituting and it was like
24 I guess a slow night, it wasn't enough for him and
25 when I got back home to Walnut Road where I was

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2

HARRIS - VOL. IV

23

1 staying at, I called him and I said, nothing's
2 happening, there was too many cops out there, too
3 many.

Page 26

0000568

30613HAR

4 I seen girls getting busted so I said
5 it was little to nothing. So I was home. It was
6 like, I guess it was like 2:00 or 3:00 o'clock in
7 the morning or something plus I had to go to work
8 and work for Bally's, you know, and I had given --
9 I didn't have any money. The little bit of money I
10 did have I kept to myself.

11 Q. what happened when you told him that?

12 A. He was upset.

13 Q. Did he do anything?

14 A. Yes, he did. He did something about
15 it.

16 Q. what did he do?

17 A. He stormed into our room. He opened
18 the door and he stormed in my room and he beat me
19 up. He hurt my wrist. He said, you know, he was
20 cursing me out and he sodomized me and hurt me bad.

21 Q. I'm so sorry. When you say he
22 sodomized me, what did he do?

23 A. He fucked me in my ass.

24 Q. was he saying anything while he did
25 that?

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1 A. Yes.

2 Q. What did he say?

3 A. "You stupid whore." I felt degraded,
4 that hurt. Oh, and guess what, you know what, I
5 had to wake up and go to work too, be bright-eyed
6 and bushy-tailed. Be bright-eyed and bushy-tailed
7 and clean those rooms, get those rooms cleaned up,
8 you know, I had to go to work and I worked 8:00 in
9 the morning.

10 I had to wake up at 6:00, catch that
11 bus and go and do those 16 rooms. And hurting in
12 pain. So I got, did my room and that and I was
13 sore when I came home because no one cared. It was
14 just horrible.

15 Q. Did you report that to the police?

16 A. No.

17 Q. Why did you not report that?

18 A. Because he threatened me.

19 Q. How did he threaten you? What did he
20 say or do?

21 A. He'll beat me up and threaten my kids,
22 threaten to kick them out. They was doing good in
23 school at Fitzgerald and I didn't want nothing bad
24 to happen to my children and that. It was just
25 enough already.

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HARRIS - VOL. IV

25

1 Q. Was that the first time he had
2 physically hurt you?

3 A. No.

4 Q. Were there multiple other times that
5 he had physically hurt you prior to that, before
6 that?

7 A. Yes.

8 Q. What else did he do to physically hurt
9 you before that?

10 A. Slapped me around, you know, just get
11 angry, you know, call me, you stupid bitch, this
12 and that and what have you.

13 Q. And I'm sorry. You said that it was
14 in September of 2007 that you got the job at
15 Bally's --

16 A. Yes.

17 Q. -- as a housekeeper.

18 A. Yes.

19 Q. Was it part-time or full time?

20 A. It was full time, 13 something an
21 hour. It went to 15 an hour.

22 Q. Were you able to keep that money?

23 A. No.

24 Q. What did you do with that money?

30613HAR

25 A. I had to give it to him. he said I

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HARRIS - VOL. IV

26

1 need it for the kids and the bills and you still
2 have to get out there in the street because it's
3 just not enough.

4 Q. So the money from Bally's you had to
5 give to him and then how often would he make you go
6 in the street?

7 A. Often.

8 Q. I mean once a week, twice a week, once
9 a month.

10 A. Almost every day.

11 Q. And would he come by every day to get
12 the money from you after you worked in the street?

13 A. Yes. well, he would come by or I'd
14 have to meet him somewhere or I would just bring it
15 to the house or what have you, however.

16 Q. And I'm going to take you back again.
17 When you were staying at Miss Dorothy's before you
18 moved into the Walnut apartment, there was an

30613HAR

14 a park and then we went to somewhere out in one of
15 these mountains or somewhere and then he proceeded
16 to take off our clothes and started having sex with
17 her.

18 Q. Where did he do that?

19 A. In the back seat of the car.

20 Q. Were you in the car?

21 A. Yes.

22 Q. Did you do anything to stop him?

23 A. I was threatened.

24 Q. So you did not do anything to stop
25 it.

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HARRIS - VOL. IV

28

1 A. No.

2 Q. How did he threaten you?

3 A. He was going to hurt me and hurt my
4 family.

5 Q. Had he said anything to Victoria
6 before you went about this was going to happen?

7 MS. ALLEN: Judge, I would just

Page 32

0000574

30613HAR

8 object. If she knows.

9 MS. LUZAICH:

10 Q. In your presence.

11 A. He said that he wanted to have sex
12 with her.

13 Q. But did he say that to her at the time
14 that you saw it or heard it or did he just say it
15 to you?

16 A. He said it to me and then he said it
17 to her. It's been a while, and I was so, I hated
18 what I was doing and I hated the fact I was in the
19 street and the thing that really hurt me is that he
20 would get my kids on the phone while I was on the
21 street and they'd say, oh, mom, we need this and
22 that and put them on the phone and just tell me
23 what they need.

24 MS. ALLEN: Your Honor, I object.

25 THE COURT: So you're objecting to --

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8

HARRIS - VOL. IV

29

1 MS. ALLEN: Hearsay, what the kids are
2 saying to her.

Page 33

0000575

30613HAR

3 THE COURT: And the phone call, who is
4 on the phone?

5 MS. LUZAICH: Fred and the kids. It's
6 not offered for the truth. It's offered for the
7 effect it had on the listener.

8 THE WITNESS: On me.

9 MS. LUZAICH: Don't answer.

10 THE WITNESS: It hurt me. It just
11 really hurt me.

12 MS. LUZAICH: Hold on, Tina.

13 THE COURT: Stop for a moment. When
14 there's an objection, I have to rule on the
15 objection before you respond. So your question was
16 about -- who is on the phone? who is on the phone
17 at the time these calls are being made?

18 THE WITNESS: Fred was on the phone
19 and he put -- the children were on the phone.

20 THE COURT: Is he on the phone -- when
21 he's on the phone, is it a speaker phone or were
22 the children talking to you directly?.

23 THE WITNESS: The children are talking
24 to me directly and he got on the phone.

25 THE COURT: And so your objection

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HARRIS - VOL. IV

30

1 is --

2 MS. ALLEN: Not to him, anything he
3 said. Any objection to the children and what they
4 said to their mother.

5 THE COURT: And your response is not
6 for the truth of what the kids said but what?

7 MS. LUZAICH: Effect on her.

8 THE COURT: Okay. I'll allow it.

9 MS. LUZAICH: Okay.

10 Q. So he was on the phone with you while
11 you were in the streets you said. So do you mean
12 while you were in the streets while you were --

13 A. Walking down the avenue.

14 Q. Trying to make money for him
15 committing acts of prostitution.

16 A. Yes.

17 Q. And while you are doing that he talks
18 to you.

19 A. He calls me up.

20 Q. And then he put the kids on the phone
21 and they said what?

22 A. He talked to me first. He said, see
23 what you're doing. See what, you know, they need
24 money and they need things and you're not doing
25 that, you're not doing it fast enough or what have

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HARRIS - VOL. IV

31

1 you, enough of it.

2 Q. Now, did Fred work at this time? Did
3 he have job?

4 A. Yes. He worked for Embarq, Sprint,
5 Embarq, yeah.

6 Q. Okay. So there was the occasion with
7 Victoria in the car. What happened after that?

8 Does Fred continue to come over and do
9 anything with Victoria that you are aware of?

10 A. Yes.

11 Q. Did that continue or -- I'm sorry.
12 Did you guys move into the apartment
13 on Walnut?

14 When was that?

15 A. Yes. That was October of '07.

16 Q. Okay. So after you moved into the
17 apartment on Walnut, did Fred continue to come over
18 to that apartment?

19 A. Yes. Basically I was in the street
20 and I didn't -- I hardly wasn't there but I know
21 she was going to school. She went to school. She
22 was supposed to go to school. I was working and

30613HAR

- 18 Q. What did he say?
19 A. He said, well, I want to have sex with
20 you and Victoria.
21 Q. Did you want to do that?
22 A. No.
23 Q. Did she want to do that?
24 A. No.
25 Q. Did you guys do it?

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HARRIS - VOL. IV

33

- 1 A. Yes.
2 Q. Why did you do it?
3 A. Because we were forced to. That's
4 what he wanted.
5 Q. When you say you were forced to, I
6 mean did you get up and walk outside?
7 A. Threatened. I couldn't do anything.
8 I couldn't go anywhere.
9 Q. Why?
10 A. Because he wanted -- because he
11 threatened me.

Page 38

0000580

30613HAR

12 Q. Did he threaten Victoria as well in
13 your presence?

14 A. Yes.

15 Q. Had you ever seen him hurt Victoria
16 prior to that?

17 A. I mean beat, hit, something along
18 physically abuse -- I believe I seen that. So much
19 crap has happened really. One time we did get into
20 a fight.

21 Q. When Fred told you that he wanted to
22 have sex with you and Victoria, did it appear that
23 Victoria wanted to do that?

24 A. No.

25 Q. How did she -- what did she do to

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HARRIS - VOL. IV

34

1 indicate that she didn't want to? What was her
2 demeanor like?

3 A. Like she, it was like she, like a
4 robot, jut cold. That's the way I felt, just cold.

5 Q. Was she crying?

6 MS. ALLEN: Object as leading.
Page 39

0000581

30613HAR

7 THE COURT: Sustained.

8 MS. LUZAICH:

9 Q. Did that happen one time or more than
10 one time?

11 A. It happened a few times.

12 Q. On some occasions did he have anything
13 with him or did he cause you guys to use anything?

14 A. He brought a dildo.

15 Q. And where did he bring it?

16 A. He brought it to the hotel first
17 before we moved into Walnut.

18 Q. And did it get used?

19 A. Yes.

20 Q. How did it get used?

21 A. He wanted me and Victoria to use it.

22 Q. And did you?

23 A. Yes.

24 Q. How did you use it?

25 A. It was a double dildo me and Victoria,

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HARRIS - VOL. IV

36

1 even care any more about me so --

2 Q. On the times that you did not want to
3 do it, did you indicate that to him in any way?

4 Did you ever say no, I don't feel like
5 it, I don't want to, I'm not in the mood?

6 A. Sometimes.

7 Q. And what would he do if you said that
8 or did that?

9 A. He would just have sex with me anyway.

10 Q. Did this continue the whole time that
11 you lived in the walnut apartment?

12 A. Off and on. Sometimes I did have sex
13 with him, you know.

14 Q. Voluntarily?

15 A. Yes.

16 Q. Okay. Did there come a time that you
17 moved out of the walnut apartment?

18 A. Yes.

19 Q. Where did you move into from there?

20 A. 966 Blankenship.

21 Q. When was that?

22 A. In West Las Vegas.

23 Q. When was that?

24 A. Oh, that was 2008 I think it was.

25 Q. Were your other kids still living

30613HAR
WITHOUT PAYMENT TO CHERYL GARDNER, CCR 230

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HARRIS - VOL. IV

37

1 there?

2 A. Yes, they were.

3 Q. And when you moved in, who moved in,
4 just you or you and somebody else?

5 A. It was me and Victoria. We moved into
6 966 Blankenship.

7 Q. Why?

8 A. He said Ann, she stopped tripping now
9 so it's okay for you to move in to be with your
10 other children 'cuz I was missing my other
11 children.

12 Q. When you moved into the house on
13 Blankenship, were you still working at Bally's?

14 A. Yes.

15 Q. Were you still having to give him the
16 money that you made at Bally's?

17 A. Yes.

18 Q. And after you moved into Blankenship,
19 did he still have you working in the street?

20 A. Yes.

21 Q. Did there actually come a time that

30613HAR

22 you got arrested while you were working in the
23 street?

24 A. Yes, I was arrested.

25 Q. Do you remember around when that was?

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HARRIS - VOL. IV

38

1 A. It was September '09.

2 Q. Like --

3 A. September 23rd.

4 Q. 2009?

5 A. Yes.

6 Q. Were you living at Blankenship at the
7 time?

8 A. Yes.

9 Q. When you got arrested, did you call
10 him to help you?

11 A. Yes.

12 Q. Did he do anything to help you?

13 A. No.

14 Q. What did he do?

15 A. He said, well, you got arrested.

30613HAR

16 okay. It will be all right and then what he did
17 do about it. I had to take a class. He paid 300
18 and something -- well, actually it was my money
19 so

20 Q. Did he do anything to physically abuse
21 you after you got arrested?

22 A. No, not until it was, it was later on
23 in -- we had many fights so it was, something went
24 on. He got upset and we started arguing and what
25 have you and we would fight sometimes but the

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♀

HARRIS - VOL. IV

39

1 last -- there's one fight I remember that I had to
2 call the police on him. I brought the police to
3 the house. Miss Ann was upset and so was he.

4 Q. Do you know when that was?

5 A. That was 2010. It was a big
6 incident. It was 2010.

7 Q. were the kids home?

8 A. Yes. They were home.

9 Q. why were the police called?

10 A. They were called actually the next day

Page 45

0000587

30613HAR

11 after we had the fight. He beat me up. He said
12 that, it was over some stupid fucked up, some paper
13 I didn't sign right. It was, he said he got upset
14 with Ann.

15 Miss Ann was sitting on the bed. He
16 said come in the room a minute. I said, I'm just
17 coming from work. I'm tired. He said come here in
18 the room. And he was saying, well, why didn't you
19 sign this paper right? What paper? You know, I
20 think it was some kind of Social Security paper or
21 some kind of crap, and I said, well, you know -- I
22 said, well, I signed it, you know, and they make a
23 decision, whatever.

24 I don't know. You know, then he
25 started throwing boots and shoes at me, these big

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HARRIS - VOL. IV

40

1 heavy boots and shoes he would wear at work I guess
2 and he started hitting me and hurting me and I
3 said, I threw the paper down. He said look at the
4 paper. Look at the paper. And I'm backing off and

Page 46

0000588

30613HAR

5 he just gets upset, calls me names, throws heavy
6 boots at me, I'm getting hurt and I said, fuck
7 this, I don't have to deal with this shit. So I
8 threw the paper down.

9 I walked out. I was going down the
10 hallway. He called me, dragged me back in the
11 room, kicked me in the back of my leg. Okay. And
12 it was a large bruise and then he started hitting
13 me and I fell back on their bed in his room, in
14 their room and he just went off and so I got up.

15 He said get your ass up and get in
16 that kitchen and cook some food for your kids, you
17 know, and I'm here crying, hurt, you know, so I'm
18 over there crying, chopping onions and doing the
19 food, you know, made some, I think some pasta with
20 onions and crap to put in it, and so the next day
21 I'm in pain.

22 I'm in serious pain and I'm hobbling,
23 I'm going to work. I had to walk all the way up to
24 the bus stop up on Martin Luther King to catch the
25 105 to get to the station to go on the Strip so I'm

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1 working, I'm going to work. I'm trying to clean my
2 room. I'm emotionally and physically hurt. I'm
3 sick and just -- so I just burst out crying.

4 He said, honey, what's wrong with
5 you? You can't finish your room. I said my leg is
6 going into a spasm. She said, well, why is your
7 leg hurting? I said because I got beat up. I
8 couldn't stop crying. So they called the security,
9 then they called the police. They called Metro or
10 Jobee (phonetic) called Metro. He said huh-uh, I
11 can't have my girls going through that, huh-uh.

12 So Jobee called Metro, my boss, 'cuz I
13 couldn't finish my rooms so then the police came to
14 the hotel and they said just wait 'til you get off
15 work. Just sit down, wait and then go back home at
16 the time you usually arrive back home and so -- and
17 then call us right before you get in the door and
18 so the police, I knocked on the door and they
19 opened the door and they said, well, we'd like to
20 talk to Frederick Harris about physical abuse on a
21 Tina Duke and they said we want to talk to you
22 about this, and then they was in there doing
23 whatever in the room. So I, you know, told them
24 what happened and they talked to him. Then they
25 didn't do anything.

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HARRIS - VOL. IV

42

1 Q. Okay. Was that the only other
2 occasion that he beat you or were there other
3 occasions?

4 A. Then there was another big occasion.
5 He was sick. This was a big big one. He was
6 sick. He was lying in bed and Miss Ann was lying
7 in the bed with him. You know, she was asleep on
8 his side. He said I'm sick. Do you got any
9 medicine or anything that would help me, and I was
10 trying to be helpful, still trying to be helpful
11 and everything, and I went and got him some
12 medicine, something to cure him up, you know,
13 trying to be all right and so I got him his
14 medicine and he got something to drink and, you
15 know, took I think cold medicine or something like
16 that and I kissed him and he said, well, you just
17 kissed me in front of Ann. That's Miss Ann.

18 I was like, really? You know, I
19 didn't care. I just kissed him and tried to cheer
20 him up, you know, so I leave the room and he's
21 storming in there. What do you call yourself doing
22 kissing me in front of Miss Ann? Like I wasn't
23 supposed as to do that. We did more than that in
24 front of her. Okay?

25 And so he took this, this real thick

30613HAR

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♀

HARRIS - VOL. IV

43

1 extension cord. It was really thick. It was an
2 orange and black one. He took that cord. He took
3 it, wrapped it around my neck and cursed me out,
4 beat me up and was choking me and I couldn't
5 breathe, you know, and the children were like
6 walking in the hall, Tahara and Taquanda and
7 Mahlica. They're trying to go to school and get
8 ready and they're seeing all this going on.

9 You don't do that in front of Miss
10 Ann. That's Miss Ann. Have some respect and then
11 he proceeded to beat me up and talk to me and choke
12 me and I'm over there almost unconscious choking
13 and that and I had to go work and that was a big
14 event.

15 Q. Did you ever see him physically abuse
16 any of the kids?

17 A. Yes.

18 Q. What did you see?

19 A. I seen him whip them with a belt.

30613HAR

20 Q. One of them, two of them, which?
21 A. All of them. All of them. We all got
22 it with the belt, whatever he could get his hands
23 on or he would just curse you out.
24 Q. Did you ever see him use -- sorry --
25 A. Tahara and Taquanda, Shabazz. He

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HARRIS - VOL. IV

44

1 really hurt Shabazz.
2 Q. What did you see him do to Shabazz?
3 A. He would actually punch him. I'm
4 trying to toughen him up. I understand you're
5 trying to toughen somebody up but that was a bit
6 much and if I jumped in, I would get it. Ann
7 wouldn't do nothing about it either. If you jump
8 in, you get it too.
9 Q. How do you know that? Did you ever
10 try and stop it and suffer the consequences?
11 A. What you gonna' do? What you
12 gonna' -- you know, that kind of thing. I couldn't
13 stop it.
14 Q. What did you see him do to Shabazz?

Page 51

0000593

30613HAR

15 A. He punched him real hard in the chest,
16 very hard and hit him in the face and punched him
17 and --

18 Q. How old was Shabazz?

19 A. I'd say he was about 13, 12, 13.

20 Q. How long -- well, you said that there
21 was a time that there was an agreement with
22 Miss Ann, an arrangement or agreement regarding the
23 girls.

24 A. Yes.

25 Q. How did that come about?

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♀

HARRIS - VOL. IV

45

1 A. well, she said since you're working
2 crazy hours and you're out there in the streets,
3 you know, and the kids are doing well in school and
4 I'm helping them with their homework and, you know,
5 making sure they get their meals if you're not here
6 to cook dinner, why don't you just temporarily give
7 the custody to me, you know. I'm just trying to
8 help you out, and I said, okay. But you still can

Page 52

0000594

30613HAR

9 live in the same house, you know, and it would just
10 be, you know, temporary custody.

11 Q. When did that occur?

12 A. That was '09.

13 Q. And you were living on Blankenship at
14 the time.

15 A. Blankenship.

16 Q. Was there a written agreement, a
17 verbal agreement? What was it?

18 A. It was verbal and it was written too.
19 I signed a paper with some attorney, some lawyer
20 she took me to. It was on I think Craig.

21 Q. Okay. It was an attorney.

22 A. Yeah.

23 Q. And who did it pertain to?

24 A. To Tahara and Taquanda.

25 Q. But only Tahara and Taquanda. Not

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HARRIS - VOL. IV

46

1 Mahlica and Shabazz?

2 A. No, ma'am.

3 Q. Did there come a time when you moved

Page 53

0000595

30613HAR

4 out of the Blankenship house?

5 A. Yeah.

6 Q. why did you move out of the
7 Blankenship house?

8 A. Because I just really just had
9 enough. I just wanted to go. You know, I was --
10 it was just too much of that going on.

11 Q. Too much of what going on?

12 A. Physical abuse and verbally hurt and
13 so, and that took place. And I moved out. It was
14 2010 August.

15 Q. Where did you move to?

16 A. Commerce and Craig.

17 Q. Were they apartments?

18 A. Yes, it was St. Andrews apartments.

19 Q. When you moved to St. Andrews
20 apartments, who did you move with?

21 A. I moved with Victoria, Mahlica, and
22 Shabazz. I could not take Tahara and Taquanda with
23 me because she was standing there waving, oh, you
24 can't take them. We have legal papers. You signed
25 papers and I still have custody of them. I wanted

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1 to take them with me. I couldn't.

2 Q. When you moved to St. Andrews
3 apartments, did you still see Fred?

4 A. Off and on.

5 Q. How did that come about?

6 A. Because he said, I need to get some
7 money from you to help take care of the kids.

8 Q. How often would he get money from you?

9 A. Almost every two weeks or if I didn't
10 have it every month or something, you know.

11 Q. While you were living there, did you
12 meet a lady named Rose Smith?

13 A. Yes, I did.

14 Q. Did Victoria also become friendly with
15 her?

16 A. She did. Yes, she did.

17 Q. Do you remember how long you lived at
18 the St. Andrews apartment?

19 A. Yes. It was from August 2010 to
20 August -- to October 2011.

21 Q. Where did you go from the St. Andrews
22 apartment?

23 A. To Henderson.

24 Q. And when you went from the St. Andrews
25 apartment to Henderson, who did you go with?

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♀

HARRIS - VOL. IV

48

1 A. Victoria, Mahlica, and Shabazz.

2 Q. But the girls still stayed at --

3 A. Tahara and Taquanda still stayed at --
4 they were sometimes at Miss Ann's.

5 Q. Did there come a time that Victoria
6 spoke to the Henderson Police Department?

7 A. Yes.

8 Q. Did they come talk to you as well?

9 A. Yes.

10 Q. And did you tell them what you told
11 us?

12 A. If I had told them that -- there was a
13 detective that came to speak to me. It wasn't
14 quite a police 'cuz I was at work when this had
15 happened and I got word of it and someone had
16 called me and said they're coming to talk to me
17 about -- yeah.

18 Q. Did you see Fred again after that?

19 A. I seen him a very few times.

20 Q. Did there come a time also a few
21 months later in September that Metro contacted you,
22 September/October of 2012?

23 A. Yes.

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30613HAR
24 MS. LUZAICH: Thank you. I pass the
25 witness.

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HARRIS - VOL. IV

49

1 (Whereupon Miss Luzaich
2 concluded this portion of
3 her examination at 2:45 p.m.)
4 MS. ALLEN: May I proceed? Thank
5 you.

6
7 CROSS-EXAMINATION

8 BY MS. ALLEN:

9 Q. Good afternoon, Tina. How are you?

10 A. Okay.

11 Q. All right. So you said that you moved
12 out to Las Vegas from Louisiana in September 2004;
13 is that right?

14 A. Yes.

15 Q. Okay. And prior to that how long had
16 you lived in Louisiana?

17 A. Prior to that I lived in Louisiana for
18 about, I was in Louisiana '04.

Page 57

0000599

30613HAR

19 Q. Just for 2004.

20 A. Yes, 2004. I got a job at Faces
21 lounge.

22 Q. Okay. So you only lived in Louisiana
23 for one year.

24 A. For about -- I was in Louisiana for
25 about in April '04.

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WITHOUT PAYMENT TO CHERYL GARDNER, CCR 230

♀

HARRIS - VOL. IV

50

1 Q. Okay. So that's when you moved to
2 Louisiana; is that right?

3 A. Yes, I was in Louisiana.

4 Q. Where did you live prior to April of
5 '04 then?

6 A. Well, we were traveling. I was with
7 the children's father.

8 Q. Okay. But where did you live? Before
9 Louisiana, where did you live, what state?

10 A. Before Louisiana we would travel. I
11 lived in Arizona.

12 Q. Okay.

30613HAR
13 A. I lived in --
14 Q. Go ahead.
15 A. I lived in Texas.
16 Q. So you didn't have a stable residence
17 prior to moving to Louisiana in 2004?
18 A. I lived in Florida. We stayed in
19 Florida. We traveled a lot.
20 Q. Were you -- I mean no disrespect, but
21 were you homeless?
22 A. We traveled a lot.
23 Q. Okay. That's not the question I'm
24 asking you. The question I'm asking you is were
25 you homeless?

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♀

HARRIS - VOL. IV

51

1 A. We stayed in and out of motels.
2 Q. Okay.
3 A. Condos.
4 Q. Okay. So in 2004 you meet Fred; is
5 that right?
6 A. Yes.
7 Q. And he's not living in Louisiana at
Page 59

0000601

30613HAR

8 the time, is he?

9 A. No. He was visiting his people,
10 friends, and he said that he lived in Las Vegas.

11 Q. Okay. So he lived in Las Vegas but
12 he's down there visiting and he meets you in this
13 lounge; isn't that right?

14 A. Yes, he meets me in the lounge. I'm a
15 cocktail waitress.

16 Q. And he meets you two days before he's
17 supposed to come back to Vegas; is that right?

18 A. About two days.

19 Q. And you spent that first night --
20 there were two days before he left and you spent
21 the first night talking to him; isn't that right?

22 A. Yes.

23 Q. Then the next night the two of you had
24 sex; isn't that correct?

25 A. We had sex.

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WITHOUT PAYMENT TO CHERYL GARDNER, CCR 230

♀

HARRIS - VOL. IV

52

1 Q. And he gave you his card and said if

Page 60

0000602

30613HAR

2 you ever happen to be in Vegas, go ahead and call
3 me; isn't that correct?

4 A. He said that, yes, call me. He would
5 like to continue to see me.

6 Q. So your testimony was he wanted to
7 continue to see you; is that right?

8 A. Yes. We would talk to each other on
9 the phone.

10 Q. That night, the night before he leaves
11 when you had sex, he said he wanted to continue to
12 see you. Is that what you're saying?

13 A. Yes.

14 Q. Okay. And then he leaves the next
15 day; isn't that right?

16 A. Yeah. He leaves back home to Las
17 Vegas.

18 Q. Okay. And how long is it before you
19 pick up and leave for Las Vegas from Louisiana?
20 Not with your children, just you.

21 A. I left Louisiana. That was December
22 the 1st.

23 Q. Okay. So you left December the 1st
24 from Louisiana in '04. I understand that. But how
25 long was it after he left did you go to Vegas by

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WITHOUT PAYMENT TO CHERYL GARDNER, CCR 230

‡

HARRIS - VOL. IV

53

1 yourself? Was it a month?

2 A. It was in -- no. It wasn't a month
3 after that. It was in December.

4 Q. Okay. Well, let me ask you this.
5 When did you meet Fred in Louisiana, what month?

6 A. It was in July.

7 Q. In July. Okay. And when you -- in
8 December when you came out to Las Vegas, had you
9 packed up all your stuff to come out here?

10 A. I packed a few things to come and see
11 him, visit him.

12 Q. Okay. But you never went back to
13 Louisiana; isn't that right?

14 A. He arranged for his brother to come
15 and pick up the children.

16 Q. I understand, but that's not the
17 question I'm asking you. The question I'm asking
18 you is you never went back to Louisiana; isn't that
19 correct?

20 A. I did not go back.

21 Q. So I come out here December 1st. You
22 left your children in Louisiana; isn't that right?

23 A. I left them with the babysitter.

24 Q. You left your children in Louisiana;
25 isn't that right?

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

♀

HARRIS - VOL. IV

54

1 A. Yes, I did. I had paid the
2 babysitter.

3 Q. And you come out to see Fred; is that
4 right?

5 A. Yes.

6 Q. And you never go back but the children
7 end up here in Las Vegas?

8 A. Fred asked his brother --

9 Q. I know you want to explain things but
10 just answer the question that I'm asking you.

11 MS. LUZAICH: Objection,
12 argumentative.

13 MS. ALLEN: Actually she's the one
14 being argumentative.

15 THE COURT: Overruled.

16 MS. ALLEN: Thank you.

17 THE COURT: If you'll just stop and
18 just answer the question that she's asking.

19 THE WITNESS: Okay.

20 MS. ALLEN: Ms. Luzaich will have time
21 to get up and requestion you and then you can
22 explain whatever you want. Okay?

30613HAR

23 Q. So how long are you in Las Vegas
24 before the children end up here in Las Vegas?

25 A. For about a week.

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HARRIS - VOL. IV

55

1 Q. Okay. So you're here a week before
2 the children end up here with you.

3 A. Yes, as I remember.

4 Q. Okay. And you said you left them with
5 the babysitter; isn't that right?

6 A. Yes.

7 Q. Okay. Do you remember the
8 babysitter's name?

9 A. Oh, it's been so long.

10 Q. Was it someone from a church,
11 Riverside Baptist church?

12 A. No. She was from -- she was from one
13 of the shelters that we stayed in.

14 Q. Okay. Who was? The one who watched
15 your kids?

16 A. Yes. She got her own apartment. I

30613HAR

17 met her and we were friends from the beginning.
18 Q. Now, you said you stayed in the
19 shelter. Is that while you were in Louisiana?
20 A. Yes, that was when I was in Louisiana.
21 Q. Was it a battered woman's shelter?
22 A. It was the Salvation Army for women.
23 Q. Okay. Was it for battered women?
24 Was it for just being generally
25 homeless?

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

♀

HARRIS - VOL. IV

56

1 Was it for drug addiction?
2 What kind of shelter was it?
3 A. It was for homeless.
4 Q. Okay. So you come out here and you
5 move into Trish Lane with Miss Ann; is that right?
6 A. When I first got out here --
7 Q. In 2004.
8 A. When I came here in December I
9 stayed -- I was staying with Fred for a couple
10 days and then I stayed at one of their friend's
11 house for a few days and then I stayed on Trish

Page 65

0000607

30613HAR

12 Lane.

13 Q. With Miss Ann?

14 A. Yes.

15 Q. Was there anybody else living in the
16 house with Miss Ann when you moved in?

17 A. It was Miss Ann and her mom.

18 Q. No other children, Shakara, anybody --

19 A. Oh, Shakara, yes, Shakara.

20 Q. Yes, Shakara lived there.

21 A. Yes, Shakara.

22 Q. Anybody else?

23 A. There was her mom and then Fred would
24 come off and on.

25 Q. He was in another house.

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WITHOUT PAYMENT TO CHERYL GARDNER, CCR 230

‡

HARRIS - VOL. IV

57

1 A. Yes.

2 Q. Okay. While you were living on Trish
3 Lane with Miss Ann, was he beating you at this
4 point in time?

5 A. No, no. It was a verbal

Page 66

0000608

30613HAR

6 disagreement. I have to think all the way back.

7 Q. Verbal disagreement but it wasn't
8 physical; is that correct?

9 A. Yeah. It was a verbal disagreement
10 sometimes but it wasn't -- 'cuz that's when we
11 first met, when we first got together so it was
12 sometimes a verbal disagreement.

13 Q. Okay. And you were working part-time
14 at Jason's Deli; is that right?

15 A. I worked part-time at Jason's Deli.

16 Q. And six months after you get to Vegas
17 you actually end up leaving to go to Utah; isn't
18 that correct?

19 A. Yes. I went to Utah.

20 Q. You were pregnant then prior to coming
21 to Las Vegas from Louisiana?

22 A. I didn't know I was pregnant at the
23 time.

24 Q. Okay. But you were.

25 A. Correct.

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

30613HAR

1 Q. Okay. And did you quit your job at
2 Jason's Deli to leave for Utah?

3 A. Yes, I did.

4 Q. Okay. You said then you worked in a
5 hospital in housekeeping; is that correct?

6 A. Wait. Let me go back a minute. When
7 we were on Trish lane And there was a physical,
8 yes. There was a physical thing. I was pregnant.
9 I did something. There was twice a physical
10 thing. That's why. I was coming home. One of
11 them was an incident where he got upset with me
12 about something. Something happened, and we were
13 in a wash room.

14 We were in the laundry room like in
15 the room where the laundry machine was at, the
16 washer and dryer was at, and he hit me and got
17 upset and he pushed me against the washer and
18 dryer. I was pregnant. I was eight months
19 pregnant.

20 Q. Eight months pregnant. Okay. When
21 was the baby born?

22 A. The baby was born in July.

23 Q. July.

24 A. Yes.

25 Q. So eight months, that would have been

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

♀

HARRIS - VOL. IV

59

1 in June of 2005; is that right?

2 A. Yes, June. Wait a minute, no, not
3 June 2005. The baby was born in July.

4 Q. You just said you were eight months
5 pregnant when he pushed you; isn't that correct?

6 A. It was -- I was pregnant I think about
7 six months or something like that. Okay.

8 Q. Now it's six months. It's not eight.
9 Is that right?

10 A. I was due to have the baby.

11 Q. It wasn't his child, was it?

12 A. No.

13 Q. Okay. Prior to coming to Las Vegas
14 when you were in Louisiana, had you been arrested
15 for prostitution in Louisiana?

16 A. No.

17 Q. Had you ever been arrested for
18 prostitution prior to the one in Vegas?

19 A. No.

20 Q. Okay. So in May of 2005 you leave for
21 Utah; is that correct?

22 A. Yes.

23 Q. And you're working as a housekeeper in
24 a hospital; is that right?

25 A. Yes.

♀

HARRIS - VOL. IV

60

1 Q. And at some point you leave Utah and
2 leave your children in Utah and come to Las Vegas;
3 is that correct?

4 A. Yes, I did. I paid the babysitter.
5 She lived right next door to me. It actually was a
6 fourplex. We used to run circles in each others
7 house.

8 Q. The question simply was you left your
9 children in Utah and came back to Las Vegas; isn't
10 that right?

11 A. Yes, to visit Fred because it was his
12 birthday.

13 Q. And how long did you stay here?

14 A. For a few days.

15 Q. And your children ended up being taken
16 by CPS, isn't that right, in Utah?

17 A. Yes.

18 Q. Okay. And when is his birthday?

19 A. December the 6th.

20 Q. Okay. So was this in 2005, December

30613HAR

21 of 2005?

22 A. Yes.

23 Q. Okay. How long did it take you to get
24 your children back?

25 A. Six months.

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

♀

HARRIS - VOL. IV

61

1 Q. Okay. And you had to work a case
2 plan.

3 A. Yes.

4 Q. So you got your children back in
5 approximately June of 2006; is that correct?

6 A. That's correct.

7 Q. Okay. And you stay in Utah another
8 year after that; is that right?

9 A. Yes.

10 Q. And then you come back to Vegas; is
11 that correct?

12 A. Yes. In 2007, August I come back to
13 Las Vegas.

14 Q. August 2007 you come back to Vegas.
15 Okay. And you called Fred and asked him to come
Page 71

0000613

30613HAR

16 help you move; isn't that correct?

17 A. Yes.

18 Q. And he came, drove up to Utah in the
19 middle of the night and helped pack you up; isn't
20 that correct?

21 A. Yes. We helped pack some things and
22 we left to Las Vegas.

23 Q. And came back and you said you and
24 Victoria went to a motel and everybody else went to
25 the Blankenship house; isn't that right?

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

♀

HARRIS - VOL. IV

62

1 A. Correct.

2 Q. Didn't you and Victoria go to a motel
3 because Fred and Ann didn't want Victoria around
4 the other kids? They didn't want Victoria around
5 the other kids; isn't that correct?

6 A. Fred said Ann had a disagreement with
7 Victoria. She didn't want Victoria in the house.
8 She was tripping. She was tripping over me.

9 Q. But the question was they didn't want

30613HAR

10 Victoria in their house; isn't that right?

11 A. Yes.

12 Q. They didn't want Victoria around the
13 other kids; isn't that correct?

14 A. They didn't want Victoria around the
15 other kids.

16 Q. Okay. So you've had problems with
17 Victoria yourself, haven't you?

18 A. Well, Victoria was always Victoria,
19 she was always boisterous, she spoke her mind, her
20 opinion, you know, being a teenager.

21 Q. Has she been disrespectful to you?

22 A. Excuse me.

23 Q. Has she been disrespectful to you?

24 A. A few times she spoke back.

25 Q. Okay. Do you recall making a

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WITHOUT PAYMENT TO CHERYL GARDNER, CCR 230

♀

HARRIS - VOL. IV

63

1 statement on November 6th of 2012? Do you recall
2 that? I take that back. December of 2011.

3 Do you remember making a statement to
4 the Henderson Police Department I'm assuming in

Page 73

0000615

30613HAR

5 December 2011? Do you recall that?

6 A. Yes.

7 Q. Okay. And do you recall that they
8 were asking you questions about Fred and Ann and
9 living with them. Do you remember that?

10 A. About Fred and Ann living with --

11 Q. They were asking you questions about
12 all of you living with Fred and Ann. They were
13 asking you questions about Victoria. They were
14 asking you questions about the whole situation.

15 A. Yes.

16 Q. So this was in December of 2011. Do
17 you remember making that statement to them?

18 A. A statement about what?

19 Q. Okay. About Fred and Ann and you guys
20 living with them and the whole situation between
21 Fred and Ann and you and the kids. Do you remember
22 that?

23 A. I remember some of it.

24 Q. Okay. Do you remember that they had
25 asked you some questions specifically about Fred's

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1 relationship with Victoria?

2 A. I remember that.

3 Q. And do you remember that you told the
4 police that Fred frequently would discipline or he
5 would discipline Victoria because she was being
6 disrespectful to you. Do you remember that?

7 A. Sometimes she was boisterous.

8 Q. Okay.

9 MS. LUZAICH: What page?

10 MS. ALLEN: I'm sorry. Page 18.

11 Q. Do you remember Fred would come over.
12 Your words. Fred would come over to put her in her
13 place, stop fighting with your mother. Stop
14 talking back. Stop being disrespectful.

15 Do you remember saying that?

16 A. Yes, I do. I remember saying that
17 I -- she would talk back.

18 Q. Okay.

19 A. Okay.

20 Q. And do you remember that you
21 complained that she was bringing dudes into the
22 house, bringing a man into the apartment who was 25
23 years old?

24 A. She had a friend come over on Walnut.

25 Q. I'm asking if you remember saying this

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♀

HARRIS - VOL. IV

65

1 to the police. Do you remember saying that to the
2 police?

3 A. Henderson Police Department.

4 MS. LUZAICH: What page?

5 MS. ALLEN: Oh, I'm sorry. 16. I'm
6 sorry. I said 18. I'm sorry. 16. It looks like
7 an eight. My eyes are getting bad.

8 Q. You recall saying that to the police.

9 A. Bringing dudes, what do you mean
10 bringing dudes? I mean she had a friend that she
11 would see.

12 Q. I'm not asking for an interpretation.
13 I'm asking if you remember saying that to the
14 Henderson Police Department on December the 22nd of
15 2011. That's all I'm asking you and if you don't
16 remember, I can show you the voluntary statement
17 and I can read it.

18 MS. LUZAICH: Objection,
19 argumentative.

20 THE COURT: Okay. So you said that
21 you recall giving a statement to the Henderson
22 police.

23 THE WITNESS: Yes.

24 THE COURT: She's specifically asking

30613HAR
25 you if you remember saying things that you said

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

♀

HARRIS - VOL. IV

66

1 during that statement so if you could just focus on
2 that and if you don't remember, she'll give you the
3 transcript. You can read it to refresh your
4 recollection. Do you remember what you said to the
5 Henderson police?

6 THE WITNESS: I remember saying that.

7 THE COURT: She's asking you specific
8 things so she's going to ask you the question
9 again. So tell me if you remember what
10 specifically she's asking you about.

11 MS. ALLEN: Thank you.

12 Q. So I had asked you do you remember
13 telling them that you had found out she was
14 bringing dudes, bringing a man into the house and
15 she said, well, yeah, that's my boyfriend, and your
16 question was boyfriend and he's like 25 years old.

17 Do you remember saying that to the
18 Henderson Police Department?

19 A. Oh, okay. Yes, I do.

Page 77

0000619

30613HAR

20 Q. Okay. So at least back in November
21 of -- December of 2011 you were having problems
22 with Victoria being, fighting with you; isn't that
23 right?

24 A. We had some arguments.

25 Q. Okay. So you come back in August 2007

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

HARRIS - VOL. IV

67

1 from Utah, correct?

2 A. Yes.

3 Q. Do you remember the date in August you
4 came back?

5 A. I don't quite remember the date. It
6 was in August 2007.

7 Q. Okay. And Fred had told you he could
8 get you a better job here in Vegas making more
9 money; isn't that right?

10 A. Yes.

11 Q. And he got you a job at Bally's; isn't
12 that right?

13 A. Yes, he did.

Page 78

0000620

30613HAR

14 Q. And you started working in September
15 of 2007 so a month after you got back here.

16 A. Yes.

17 Q. And you were making decent money;
18 isn't that correct?

19 A. Yes.

20 Q. Okay. You said that as soon as you
21 got back -- so this would have been in August of
22 2007 -- he put you on the streets.

23 A. Yes.

24 Q. Okay. And you lived -- when you came
25 back you stayed in a hotel briefly and then

PURSUANT TO NRS 239.053 AND 3.370.6, ILLEGAL TO COPY
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♀

HARRIS - VOL. IV

68

1 Miss Dorothy's but then you got the apartment on
2 walnut; isn't that right?

3 A. Yes.

4 Q. So you had your own place for
5 approximately a year. Does that sound about right?

6 A. Let's see. I went in there 2007.
7 September, sometime in September.

8 Q. Of 2007.

Page 79

0000621

30613HAR

- 9 A. Yes.
- 10 Q. You went to Walnut.
- 11 A. Yes. I think it was 2007 August,
- 12 August, September, sometime in September or
- 13 October.
- 14 Q. Okay. So you are living at Miss
- 15 Dorothy's house, is that right, then until you move
- 16 into Walnut?
- 17 A. We stayed off and on at Dorothy's
- 18 house until we moved to Walnut, uh-huh.
- 19 Q. But not living with Fred and Ann; is
- 20 that correct?
- 21 A. No, she wouldn't let us in. They
- 22 didn't want it. They didn't want it.
- 23 Q. But the other four kids lived there,
- 24 correct?
- 25 A. Yes.

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

♀

HARRIS - VOL. IV

69

- 1 Q. And the other four kids were enrolled
- 2 in school; isn't that right?

Page 80

0000622

30613HAR

3 A. Yes, they enrolled in school.

4 Q. And they were doing quite well.

5 A. Yes, they were.

6 Q. They were probably doing the best they

7 had done in their whole life in school.

8 A. Yes.

9 Q. That was the most stable residence

10 they'd had in a long time, was it not?

11 A. Yes.

12 Q. When was the first night that Fred put

13 you out on the street?

14 A. Before I started working.

15 Q. So between August of 2007 and

16 September of 2007; is that correct? So that

17 month.

18 A. It was around that month.

19 Q. Okay. Where did he take you?

20 A. I remember going to Terrible's

21 Hotel/Casino. I remember going to the Palms. I

22 remember going to the Rio.

23 Q. That first night?

24 A. The first night he took me I think to

25 Terrible's Hotel/Casino to pick up some tricks.

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

1 Q. Okay. And he, what time did he take
2 you there, do you remember?

3 A. Oh, shoot, it was at night. I don't
4 remember what time. It was nighttime.

5 Q. You can't remember what time.

6 A. It was nighttime.

7 Q. How long were you there?

8 A. A couple hours.

9 Q. Okay. At this point in time did you
10 have a cell phone?

11 A. I was using Miss Ann's cell phone.
12 She let me use her cell phone to call to
13 communicate back and forth with both of them.

14 Q. And she gave you her cell phone that
15 night.

16 A. I think so, yeah. I didn't have a
17 cell phone at the time.

18 Q. Okay.

19 THE COURT: Do you mind if we take a
20 quick break.

21 MS. ALLEN: Sure.

22 (Whereupon a recess was
23 taken at 3:11 p.m. and
24 the proceedings resumed
25 at 3:22 p.m.)

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

♀

HARRIS - VOL. IV

71

1 MS. ALLEN: May I proceed.

2 THE COURT: Yes. We're back on the
3 record. The record will reflect the presence of
4 the defendant and all counsel.

5 MS. ALLEN: Okay.

6 Q. I was asking you questions about you
7 working as a prostitute. Do you recall that?

8 A. Yes.

9 Q. Okay. Did Ann ever work as a
10 prostitute?

11 A. Sometimes.

12 Q. She did. Okay. And you recall
13 telling the police that Fred had asked Ann to
14 prostitute as well; isn't that correct?

15 A. Yes.

16 Q. Did Ann teach you how to go out on the
17 street as well?

18 A. Yes.

19 Q. And did you two go out together?

20 A. One time we went out to a casino
21 together but we split ways.

22 Q. Okay. How long did you work at
23 Bally's?

30613HAR

24 A. I worked from 2007 September to 2011.

25 Q. September 2007 to 2011?

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

♀

HARRIS - VOL. IV

72

1 A. '11, April.

2 Q. And why did you leave your job at
3 Bally's?

4 A. I resigned.

5 Q. You resigned from your position.

6 A. Yes.

7 Q. Okay. And what was the reason?

8 A. They have it down as resigned.

9 Q. What was your reason for the
10 resignation?

11 A. It was a bit much. I really wasn't
12 finishing my rooms.

13 Q. You weren't finishing your rooms.

14 A. No.

15 Q. Okay. Were you ever accused of
16 stealing things or taking things that you
17 shouldn't?

30613HAR

18 A. No. I wasn't accused of stealing
19 anything.
20 Q. Okay. You said that you continued to
21 work in the streets because Fred threatened to put
22 your children in the streets; isn't that right?
23 A. Yes, correct.
24 Q. And that he would hurt you; is that
25 right?

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

♀

HARRIS - VOL. IV

73

1 A. Yes.
2 Q. Okay. And the whole time that you're
3 out you have a cell phone either Ann's or your own;
4 isn't that correct?
5 A. Yes.
6 Q. And at this point you've moved into
7 walnut. You're living separate and apart from
8 Fred; isn't that right?
9 A. Yes. I'm living separate from Fred,
10 yes.
11 Q. And you have neighbors at the walnut
12 address; is that correct?

Page 85

0000627

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30613HAR

13 Did other people live in that
14 apartment complex?

15 A. Yeah. There's a lot of people that
16 lived -- it was brand new. There's a lot of people
17 that lived in there.

18 Q. And did you socialize with them?

19 A. No.

20 Q. You didn't socialize with anybody.

21 A. No. I talked to the landlord,
22 Ms. Lewis.

23 Q. And you said that you were using drugs
24 back then; is that right?

25 A. Yes.

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HARRIS - VOL. IV

74

1 Q. A lot of drugs.

2 A. Coke.

3 Q. Cocaine. Okay.

4 A. Drinking. I never used it in front of
5 him or the kids.

6 Q. Okay. So cocaine and alcohol; is that

Page 86

0000628

30613HAR

7 right?

8 A. Yes.

9 Q. Anything else?

10 A. Whatever, if a trick had something, I
11 would take something, you know.

12 Q. So if a trick had heroin, you'd take
13 that.

14 A. I don't use needles. I didn't use
15 needles.

16 Q. Did you ever snort heroin or smoke it?

17 A. No.

18 Q. What about meth?

19 A. No.

20 Q. All right. So mostly cocaine.

21 A. Cocaine, downers, sleeping pills.

22 Q. And how were you getting the sleeping
23 pills?

24 A. Whoever, you know, whatever trick or
25 what have you, you know, had something. I would

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HARRIS - VOL. IV

75

1 take it because I was off in the street. One time
Page 87

0000629

30613HAR

2 I couldn't come home until I had money.

3 Q. And you bought the cocaine yourself
4 too; isn't that correct? Like you would buy the
5 cocaine with your own money.

6 A. No. I didn't have to pay for cocaine.

7 Q. You never had to pay for cocaine.

8 A. No.

9 Q. Someone gave it to you.

10 A. Gave it to me.

11 Q. So you said Fred said he was going to
12 have sex with Victoria, do you remember that?

13 A. Yeah.

14 Q. And took you to some location; is that
15 right?

16 A. Yeah.

17 Q. And where was this location?

18 A. I remember it was a park and then we
19 drove to some kind of mountain side.

20 Q. Some sort of mountain. There were
21 other cars around?

22 A. I think there was another car around,
23 some other cars or just cars passing. It's been a
24 while.

25 Q. So you don't remember if there were

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

1 other cars around.

2 A. I believe there was other cars
3 around. It was dark.

4 Q. Okay. And were they parked like this
5 car was?

6 A. Some of them was parked and some of
7 them was passing if I remember.

8 Q. Okay. What kind of car was it?

9 A. Fred's car, the car he had?

10 Q. The car he picked you up in.

11 A. I think it was kind of dark, four
12 door. It was one of the cars. They had a lot of
13 cars, I can't remember.

14 Q. And it was a smaller car; isn't that
15 right?

16 A. It was a kind of small car.

17 Q. And you said he had sex with Victoria
18 in the back seat; is that right?

19 A. Yeah.

20 Q. And you watched him do it; isn't that
21 right?

22 A. Yes.

23 Q. And you told your daughter it was
24 cute.

25 A. No.

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HARRIS - VOL. IV

77

1 Q. You never said to your daughter, oh,
2 that's cute?

3 A. No.

4 Q. Okay. So in October of -- let's see.
5 October of 2007 is that when or -- I apologize. So
6 you lived on walnut until October of 2007, correct?

7 A. In 2007 -- 2007 in a hotel and I lived
8 on walnut.

9 Q. You lived in a hotel during that time
10 in October 2007.

11 A. 2007 I lived on walnut.

12 Q. Okay.

13 A. From a hotel to walnut.

14 Q. And this is the first time he brought
15 over a dildo; is that right?

16 A. The first time I don't remember. The
17 first time he brought over a dildo was in the
18 hotel.

19 Q. When you first moved back from Utah;
20 is that right?

21 A. Yes.

30613HAR
22 Q. And did he bring it with him each
23 time?
24 A. He brought it -- he brought it with
25 him and then he said for me to keep that thing.

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

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HARRIS - VOL. IV

78

1 Q. So you kept it.
2 A. Yeah.
3 Q. Where did you keep it?
4 A. Some bag, with a bag.
5 Q. In your room?
6 A. It was at the hotel was just in the
7 hotel room, it was one unit.
8 Q. What about at walnut, where did you
9 keep it at walnut?
10 A. I kept it in my room. He told me to
11 keep it in my room.
12 Q. Okay. And then at some point you
13 moved back into the Blankenship house or you move
14 into the Blankenship house. Isn't that correct?
15 A. Yeah.
16 Q. Did you lose your apartment on walnut?

Page 91

0000633

30613HAR

17 A. No. Fred decided to move me out
18 because the economy was starting to get bad before
19 the -- what's the word for it? -- something hit and
20 it did hit.

21 Q. The recession.

22 A. Recession.

23 Q. Okay. So he was -- he was helping to
24 pay for the apartment for you. He was giving you
25 money for the apartment, was he not?

PURSUANT TO NRS 239.053 AND 3.370.6, ILLEGAL TO COPY
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HARRIS - VOL. IV

79

1 A. I had to ask the church for some help
2 with my apartment. Okay? I had to with my money
3 pay for the bills because he had said he needed
4 \$200 so I was \$200 short so I had to go call the
5 church and get \$200 from I think it was one of the
6 help agencies churches that they deal with, a help
7 agency and a church together in Las Vegas.

8 Q. Do you remember the name of it?

9 A. I think it was Christ Episcopalian
10 that paid for, 'cuz I was 200 short. 'Cuz Fred

Page 92

0000634

30613HAR

11 said I want \$200. I said, but I got to pay my
12 rent. He said, well, go get your \$200 because I
13 need \$200.

14 Q. Okay. And this was -- this was -- but
15 you said that Fred had decided it was time, because
16 the recession was going to hit that you should move
17 back in with him; is that correct?

18 A. He said that I should move with them
19 not back with them.

20 Q. I'm sorry. Move in with them, right?

21 A. Yes, move in with them.

22 Q. Okay. So you move out of Walnut and
23 you live in Blankenship for almost two years.

24 A. Almost two years, 2008, '09, almost
25 two years.

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7

HARRIS - VOL. IV

80

1 Q. Okay. And during the time that you're
2 living in this house, that's when you get arrested
3 for the prostitution; isn't that right?

4 A. Yes, I got arrested for prostitution.

5 Q. When you say you were arrested, you

Page 93

0000635

30613HAR

6 were taken down to a jail somewhere; is that right?

7 A. Yes.

8 Q. Okay. And so when you were arrested
9 by the police, did you explain to them that the
10 people you were living with that they were abusing
11 you and your children?

12 A. They didn't ask any questions like
13 that when I was arrested. They was just talking
14 about me, what was I doing in the street.

15 Q. Did you tell them that Fred had put
16 you on the street, that you had a pimp and he was
17 forcing you to do that?

18 A. No. Fred said I better not explain
19 anything about that to them.

20 Q. So in 2010 you brought the police to
21 the house; isn't that correct?

22 A. Yes.

23 Q. And you said that you were bruised.
24 Am I correct? You had a big bruise on your leg.

25 A. Yes.

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

1 Q. Had he bruised your face as well?

2 A. It was just basically my leg and my
3 rib cage.

4 Q. Okay. And you told the police that he
5 had beat you; is that right?

6 A. Yes.

7 Q. Did you show them the bruises?

8 A. I showed them my leg and my rib was
9 hurting. I didn't take off my clothes in front of
10 them.

11 Q. But you had said this man beat me; is
12 that correct?

13 A. That's correct. Yes, he did.

14 Q. And the police did nothing about it;
15 isn't that correct?

16 A. They came to the house. They didn't
17 do anything about it.

18 Q. And the children were here.

19 A. I guess they gave him a warning. And
20 then the kids were there, uh-huh, when the police
21 came.

22 Q. You left that night, isn't that
23 correct, with Victoria and the children stayed?

24 A. Yes. I left with Victoria and Mahlica
25 stayed, Tahara and Taquanda stayed, I think

PURSUANT TO NRS 239.053 AND 3.370.6, ILLEGAL TO COPY
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HARRIS - VOL. IV

82

1 Shabazz, he went back. I think Shabazz went back
2 and Victoria. I guess everybody went to school.
3 They just went to school. But I didn't have
4 nowhere to go so I came back.

5 Q. The police asked, at some point asked
6 the children if they wanted to leave with you;
7 isn't that correct?

8 A. Yes.

9 Q. And they all didn't want to leave;
10 isn't that correct?

11 A. They did -- no. They just didn't want
12 to leave the house and leave their school, you
13 know, leave the house and it was like they're still
14 in school. School was in session.

15 Q. Okay. You also made the statement
16 that Ann didn't do anything about the beatings or
17 the prostitution.

18 A. No, because they would fight too.

19 Q. Okay. So you move out of the
20 Blankenship address and you move into St. Andrews;
21 isn't that right?

22 A. Yeah.

23 Q. With three of the kids, Victoria,
24 Mahlica, and Shabazz; si that correct?

25 A. Yes.

30613HAR

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HARRIS - VOL. IV

83

1 Q. And you were there for a year.

2 A. Yeah.

3 Q. And at no point during that year you
4 moved out from Fred and Ann did you call the
5 police; is that right?

6 A. I did call the police when I lived on
7 the St. Andrews apartments.

8 Q. You didn't actually ever call the
9 police, did you?

10 A. I did call the police on Fred when I
11 lived at 966 Blankenship. I took them to his front
12 door. They were pissed about it.

13 Q. Aside from the bruise on your leg
14 incident, you never called the police about any of
15 this other stuff, did you?

16 A. No.

17 Q. Do you recall --- again, you made that
18 statement back in December of 2011. Do you
19 remember that, the one that we had talked about a
20 few minutes ago?

Page 97

0000639

30613HAR

15 asked of you?

16 A. When? What are you --

17 Q. Right now all I'm referring to is your
18 statement in December of 2011 to the Henderson
19 Police Department when you were living -- this is
20 when you moved to Henderson. Okay? So this is
21 what I'm referring to.

22 Do you recall a question by the
23 Henderson detective about a conversation in a car
24 outside of Miss Dorothy's house where Fred said
25 Victoria's body was going to be his and that he

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HARRIS - VOL. IV

85

1 would have to sleep with him, she, meaning Victoria
2 would have to sleep with him in order to see her
3 brothers and sisters? Do you recall that question
4 being asked of you?

5 A. Were they talking about 2007?

6 Q. There was no date given. All I'm
7 asking is if you remember that question being asked
8 of you.

9 A. No, I don't remember.

Page 99

0000641

30613HAR

10 Q. And do you recall your answer being
11 no?

12 A. I don't remember that.

13 Q. Would it refresh your recollection to
14 look at a transcript?

15 THE COURT: Do you want to read the
16 statement that she's referencing?

17 MS. ALLEN: Would it help to read it?

18 THE COURT: Do you want to read it to
19 see if it refreshes your recollection, if it helps
20 you remember what question was asked and what your
21 response was?

22 THE WITNESS: Okay.

23 THE COURT: Okay. Show her the
24 statement.

25 THE WITNESS: Just show me the

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HARRIS - VOL. IV

86

1 statement.

2 MS. ALLEN: It starts here and goes
3 through here and just read it to yourself.

Page 100

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30613HAR

4 THE WITNESS: This purple part?

5 MS. ALLEN: Sure.

6 Q. Did you have a chance to read that?

7 A. Okay.

8 Q. Do you recall that question from the
9 detective in Henderson?

10 A. Yes.

11 Q. And after reading it, do you recall
12 that your answer was no?

13 A. Yeah, I recall my answer was no
14 because --

15 Q. Hold on just one second. A few
16 moments ago or during your direct examination when
17 Ms. Luzaich was asking you some questions, she
18 asked you specifically if there was a conversation
19 about Fred having sex with Victoria. Do you recall
20 those questions from Ms. Luzaich?

21 A. Yes.

22 Q. And you said that yes, in fact Fred
23 had said he was going to have sex with Victoria.
24 Do you recall testifying to that?

25 A. Yes.

PURSUANT TO NRS 239.053 AND 3.370.6, ILLEGAL TO COPY
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1 Q. Okay. But in 2011 when you lived in
2 Henderson, it was well over a year after living in
3 Blankenship, you told the detective that
4 conversation never happened. Do you remember that?

5 MS. LUZAICH: No, that misstates the
6 testimony. What she said to the detective in the
7 statement was that there wasn't a conversation in
8 the car in front of Miss Dorothy's house, not that
9 a conversation didn't occur.

10 MS. ALLEN:

11 Q. You go on further, the detective goes
12 on further and goes do you know why Victoria's
13 telling me that that happened and do you recall
14 your answer was no, I don't.

15 Do you recall that?

16 A. Why she is saying -- he asked me why I
17 was saying that.

18 Q. No. The detective asked if you knew
19 why Victoria had said that and you said no, I
20 don't. I don't remember that.

21 A. Yes, I do remember that detective
22 asking me why she was saying that.

23 Q. So the detective specifically brought
24 up to you the subject -- I'll just say subject
25 since we're, we don't want to deal with the car

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HARRIS - VOL. IV

88

1 issue, but the detective specifically brought up a
2 subject to you about a conversation with Fred
3 telling you he was going to have sex with Victoria,
4 general subject, and you said no; isn't that right?

5 MS. LUZAICH: That's not what that
6 said.

7 MS. ALLEN:

8 Q. Wouldn't this have been the best time
9 to volunteer that information about Fred having sex
10 with Victoria?

11 A. You know, I thought that he was
12 talking about now. I'm thinking why was he asking
13 now or -- I don't understand.

14 Q. Do you recall telling the detective I
15 had never seen Fred touch the children in a wrong
16 way. Do you remember telling him that?

17 A. I remember telling him, telling the
18 detective that we fought.

19 Q. I'm asking you very specifically,
20 Ms. Duke. If I'm not clear, just let me know. But
21 my question to you is did you tell, do you recall
22 telling the detective, I have never seen Fred touch
23 the children in a wrong way? Do you remember
24 saying that?

30613HAR

25 A. what children -- what's he talking

PURSUANT TO NRS 239.053 AND 3.370.6, ILLEGAL TO COPY
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HARRIS - VOL. IV

89

1 about? The children in general or just Victoria?

2 Q. Okay. The question, you, you
3 answered, this was your words. I never seen Fred
4 touch the children in a wrong way. You made the
5 statement. Do you remember making that or not? If
6 you don't, I'm happy to show it to you.

7 THE COURT: would you like to see the
8 transcript of the statement that you made? Do you
9 want to read it? Do you want to read what was
10 written down from what you said?

11 THE WITNESS: When I mentioned, when I
12 said that.

13 THE COURT: She's asking if you
14 remember if you said that first.

15 THE WITNESS: I do remember saying
16 that.

17 MS. ALLEN: Okay. Thank you.

18 Q. And then you followed up with I never

30613HAR

19 seen that happen. Do you remember saying that to
20 the detective?

21 A. Yes.

22 Q. Okay. And the detective then asked
23 you if Victoria had ever told you if he was forcing
24 her to have sex with him. Do you remember him
25 asking you that question?

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HARRIS - VOL. IV

90

1 A. Yes.

2 Q. And do you recall that your answer was
3 no, she didn't tell me that.

4 A. I remember saying no.

5 Q. Okay.

6 A. Okay. I said -- I'm thinking that.
7 Okay.

8 Q. Let's just stick with the questions
9 I'm asking you, please. Okay? Do you recall
10 saying no, she didn't tell me that?

11 A. Yes.

12 Q. Okay. You followed up with I don't
13 remember her saying anything like that because, I
Page 105

0000647

30613HAR

14 mean, they would bump heads. You know, they would
15 get in an argument, in a fight because either he
16 didn't like the way she was disrespecting me or
17 either she didn't go to school. Do you remember
18 saying that?

19 A. Yes, I do.

20 Q. Okay. Fred was kind of strict on the
21 kids going to school, was he not?

22 A. Yes, he was strict.

23 Q. He had, he stressed education for the
24 children, did he not?

25 A. Yes. It was very important.

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HARRIS - VOL. IV

91

1 MS. ALLEN: We can break if you want.
2 This is a good enough place.

3 THE COURT: Okay. When are we going
4 to finish up? I have a special setting tomorrow at
5 10:30 tomorrow afternoon.

6 MS. LUZAICH: I have a prelim
7 tomorrow.

Page 106

0000648

30613HAR

8 THE COURT: The next week.
9 MS. ALLEN: I'm in trial next week.
10 MS. LUZAICH: Are you for sure?
11 MS. ALLEN: No, not next week.
12 Calender call Monday so I have one week. I can do
13 next week. The only day, Your Honor, that I can't
14 really do is the 18th. You know what, I made a
15 mistake. The only day I really can't do it is the
16 18th. I have dental work at 3:00 p.m.
17 THE COURT: I have Monday the 17th in
18 the afternoon.
19 MS. ALLEN: Fine with me.
20 THE WITNESS: I can't do it then.
21 THE COURT: On the 17th.
22 THE WITNESS: I can't do it on the
23 17th. Sorry.
24 THE COURT: Possibly on Tuesday.
25 There's 12 prelims set. None of them are special

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HARRIS - VOL. IV

92

1 settings.

2 MS. ALLEN: Tuesday is the day I have
Page 107

0000649

3 dental work.

4 THE COURT: Could we finish Wednesday
5 the 19th, but we have to stop at 3:00 o'clock.

6 MS. ALLEN: Yes. Start it when?

7 THE COURT: We could start at 1:00.

8 MS. LUZAICH: Tina, can you be here at
9 1:00 o'clock Wednesday?

10 THE COURT: Could we be done with her
11 testimony by 3:00?

12 MS. LUZAICH: Yes.

13 MS. ALLEN: I don't think so.

14 MS. LUZAICH: I won't have a lot on
15 redirect.

16 THE COURT: All right. So we will
17 resume Wednesday the 19th at 1:00 o'clock and then
18 we'll figure out another day for the argument which
19 may be on Thursdays afternoon or Friday afternoon
20 or --

21 MS. LUZAICH: Into the next week.

22 THE COURT: Oh, because we have to
23 have the transcript. So maybe Thursday or Friday.
24 So the 27th or 28th or the 21st or 22nd.

25 MS. LUZAICH: I'm going to be out of

PURSUANT TO NRS 239.053 AND 3.370.6, ILLEGAL TO COPY
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HARRIS - VOL. IV

93

1 town that week.

2 THE COURT: So the 27th or 28th.

3 MS. ALLEN: What's this for?

4 THE COURT: Argument.

5 MS. ALLEN: Oh. Sorry.

6 MS. LUZAICH: Could you do it in the
7 afternoon on the 27th?

8 THE COURT: I could.

9 MS. LUZAICH: I can do -- this is not
10 you. This is just argument. I can do the
11 afternoon on the 27th.

12 THE COURT: At 1:00 o'clock.

13 MS. ALLEN: I'll make it work. If I'm
14 in trial with Delaney, I'll just ask her for an
15 hour. I'll just make Delaney take a late lunch
16 break. Yeah. I'll make it work.

17 THE COURT: I have 13 prelims set that
18 day but who knows how many will go. We can do it
19 1:00 o'clock on Thursday the 27th, probably earlier
20 on Friday the 28th, 1:00 o'clock on Tuesday the
21 25th.

22 (Discussion off the record.)

23 THE COURT: If she got you the
24 transcript on Monday the 24th, would you be ready
25 on Thursday or Friday?

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HARRIS - VOL. IV

94

1 MS. ALLEN: I'll make sure I am.

2 MS. LUZAICH: Either Thursday
3 afternoon or Friday morning. I'm out of town the
4 following week.

5 THE COURT: We could either do late
6 morning on Friday right now or Thursday afternoon
7 if you'd be ready.

8 MS. ALLEN: I can be ready by Thursday
9 afternoon.

10 MS. LUZAICH: Yeah.

11 MS. ALLEN: Thursday afternoon at 1:00
12 o'clock is fine.

13 THE COURT: Argument Thursday
14 afternoon 1:00 o'clock. And if it changes, let me
15 know.

16 (Whereupon the proceedings
17 adjourned at 3:51 p.m.)

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30613HAR

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PURSUANT TO NRS 239.053 AND 3.370.6, ILLEGAL TO COPY
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HARRIS - VOL. IV

95

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AFFIRMATION

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Pursuant to NRS 239B.030:

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

Dated this 17th day of June, 2013.

/s/ Cheryl Gardner, CCR 230, RPR, RMR
Page 111

0000653

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

FREDERICK HARRIS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

S.C. CASE NO. 69093

Electronically Filed
Jun 16 2016 04:50 p.m.
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Clerk of Supreme Court

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

~~~~~  
APPELLANT'S APPENDIX TO THE OPENING BRIEF  
VOLUME V  
~~~~~

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IN THE SUPREME COURT OF NEVADA

FREDERICK HARRIS,

CASE NO. 69093

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

OPENING BRIEF APPENDIX

<u>VOLUME</u>	<u>PLEADING</u>	<u>PAGE NO</u>
1	AMENDED CRIMINAL COMPLAINT (FILED 04/29/2013)	09-21
7	CASE APPEAL STATEMENT (FILED 10/27/2015)	851-853
24	COURT MINUTES	3350-3431
1	CRIMINAL COMPLAINT (FILED 02/22/2013)	01-08
7	DEFENDANT'S MOTION FOR A NEW TRIAL (FILED 04/28/2014)	816-822
7	DEFENDANT'S REPLY TO STATE'S RESPONSE TO MOTION FOR A NEW TRIAL AND SUPPLEMENT TO DEFENDANT'S MOTION FOR A NEW TRIAL (FILED 07/09/2014)	830-842
7	INFORMATION (FILED 07/23/2013)	854-868
8	INSTRUCTIONS TO THE JURY (FILED 04/11/2014)	882-935
7	JUDGMENT OF CONVICTION (FILED 11/02/2015)	843-848
7	NOTICE OF APPEAL (FILED 10/27/2015)	849-850
8	RECORDER'S TRANSCRIPT RE: SENTENCING OCTOBER 27, 2015 (FILED 12/30/2015)	983-994

1	8	RECORDER'S TRANSCRIPT RE: EVIDENTIARY HEARING DEFENDANT'S MOTION FOR A NEW TRIAL FEBRUARY 17, 2015 (FILED 12/30/2015)	995-998
2			
3	8	RECORDER'S TRANSCRIPT RE: EVIDENTIARY HEARING DEFENDANT'S MOTION FOR A NEW TRIAL JANUARY 5, 2015 (FILED 12/30/2015)	999-1012
4			
5			
6	9	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 1 (FILED 12/30/2015)	1013-1197
7			
8	10	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 2 MARCH 26, 2014 (FILED 12/30/2015)	1198-1445
9			
10	11	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 3 MARCH 27, 2014 (FILED 12/30/2015)	1446-1621
11			
12	12	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 4 MARCH 31, 2014 (FILED 12/30/2015)	1622-1768
13			
14	13	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 5 APRIL 1, 2014 (FILED 12/30/2015)	1769-1936
15			
16	14	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 6 APRIL 2, 2014 (FILED 12/30/2015)	1937-2138
17			
18	15	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 7 APRIL 3, 2014 (FILED 12/30/2015)	2139-2321
19			
20	16	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 8 APRIL 4, 2014 (FILED 12/30/2015)	2322-2575
21			
22	17	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 9 APRIL 7, 2014 (FILED 12/30/2015)	2576-2766
23			
24	18	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 10 APRIL 9, 2014 (FILED 12/30/2015)	2767-2943
25			
26	19	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 11 APRIL 10, 2014 (FILED 12/30/2015)	2944-3123
27			
28	20	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 12 APRIL 11, 2014 (FILED 12/30/2015)	3124-3255

1	21	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 12 APRIL 15, 2014 (FILED 12/30/2015)	3266-3268
2			
3	22	RECORDER'S TRANSCRIPT RE: EVIDENTIARY HEARING DEFENDANT'S MOTION FOR NEW TRIAL (12/30/2015)	3269-3289
4			
5	23	RECORDER'S TRANSCRIPT OF PROCEEDINGS RE: EVIDENTIARY HEARING DEFENDANT'S MOTION FOR NEW TRIAL (12/30/2015)	3290-3349
6			
7	7	REPORTER'S TRANSCRIPT OF BINDOVER (FILED 08/08/2013)	787-815
8			
9	1	REPORTER'S TRANSCRIPT OF EXCERPT OF PROCEEDINGS	22-31
10	1	REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING	32-79
11	2	REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING JUNE 20, 2013	80-93
12	3	REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING APRIL 29, 2013	108-366
13			
14	4	REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING MAY 7, 2013	367-542
15	5	REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING JUNE 13, 2013 (FILED 07/31/2013)	543-653
16			
17	6	REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING JUNE 11, 2013 (FILED 07/31/2013)	654-786
18			
19	2	SECOND AMENDED CRIMINAL COMPLAINT (FILED 07/19/2013)	94-107
20			
21	8	STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR A NEW TRIAL (FILED 06/13/2014)	954-967
22			
23	8	VERDICT (FILED 04/15/2014)	936-946
24			
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CERTIFICATE OF SERVICE

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

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