

1 JUROR NUMBER 12: Chances are you'd probably get it  
2 right.

3 THE COURT: Okay. But you can check first.

4 JUROR NUMBER 12: Okay.

5 THE COURT: And then the court marshal -- if you  
6 want, I can have my secretary order you something that meets  
7 those conditions, and I will ask that it be brought up  
8 promptly. Is that okay?

9 JUROR NUMBER 12: That's fine.

10 THE COURT: Okay. And so we're going to take an  
11 hour recess. During this recess you're admonished not to talk  
12 or converse amongst yourselves or with anyone else on any  
13 subject connected with this trial, or read, watch, or listen  
14 to any report of or commentary on the trial or any person  
15 connected with this trial by any medium of information,  
16 including, without limitation, newspapers, television, the  
17 Internet, or radio, or form or express any opinion on any  
18 subject connected with this trial until the case is finally  
19 submitted to you.

20 You are excused with the court marshal to have your  
21 lunch break. And we will start in one hour.

22 And, sir, it's 1:45; right? So 2:45. If you finish  
23 early, we can start early.

24 And, sir, if you'll talk to the officer, we'll make  
25 sure that we get that adhered to. And I'll even go down and

1 get it myself if we need to, okay.

2 JUROR NUMBER 12: So the gist of the thing is just  
3 be back in an hour whether we go or not.

4 THE COURT: Yes, that's the gist. But I wanted to  
5 make sure you got something to eat, because sometimes it's not  
6 always feasible to eat and get back here in an hour.

7 (Jury recessed at 1:49 p.m.)

8 THE COURT: What happened to my DAs?

9 MR. MacARTHUR: They went outside with the witness.

10 MS. ALLEN: They went with the witness.

11 THE COURT: Okay. I just wanted to tell you to be  
12 careful about going back in that hallway.

13 MS. ALLEN: We won't go back there.

14 THE COURT: Okay.

15 MS. ALLEN: Yeah. No. And if I -- your staff has  
16 been kind enough to refill my water when I'm not going back  
17 there.

18 THE COURT: We'll do that if you need us to.

19 How much longer do you think you'll be?

20 MS. ALLEN: I honestly anticipate the rest of the  
21 day with her, maybe even tomorrow.

22 THE COURT: Okay.

23 MS. ALLEN: Just depends.

24 THE COURT: That's fine.

25 MS. ALLEN: I'm trying to get through it. She's

1 working with me a little better.

2 THE COURT: I know. I know. You don't have to say  
3 it. I know.

4 MS. ALLEN: Thank you, Judge.

5 (Court recessed at 1:51 p.m., until 3:09 p.m.)

6 (Jury is present)

7 THE COURT: Do the parties stipulate to the presence  
8 of the jury?

9 MS. LUZAICH: Yes, Judge.

10 MS. ALLEN: We do.

11 THE COURT: Ms. Allen?

12 MS. ALLEN: Yes, Your Honor.

13 THE COURT: Thank you. You may continue.

14 MS. ALLEN: Thank you. And I apologize if I repeat  
15 some questions, Your Honor.

16 THE COURT: That's okay.

17 BY MS. ALLEN:

18 Q Okay. I think I was asking you questions about  
19 school, if I'm remembering correctly. You indicated, I think,  
20 that you had gone -- you started off at Mojave; is that  
21 correct?

22 A Correct.

23 Q Okay. And you ended up going to -- did you go to  
24 Desert Pines for a while?

25 A Yes.

1           Q     Okay. And then you went to Canyon Springs; is that  
2 correct?

3           A     Yes.

4           Q     Okay. Do you remember when you started Desert  
5 Pines?

6           THE COURT: Okay. The jury panel cannot hear you,  
7 so again I'm going to ask you to scoot up as close as you can,  
8 pull the microphone as close as you can, and if you'll just  
9 speak up. Because we're being recorded, as well, so Kris has  
10 to be able to listen to it, because she's going to have to  
11 prepare a written transcript. If she can't hear what you say,  
12 it's all going to be inaudible, okay.

13          THE WITNESS: Yes, Your Honor.

14          THE COURT: Can you do that for me?

15          THE WITNESS: Yes, Your Honor.

16          THE COURT: More importantly, I have the jury  
17 telling me they can't hear you. They need to be able to hear  
18 you, okay.

19          THE WITNESS: Okay.

20          THE COURT: Thank you.

21          THE WITNESS: You're welcome.

22          MS. ALLEN: Thank you.

23 BY MS. ALLEN:

24          Q     All right, Victoria. What years did you -- what  
25 time period did you attend Desert Pines?

1           A       I attended Desert Pines in mid October, like a week  
2 before Halloween.

3           Q       What year?

4           A       2007.

5           Q       Okay. 2007 is when you went to Desert Pines?

6           A       Yes.

7           Q       Okay. And you weren't living Blankenship; is that  
8 correct?

9           A       Yes, that's correct.

10          Q       Okay. And then how -- so you started in October.  
11 How long did you stay in Desert Pines High School?

12          A       Until August of -- until the end of the school year.

13          Q       Okay. So I think you said -- did you say 2007?

14          A       2008. 2008.

15          Q       Okay. 2008. So in June of 2008 you finished at  
16 Desert Pines; is that correct?

17          A       Yes.

18          Q       And you then transferred to Canyon Springs?

19          A       Yes.

20          Q       And is that when you moved into Blankenship, right  
21 around that time?

22          A       Yes.

23          Q       Okay. And just to refresh everybody's memory, when  
24 did you move into the Blankenship home?

25          A       July 2008.

1 Q July 2008.

2 A Yes.

3 Q Okay. And then you started Canyon Springs that

4 August or September; is that correct?

5 A Yes.

6 Q Okay. And you were in Canyon Springs 2008 through

7 2009?

8 A Yes.

9 Q And 2009 through 2010?

10 A Yes.

11 Q Okay. When did you finish at Canyon Springs High

12 School?

13 A June 2011.

14 Q And is that like when you graduated?

15 A Yes.

16 Q Okay. And when did you move out of the Blankenship

17 house, just to be clear?

18 A August 2010.

19 Q August of 2010. Okay. So you started the 2010-2011

20 school year out of the Blankenship home; is that correct?

21 A Yes.

22 MS. ALLEN: Okay. May I approach with Defendant's

23 Exhibit Admitted U?

24 THE COURT: You may. It's been admitted? I'm

25 assuming by stipulation.

1 MS. ALLEN: Yes.

2 THE COURT: Okay. U is admitted. Thank you.

3 (Defendant's Exhibit U admitted)

4 MS. ALLEN: Thank you.

5 BY MS. ALLEN:

6 Q I'm going to show you a cover page. It's just a

7 letter from Clark County School District. And I'm going to

8 have you take a look --

9 MS. ALLEN: This is one exhibit, but it's stapled up

10 at the top, and I just need her to see this very top. Is it

11 okay if I unstaple it?

12 THE COURT: Sure. Sure.

13 MS. ALLEN: Is that okay?

14 THE COURT: Sure.

15 MS. ALLEN: And then I can restaple it.

16 THE COURT: Sure. That's fine.

17 MS. ALLEN: Thank you. Sorry. I should have said

18 something.

19 BY MS. ALLEN:

20 Q Do you recognize your name at the top?

21 A Yes.

22 Q Okay. And does it have your correct birthday on

23 there?

24 A Yes.

25 Q Okay. And then it's -- at the top it does make

1 reference to Canyon Springs High School; is that correct?

2 A Yes.

3 Q Okay. And just can you look at this just briefly,

4 the two sheets in here, and tell me if you -- if you recognize

5 the grades that are on there or the classes or anything about

6 that.

7 A I recognize it.

8 Q Okay. This is essentially the grades you got

9 through high school here; is that correct?

10 A Yes.

11 Q Would you agree with me that in 2008, the spring

12 term of 2008, you had all Fs?

13 A The spring of 2008?

14 Q Correct. So January to June of 2008, the spring

15 term.

16 A I remember in 2007 I got all Fs, but -- not in 2007,

17 but I remember in 2009 I got all Fs.

18 Q Okay. Would it --

19 A Not even in 2009. Like when I first started school

20 in 2007 I got all Fs. Anywhere from that I don't remember

21 getting all Fs.

22 Q Okay. Would it help if you could look at it again?

23 A (No audible response)

24 Q You have to answer out loud.

25 A Okay.



1           Q     Does it appear that that semester, it says 6/2008,  
2 it appears you have all Fs?

3           A     6/2008?

4           Q     Uh-huh. Yes.

5           A     Yes.

6           Q     Okay.

7           A     In 6/2008.

8           Q     Okay. And does -- well -- and then you -- that's  
9 when you moved in -- right after that semester with all Fs you  
10 moved into the Blankenship home; is that correct? When you  
11 finished at Desert Pines High School you moved into the  
12 Blankenship home, and that's when you transferred to Canyon  
13 Springs; is that correct?

14          A     Yes.

15          Q     Okay. And would you agree that your grades improved  
16 significantly when you moved into the Blankenship home?

17          A     Yes.

18          Q     Okay. And for the two -- was it two years that you  
19 lived there your grades were fairly good?

20          A     Yes.

21          Q     And then would you also agree that once you moved  
22 out you started receiving almost nothing but Ds and Fs again?

23          A     No.

24          Q     Pardon?

25          A     I do not agree.

1           Q     You don't agree?  Would it help to look at your  
2 report card again -- or the transcript of your grades again?  
3           A     Yes.  
4           Q     Okay.  You testified, I think, that you moved out in  
5 about 2010; is that right?  
6           A     Uh-huh.  No.  2011 I moved out.  
7           Q     2011?  Okay.  So 2011.  Those are the grades for  
8 2011.  Does it appear that most, if not all, your grades are  
9 Ds and Fs?  
10          A     Sure.  Yes.  
11          Q     Okay.  All right.  When you lived in the Blankenship  
12 home with Fred and Miss Ann they stressed education to you,  
13 did they not?  
14          A     They stressed education in a beating.  
15          Q     They stressed education; is that correct?  
16          A     Yes.  
17          Q     Okay.  And they really wanted all of you guys to get  
18 grades, all of you guys meaning all of you and your siblings;  
19 is that correct?  
20          A     Yes.  
21          Q     Okay.  And when you would bring home bad grades you  
22 did get in trouble for it; isn't that correct?  
23          A     Yes.  
24          Q     Okay.  When you were bringing home all Fs living  
25 with your mom did your mom punish you?

1           A     No.

2           Q     Did your mom make you go to school?

3           A     No.

4           Q     You frequently were not going to school, is that  
5 correct, when you were just living with your mom?

6           A     Off and on.

7           Q     Okay. And she maybe didn't know about it, but she  
8 never enforced it; is that correct?

9           A     Yes.

10          Q     Okay. And when you moved back out of the  
11 Blankenship home your mother never made you go to school, did  
12 she?

13          A     No.

14          Q     Okay. Was she concerned about the fact that you got  
15 straight Fs your last semester in high school?

16          A     I don't think she knew.

17          Q     She never got the report card, or the grades,  
18 transcript of the grades?

19          A     No.

20          Q     Okay. When you did live -- when you did live at  
21 Blankenship you said that there were a lot of beatings; is  
22 that right?

23          A     Yes.

24          Q     And not just you, but everybody; is that right?

25          A     Yes.

1           Q     Okay.  So I just want to talk a little bit about  
2 that.  And did Fred have a -- did he have other ways of  
3 disciplining you and the kids?

4           A     He would talk us down like we were nothing.

5           Q     Okay.  So he would talk to you about whatever was  
6 going on; is that right?

7           A     Yes.

8           Q     And if -- sometimes he would take things away; is  
9 that correct?

10          A     Yes.

11          Q     Or ground you?

12          A     Nope.

13          Q     Okay.

14          A     We was always --

15          Q     If that wasn't sufficient, sometimes he would have  
16 you do push-ups; is that right?

17          A     Yes.

18          Q     Okay.  And then after that, if that didn't work,  
19 then he would give you what you call a whuppin; is that right?

20          A     Most of the time, yes.

21          Q     Okay.  Prior to knowing Fred had your mother ever  
22 disciplined you?

23          A     The last time my mom disciplined me I was about  
24 seven years old.

25          Q     Okay.  So your mom -- your mom hadn't disciplined

1 you. You met Fred when you were 11; is that right?

2 A Yes.

3 Q Okay. It had been about four years, then, since

4 your mother had disciplined you in any way; is that correct?

5 A Yes.

6 Q So you weren't used to be disciplined; isn't that

7 right?

8 A Right.

9 Q You were used to actually being in charge, weren't

10 you?

11 A Yes.

12 Q Now, you said that -- you were talking about

13 instances in which Taharah and Taquanda were being beaten; is

14 that right?

15 A Yes.

16 Q Okay. And you said that they were slapped and hit

17 with a belt or -- and kicked or whatever it was; is that

18 correct?

19 A Yes.

20 Q Were they hit in the face?

21 A Yes.

22 Q How would he hit them in the face?

23 A He would hit them in the face, like slap them

24 sometimes, punch them.

25 Q Okay. Since the jury hasn't seen them, are Taquanda

1 and Taharah about the same color as you? Do they have about  
2 the same tone of skin as you do?

3 A Not exactly.

4 Q Okay. Would you describe them as lighter skinned or  
5 darker skinned?

6 A I just describe them as my sisters. I don't think  
7 of them in skin color. Probably like --

8 Q Do they look like you?

9 A They look like me.

10 Q Okay. They have about the same tone of skin; isn't  
11 that right?

12 A Yes.

13 Q Okay. And he would hit them in the face; is that  
14 correct? In fact, I think you've described it before as  
15 punching them in the face; isn't that correct?

16 A (No audible response)

17 Q You have to ask out loud.

18 A Yes.

19 Q Okay. And I think I went through this with you last  
20 year. It was a closed-fist punch, wasn't it?

21 A Yes.

22 Q And he would pull back -- remember talking about  
23 that, he would pull back and swing as hard as he could and hit  
24 them in the face? Do you recall that?

25 A I don't remember as hard as he could. I don't

1 remember that.

2 Q You don't remember that? Did it seem like he was  
3 hitting them as hard as he could from your perspective?

4 A It seemed like he was hitting them any way he could.

5 Q Okay. And you said he kicked them; is that right?

6 A Yes.

7 Q Where would he kick them?

8 A He would kick them. If they was on the floor or  
9 something, he would kick them.

10 Q Where on their body?

11 A In their side, on their leg.

12 Q On their legs. Would he kick them in the head  
13 sometimes?

14 A I don't recall them being kicked in the head.

15 Q How about in the arms?

16 A I don't recall them being kicked in the arm.

17 Q Okay. And when he would hit them with the belt  
18 where would he hit them?

19 A On their leg, on their back.

20 Q Okay. Anywhere else?

21 A [Unintelligible].

22 Q Pardon?

23 A On their -- on their -- in the front of their body,  
24 in the front of their leg, the back of their leg.

25 Q Okay. And these would leave marks --

1           A     On their back or on their stomach.

2           Q     -- isn't that right? Pardon? This would leave  
3 marks, wouldn't it?

4           A     Yes.

5           Q     Okay. Would your sisters frequently have bruises?

6           A     Every now and then.

7           Q     Every now and then they would have bruises and they  
8 would have -- when he punched them in the face they would have  
9 bruises or black eyes?

10          A     I wouldn't see no bruises. I wouldn't see no black  
11 eye, but there would be bruises on their body.

12          Q     Okay. But you did say that he was punching them in  
13 the face; isn't that right?

14          A     (No audible response)

15          Q     Yes?

16          A     Yes.

17          Q     Okay. You have to answer -- you still have to  
18 answer out loud.

19                Okay. Do you recall when you made your statement to  
20 Detective Madsen describing Fred as beating her in the face  
21 and stuff?

22          A     Yes.

23          Q     Okay. And what's your definition of "beating"?

24          A     Hitting her in her face.

25          Q     Is it closed fist, open hand? What's a beating in



1 the face?

2 A Open hand and closed fist.

3 Q And you were referring to -- in the statement you  
4 were referring to Taharah and Taquanda. And then you said  
5 Taharah got dragged down the hall by her hair. Do you  
6 remember saying that?

7 A Yes, I remember saying that.

8 Q Did he pull her hair out?

9 A I don't -- I didn't see him pull her hair out, but  
10 he was dragging her by her hair.

11 Q Okay. And then he was just beating her in the face  
12 and stuff; is that right?

13 A Yes.

14 Q Okay. And did that leave marks on her face?

15 A Yes.

16 Q Okay. So while you're living in Blankenship you're  
17 going to school and -- is that correct?

18 A Yes.

19 Q And they're making you go to school every day,  
20 aren't they?

21 A I wanted to go to school. It wasn't like they was  
22 forcing me. I didn't want to be dumb.

23 Q Okay. So while you were living there you really  
24 wanted -- you wanted to go to school while you were living in  
25 Blankenship; is that correct?

1           A     Yes.

2           Q     And you wanted to get good grades while you were  
3 there?

4           A     Yes.

5           Q     Okay. And that changed after you moved out of  
6 Blankenship; is that right?

7           A     No. It still stayed the same.

8           Q     It did?

9           A     It did.

10          Q     Even though your grades dropped down to Fs?

11          A     I got depressed.

12          Q     Okay. And I will get to that in a minute.

13                Do you remember ever telling Detective Madsen that  
14 they never let us out of the house?

15          A     Yes.

16          Q     Okay. So they never let you out of the house to go  
17 to school?

18          A     They let us out to go to school, but we didn't get  
19 to -- we didn't get to be kids. We just stayed in the house.

20          Q     So you didn't get to go outside at all?

21          A     Outside. But not to go to -- not to just -- not to  
22 do what -- not to go to the movies, not to hang out with  
23 friends, not to go to dances, not to do things that kids can  
24 do.

25          Q     Okay.

1           A       You had to stay in the front yard so we can watch  
2 you and blame you for stuff. That sounds great.

3           Q       Okay. So you were never let out of the house; is  
4 that right?

5           A       It's correct, but it's incorrect.

6           Q       Okay. Well, this is -- this is your statement I'm  
7 referring to. Would it help if you read it?

8           A       It would help.

9           Q       It would? Okay.

10           MS. ALLEN: Page 19 of the second half.

11           If I may --

12           THE COURT: You may.

13           MS. ALLEN: Oh. You know what, Your Honor, we  
14 actually -- we have it up here. I think we might be able to  
15 alleviate all this.

16 BY MS. ALLEN:

17           Q       All right. So this is -- do you remember when you  
18 were talking -- just to get context, do you remember when you  
19 were talking to Detective Madsen and something happened with  
20 the tape recorder? Do you recall that?

21           A       I don't recall. I'm not saying it didn't happen,  
22 but I'm saying I can't remember.

23           Q       Okay. So this -- does it say in there? It does.  
24                    So if you look at the statement up here, it says,  
25 "Number 1," and this one says "Number 2," okay. All right.

1 So when I refer to things, it's Number 1 and Number 2, okay?

2 A Okay.

3 Q Yes?

4 A Yes.

5 Q Okay. Would you agree with me you only gave one  
6 statement to him?

7 A I don't know.

8 Q You don't know. That's okay. Okay. So I'm  
9 referring to page 19 in Statement Number 2.

10 JUROR NUMBER 10: Your Honor, she's drifting further  
11 and further away from the mike, and it's getting harder to  
12 hear.

13 THE COURT: Okay.

14 JUROR NUMBER 10: Especially when someone's standing  
15 in front of her.

16 MS. ALLEN: Sorry. I apologize.

17 THE COURT: Okay. So, again, Victoria, I'm going to  
18 remind you that if the jury can't hear you they're not hearing  
19 the evidence. So it's imperative that you speak up. Can you  
20 speak up for me?

21 THE WITNESS: Yes.

22 THE COURT: Okay. Maybe we should try the handheld  
23 microphone. That's my last resort. Officer.

24 What I'm going to do is give you a handheld  
25 microphone. If you hold it up to your mouth, I'm hoping that

1 that will alleviate the problem, okay. Can you talk in it for  
2 me.

3 THE WITNESS: Yes.

4 MS. ALLEN: Okay.

5 THE COURT: Okay. So thank you. And, again,  
6 please remind me if you can't hear. Thank you. Thank you  
7 very much, sir.

8 BY MS. ALLEN:

9 Q Okay. So Statement Number 1 is on this side,  
10 Statement Number 2 is on this side, okay. So I need you to  
11 look on --

12 THE COURT: Ms. Allen, do you want to kind of start  
13 over, because this juror said he missed --

14 MS. ALLEN: I'm sorry. Missed it? Okay.

15 THE COURT: Uh-huh.

16 MS. ALLEN: I'll try to stand over here.

17 BY MS. ALLEN:

18 Q I asked you do you recall making two statements --  
19 or one statement to Detective Madsen? Do you recall making  
20 just one statement, or do you recall more?

21 A I can't remember how many statements I made.

22 Q Okay. And I asked you if you remembered anything  
23 happening to the recorder while you were giving your statement  
24 to Detective Madsen. Do you remember that?

25 A No.

1           Q     You don't remember anything happening; is that  
2 correct?  
3           A     Yes.  
4           Q     Okay. What I've put in front of you, if I represent  
5 to you that it's just one statement but it's broken up in two  
6 parts, would you accept that representation?  
7           A     Yes.  
8           Q     Okay. And so on this side is Statement 1, and on  
9 this side is Statement 2, okay.  
10          A     Okay.  
11          Q     Okay. So I need you to refer to Statement Number 2,  
12 and I need you to turn to page 19.  
13                Okay. Are you on page 19?  
14          A     I'm on page --  
15          Q     You would agree with me that says 19 at the top?  
16          A     Yes.  
17          Q     Okay. So -- and if I can direct your attention down  
18 -- down to this part of the page. You said it would help you  
19 to look at that, your statement. Do you remember now telling  
20 the detective that they never let us out of the house? Do you  
21 recall that when you made your statement to Detective Madsen?  
22          A     Yes.  
23          Q     Okay. But you were -- again, you were allowed to go  
24 to school; is that correct?  
25          A     Yes.

1           Q     Do you recall during the time you lived in  
2 Blankenship you testified -- I think you previously testified  
3 that Fred would call you into his room. Is that right?  
4           A     Yes.  
5           Q     Okay. And were you ever -- did you ever have sex in  
6 the Blankenship home with Fred?  
7           A     Yes.  
8           Q     Okay. And how many times did that happen?  
9           A     Can you repeat the question?  
10          Q     Sure. How many times did you have sex with Fred in  
11 the Blankenship home?  
12          A     At least once.  
13          Q     Pardon?  
14          A     Once.  
15          Q     Just one time?  
16          A     Yes.  
17          Q     Okay. Do you recall describing it as more than one  
18 time?  
19          A     No.  
20          Q     Okay. So you've never described having sex in the  
21 Blankenship home more than one time?  
22          A     Not to my remembrance.  
23          Q     Not to your memory. Okay. Do you recall telling  
24 Detective Madsen that Fred was beating everybody because he  
25 couldn't have you?

1           A     I remember.

2           Q     Okay. So you do recall making that statement to  
3 Detective Madsen; correct?

4           A     Correct.

5           Q     And these are the same beatings that we talked about  
6 before, punching in the face and belts and kicking; is that  
7 correct?

8           A     Yes.

9           Q     Okay. And these would go on for days and days at a  
10 time; is that right?

11          A     Yes.

12          Q     And all of the kids?

13          A     Yes.

14          Q     Including you?

15          A     Yes.

16          Q     Okay. Do you recall telling Detective Madsen that  
17 he would leave marks on them?

18          A     Yes.

19          Q     He would strip them -- he would beat them, strip  
20 them naked and beat them again?

21          A     Yes.

22          Q     Okay. And that when you gave up and gave him sex  
23 that he'd stop beating your siblings; is that right?

24          A     Yes.

25          Q     Okay. And that's in fact what happened?



1           A     Yes.

2           Q     Okay. Do you remember -- do you remember John, his  
3 brother, the one that picked you up from Louisiana?

4           A     Yes.

5           Q     Okay. John was at the house a lot; is that right?

6           A     No.

7           Q     Okay. You remember John; correct?

8           A     I remember.

9           Q     Okay. And John was the one that brought you from  
10 Louisiana?

11          A     Yes.

12          Q     Okay. But you don't remember him being at Fred's  
13 house; is that right?

14          A     He didn't come over a lot. Probably like once a  
15 week -- not even once a week. He would probably come over  
16 once a month or not even at all. He barely came over.

17          Q     Do you remember that he would give you guys -- you  
18 and your siblings money for good grades?

19          A     Nope.

20          Q     Okay. Do you remember telling John that living in  
21 Las Vegas was the best life you'd ever had?

22          A     Nope.

23          Q     And do you remember babysitting for John and his  
24 girlfriend?

25          A     I remember babysitting for him and his girlfriend.

1 Q Okay. And do you recall him accusing him of  
2 stealing from him?

3 A Don't remember.

4 Q Okay.

5 A Never did that.

6 Q You never did that?

7 A No.

8 Q Okay. Who is Dorothy Anderson?

9 A Fred Harris's mom.

10 Q Dorothy Anderson is?

11 A No. Dorothy Anderson is the lady I was staying  
12 with.

13 Q Okay. And who is she to you?

14 A She's a friend.

15 Q Did you describe her as your godmother?

16 A At first, yes.

17 Q Okay. When you talked to Detective Madsen you  
18 described her as your godmother; is that right?

19 A Yes.

20 Q And you hadn't known her very long; is that right?

21 A No. No.

22 Q When did you meet Dorothy Anderson?

23 A In the summer of 2012.

24 Q Okay. And how did you meet her? Like where did you  
25 meet her, how did you meet her?

1           A       I was at my next-door neighbor's -- I was at Rose's  
2 next-door neighbor's house, and her neighbor knew the lady  
3 across the street, and we was sitting down, and I was just  
4 talking about how I wanted to get into school. And that's how  
5 I met her.

6           Q       Okay. And you referred to her as your godmother; is  
7 that correct?

8           A       Yes.

9           Q       Okay. And you told Dorothy Anderson, is that  
10 correct, about all this abuse?

11          A       Yes.

12          Q       Okay. And do you know if Dorothy Anderson did  
13 anything about it?

14          A       No. She -- I don't remember that.

15          Q       Okay. You in some point, I guess -- at some point  
16 you ran away; is that correct?

17          A       From where?

18          Q       Well, you've run away a couple of times; is that  
19 right, then?

20          A       No.

21          Q       Well, you testified you ran away during direct. Is  
22 that right?

23          A       During 2008?

24          Q       Is that when you ran away?

25          A       Yes.

1 Q Okay. And where did you run away to?

2 A I went to a friend's house.

3 Q Okay. And who was this friend?

4 A It was a friend -- a friend I went to school with an

5 a friend that she knew.

6 Q What school was this?

7 A Desert Pines.

8 Q Okay. And did you -- you told this person -- you

9 had run away, that you told them about all this abuse that was

10 going on; isn't that right?

11 A Yes.

12 Q Okay. And you said that they believed you; is that

13 correct?

14 A Yes.

15 Q And do you know if they did anything once you told

16 them that information?

17 A No.

18 Q You don't know, or they didn't do anything?

19 A They didn't do anything.

20 Q Okay. During all of this that was going on, this

21 time -- once you came back from Utah, Walnut, then you moved

22 back to Blankenship, and then at St. Andrews, so that entire

23 time frame did you ever call the police?

24 A Can you repeat the question?

25 Q Did you ever call the police?

1           A     During 2007 to 2009?

2           Q     Even -- yes. 2007 to 2009 did you ever call the  
3 police?

4           A     No.

5           Q     How about in 2010?

6           A     No.

7           Q     Okay. Do you recall telling Detective Madsen that  
8 you'd call the police so many times?

9           A     No.

10          Q     Would it help to look at your statements?

11          A     No.

12          Q     It would not help to look at your statement? Are  
13 you unable to read your statement at this time?

14          A     (No audible response)

15                THE COURT: Okay. And again you're shaking your  
16 head. You have to say yes or no. So what was your answer?

17                THE WITNESS: Your Honor, can I say something really  
18 fast?

19                THE COURT: Do you understand the question?

20                THE WITNESS: I understand the question, but I have  
21 no -- I don't have any memory that I said what she stated.

22                THE COURT: Okay. That's why she asked you if  
23 looking at your statement would help you remember.

24                THE WITNESS: Okay.

25                THE COURT: Do you understand that?

1 THE WITNESS: Yes.

2 THE COURT: Would looking at that help you remember?

3 THE WITNESS: (No audible response)

4 THE COURT: You shook your head, but I don't know  
5 what that means.

6 THE WITNESS: I don't think so. Maybe it might, but  
7 I don't remember telling him that.

8 THE COURT: Okay. All right. So she's going to  
9 approach with the document. Just take a look at it. Don't  
10 read it out loud. And when you're done, let us know.

11 BY MS. ALLEN:

12 Q Just read that answer to yourself.  
13 Are you done, Victoria?

14 A Yes, I'm done.

15 THE COURT: Okay. Were you able to read it?

16 THE WITNESS: Yes. I'm sorry.

17 THE COURT: Okay. Thank you.

18 MS. LUZAICH: What page?

19 MS. ALLEN: Page 11. Sorry. Page 11 of Number 1.

20 BY MS. ALLEN:

21 Q Did you have a chance to review that?

22 A Yes.

23 Q Okay. Do you remember saying that now to Detective  
24 Madsen?

25 A Yes.

1 Q Okay. So recall telling Detective Madsen that you  
2 had called the police a number of times; is that correct?

3 A Yes.

4 Q Do you also recall testifying at the preliminary  
5 hearing last year that you called the police?

6 A Yes.

7 Q Now that you recall making those statements,  
8 approximately how many times did you call the police?

9 A Four.

10 Q Four times. Okay. Do you remember the month and  
11 year that you called the police?

12 A In November.

13 Q Of what year?

14 A 2011. In December.

15 THE COURT: Is that 2011?

16 THE WITNESS: Yes.

17 THE COURT: Okay. All four?

18 THE WITNESS: Yes.

19 THE COURT: Okay.

20 BY MS. ALLEN:

21 Q So all four phone calls were made in December and  
22 November of 2011?

23 A Yes.

24 Q You never called the police before that?

25 A No.

1 Q And when you called the police did you call 911?  
2 A Yes.  
3 Q And you were calling to report a sexual assault, a  
4 rape?  
5 A I was calling to let them know that there was  
6 something going on at the house and that there is -- that my  
7 siblings are not in the right place and that -- that there's  
8 abuse going on in the home.  
9 Q Okay. Did you also contact CPS?  
10 A Yes.  
11 Q How many times did you contact CPS?  
12 A I'm not sure how many times. I think about three or  
13 four times.  
14 Q Okay. And you spoke with someone on the phone each  
15 time?  
16 A Yes.  
17 Q And you told them each time that you were being  
18 sexually abused?  
19 A I stated what had happened in reference to what  
20 might be going on in the home at the time.  
21 Q Okay. I asked if you told them you were being  
22 sexually abused.  
23 A I didn't understand the question.  
24 Q Did you -- when you called CPS did you explain to  
25 them that you were being sexually abused?



1           A       I had told them that I had recently had been  
2 sexually abused.

3           Q       Okay. And when were all these phone calls made to  
4 CPS?

5           A       In January and -- all I remember is calling in  
6 January. I can't another time.

7           Q       January of what year?

8           A       2012.

9           Q       Okay. Okay. And those -- all three phone calls  
10 were made during that month?

11          A       Yes.

12          Q       Okay. Do you remember telling the little girls,  
13 Taharah and Taquanda, to -- that they needed to be strong and  
14 go tell a counselor what was going on?

15          A       Yes.

16          Q       Okay. And in fact you testified last year that you  
17 told two people at your school. Do you recall that?

18          A       I recall saying that I had told people but I can't  
19 remember what all I had told them.

20          Q       Okay. You remember this was back at the preliminary  
21 hearing in June of 2013? You remember that; correct?

22          A       Yes.

23          Q       And you remember that I asked you questions that  
24 day; is that correct?

25          A       Yes.

1 Q And I specifically asked you if you ever disclosed  
2 to anybody at your school that you had gone -- that you were  
3 going to that this abuse was going on. Do you remember me  
4 asking you this question?

5 A Yes.

6 Q And do you remember your response?

7 THE COURT: What date?

8 MS. ALLEN: June 11th of 2013. I apologize.

9 Page 38, 39.

10 BY MS. ALLEN:

11 Q Do you recall that?

12 A Yes.

13 Q And what -- do you recall your response to that  
14 question?

15 A I can't remember my response. I believe I said yes.

16 Q Okay. You said, "Later on I did."

17 A Uh-huh.

18 Q So that was the -- correct? Is that right?

19 A Yes.

20 Q And I asked you what school that would have been.

21 And do you remember your answer?

22 A Canyon Springs.

23 Q Okay. And I asked if you were in high school?

24 A Yes.

25 Q Okay. And I asked you who you told at Canyon

1 Springs about the abuse. Do you remember who you told me you  
2 told?

3 A Ms. Bywaters.

4 Q Okay.

5 A And Coach Coop [phonetic].

6 Q Okay. Coach Coop and Ms. Bywaters. Who was Coach  
7 Coop?

8 A He was a teacher -- he was a teacher that would help  
9 me with my math.

10 Q Okay. Was he like a special ed. coordinator?

11 A Yes.

12 Q So he coordinated your classes and your IEP; is that  
13 correct?

14 A Yes.

15 Q Okay. His name's Coach Hernandez --

16 THE COURT: And just for the jury's edification,  
17 will you just tell them what an IEP is.

18 MS. ALLEN: Oh. Individualized Educational Program.  
19 Sorry. I apologize.

20 BY MS. ALLEN:

21 Q Do you know what an Individualized Education Program  
22 is?

23 A Yes.

24 Q Okay. Well, maybe you can explain it to the jury.

25 A I can't explain it to the jury. I just know what it

1 is. I don't know how to put it, the speaking terms.

2 Q Okay. Is it -- is it fair to say that you were in  
3 some special classes? Is that correct?

4 A I was in classes that helped me with the rest of my  
5 education, because I didn't go to school until I was 11 years  
6 old.

7 Q Okay. So these were classes designed to help you  
8 catch up; is that right?

9 A Yes.

10 Q Okay. You worked very closely with Coach Cooper --  
11 Coach Coop; isn't that correct?

12 A Yes.

13 Q Hernandez Cooper is his name?

14 A Yes.

15 Q Okay. So you would see him on a daily basis; is  
16 that right?

17 A Yes.

18 Q Okay. Ms. Bywaters also was sort of part of that  
19 group; isn't that correct? She helped Coach Cooper facilitate  
20 your classes?

21 A Yes.

22 Q Okay. Her name -- her first name is Kamilah; is  
23 that correct?

24 A Yes.

25 Q Okay. Were you told by the DA's Office that they're

1 coming to testify?

2 A No.

3 Q No one has told you that they were coming to  
4 testify?

5 A No.

6 Q Okay. Do you remember on direct examination when  
7 Ms. Rhoades asked you if you'd told anybody at your school you  
8 said, "I don't remember"? Do you remember that?

9 A No.

10 Q You don't remember saying it, or you just don't  
11 remember that you didn't tell anybody?

12 A I don't remember saying yes about what you had just  
13 said.

14 Q Okay. But clearly last year in June of 2011 [sic]  
15 you were very -- you were very clear you told two people; is  
16 that right?

17 A Yes.

18 Q And it was two specific people; is that correct?

19 A Yes.

20 Q And you were very clear that you told them about all  
21 the abuse that was going on; is that right?

22 A Yes.

23 MS. RHOADES: Your Honor, that misstates the  
24 testimony that she gave.

25 THE COURT: Does that accurately reflect your

1 testimony, ma'am? No? Okay. Can you just say yes or no.

2 THE WITNESS: No.

3 THE COURT: Okay. How is it different?

4 THE WITNESS: I remember stating that I had told the

5 two teachers. I don't remember them being told they were

6 going to come or anything else besides that. I don't have a

7 recollection.

8 MS. ALLEN: Okay. I'm going to ask to approach,

9 Your Honor. And this is the preliminary hearing transcript,

10 pages 37, 38, and 39.

11 THE COURT: Same date?

12 MS. ALLEN: Pardon?

13 THE COURT: Same date?

14 MS. ALLEN: Yes.

15 THE COURT: June 11?

16 MS. ALLEN: Yes.

17 BY MS. ALLEN:

18 Q Okay. And I need you to tell me if I'm reading this

19 correctly; okay?

20 A Okay.

21 Q Oh. The microphone.

22 A Okay.

23 Q Question, "Did you tell anybody else?" Did I read

24 that correctly?

25 A Yes.

1           Q     Answer, "I didn't tell -- I told my sisters and  
2 brothers later on. I didn't tell nobody 'cause it's like all  
3 they're going to say I'm a liar again. I didn't feel like  
4 anybody -- anyone was going to help the situation." Is that  
5 correct? Is that -- did I read it correctly?

6           A     You read it correctly.

7           Q     Question, "Okay. So you didn't feel like if you  
8 told anybody that it would help?" Is that correct? Did I  
9 read that correctly?

10          A     Yes.

11          Q     And your answer was, "No." Is that correct?

12          A     No.

13          Q     I'm asking if I'm reading it correctly. Did I read  
14 that correctly?

15          A     Yes, you read it correctly.

16          Q     Question, "Even if you had called the police?" And  
17 your answer was, "Yes." Did I read that correctly?

18          A     Yes.

19          Q     Okay. "Did you tell anybody at school?" Did I read  
20 that correctly?

21          A     Yes.

22          Q     Answer, "No." Is that what you said? In here was  
23 that your answer?

24          A     Yes.

25          Q     Question, "All right. Did you ever disclose to

1 anybody at school that you went to that this abuse was going  
2 on?" Did I read that correctly?

3 A Yes.

4 Q Your answer, "Later on I did"; is that correct?

5 A Yes.

6 Q "Okay. And what school would that have been?" That  
7 was my question. Did I read that correctly?

8 A Yes.

9 Q Answer, "Canyon Springs." Did I read it correctly?

10 A Yes.

11 Q "So when you were in high school -- was that a high  
12 school?" That was my question; correct?

13 A Yes.

14 Q And your answer was, "Yes."

15 A Yes.

16 Q "Who did you tell at Canyon Springs?" Answer, "I  
17 told two teachers. That's practically it." Did I read that  
18 correctly?

19 A Yes.

20 Q "Do you remember which teachers you told?" And your  
21 answer, "Coach Coop and Miss Bywaters."

22 A Yes.

23 Q Did I read that correctly?

24 A Yes.

25 Q Okay. And then I asked you if either one of them



1 had contacted the police, and you didn't know; is that right?

2 A Right.

3 Q Okay. Did Coach Coop and Ms. Bywaters ask you if  
4 you wanted to talk to a school counselor?

5 A I do not remember.

6 MS. ALLEN: Okay. May I approach again, Your Honor?

7 Page 40.

8 THE COURT: You may.

9 MS. ALLEN: Same date.

10 BY MS. ALLEN:

11 Q Question, "Did they ever take you to the office and  
12 have you talk to a counselor?" That was my question. Did I  
13 read that correctly?

14 A Yes.

15 Q Answer, "No. They asked me if I wanted to. I was  
16 scared. I didn't want us to be in foster care again. I  
17 didn't think it was going to help, so I just asked them not  
18 to." Did I read that correctly?

19 A Yes.

20 Q Question, "When you say you told them, do you  
21 remember what you told them?" And the answer was, "I just  
22 told them what happened."

23 A Yes.

24 Q And I read that correctly; is that correct?

25 A Yes.

1 Q All right. Do you recall testifying back in June of  
2 2013 that you told the two teachers, Coach Cooper and Ms.  
3 Bywaters, that Fred had had sex with you in the car with your  
4 mom? Do you recall telling them that?

5 A I don't remember [inaudible].

6 Q Okay. Do you remember testifying to that?

7 A Yes.

8 Q Okay. You do recall acknowledging -- admitting that  
9 you told them that; is that correct?

10 A Yes.

11 Q Okay. You recall testifying in June of 2013 that  
12 you told them about the first incident back in 2005 before you  
13 left Utah?

14 A I'm sorry. Can you repeat the question?

15 Q Do you recall telling them, Coach Cooper and --  
16 Coach Coop and Ms. Bywaters, about the incident back in 2005  
17 before you left for Utah? Do you remember telling them about  
18 that?

19 A Yes.

20 Q Okay. And you in fact testified in June of 2013  
21 that you told them that information; is that correct?

22 A Yes.

23 Q And it would have been the same information that  
24 you've told the jury; is that correct?

25 A Yes.

1           Q     Okay. And I asked you if you related anything else  
2 to them, did you tell them any other information, Coach Coop  
3 and Ms. Bywaters. And do you remember your answer being,  
4 "Just I was being abused"?

5           A     Yes.

6           Q     And is it accurate that you told these two teachers  
7 that information?

8           A     Yes.

9           Q     Okay. All of the information?

10          A     Yes.

11          Q     I believe you testified today that -- let me get --  
12                Just to go back, you told your sisters, I believe --  
13 or your told Detective Madsen that you told your sisters that  
14 they should be strong and go see a counselor at school; is  
15 that correct?

16          A     Yes.

17          Q     Are you aware if either one of your sisters did tell  
18 a counselor what was going on? If you know?

19          A     I knew exactly what was going on. I lived in that  
20 house. They --

21          Q     I know. I'm asking you if you know, only if you  
22 know, did Taharah or Taquanda go to school and tell one of  
23 their counselors.

24                MS. RHOADES: I would object as to foundation. What  
25 is the time frame?

1 BY MS. ALLEN:

2 Q Okay. Well, you when you made the statement to  
3 Detective Madsen you said you told these girls that they  
4 needed to be strong and they needed to go tell someone about  
5 the abuse; isn't that correct?

6 A Yes.

7 Q Okay. So when you told Detective Madsen they need  
8 to be strong -- or that you had told them this were you living  
9 in Blankenship? Was this the time period you were living in  
10 Blankenship?

11 A No. But they had came and talked to me and told me  
12 what had help happened.

13 Q Without saying what they said, I'm not asking that,  
14 I'm just -- I'm asking for a time frame here, trying to get an  
15 idea of when this happened.

16 When did you tell your sisters that they needed to  
17 be strong and go tell their counselor at school?

18 A I remember telling them -- I don't have a date  
19 telling them.

20 Q Just a basic time frame. Were you living -- how  
21 about this? Were you living in Blankenship, were you living  
22 in St. Andrews? Where were you living?

23 A I was living in St. Andrews. And then they came and  
24 told me --

25 Q Leave out what they said. Just where were you? So

1 you were living in St. Andrews when you told them to be  
2 strong, is that right, and go tell the counselor?

3 A [Unintelligible] St. Andrews -- it was in St.  
4 Andrews, and then it was in the Henderson place, as well.

5 Q Okay. So this would have been after 2010; is that  
6 right?

7 A Yes.

8 Q Sometime after 2010, as best you can recall?

9 A Yes.

10 Q Okay. Do you know if the girls went to a counselor  
11 and told them? Just if you know.

12 A I don't know.

13 Q Okay. You expressed a few moments ago that you  
14 suffered some depression; is that correct?

15 A Yes.

16 Q Did your mother take you in fact to see a doctor?

17 A Yes.

18 MS. RHOADES: Objection. Relevance.  
19 Foundation.

20 MS. ALLEN: Well, I can lay a foundation for it, but  
21 she mentioned depression and --

22 THE COURT: Okay. I'm going to grant you a little  
23 leeway.

24 MS. ALLEN: Thank you.

25 //

1 BY MS. ALLEN:

2 Q You -- I was asking you about your grades. Your  
3 grades weren't quite -- were good in Blankenship, and you  
4 acknowledged that; is that correct?

5 A Yes.

6 Q And then your grades went down pretty significantly  
7 when you moved out; isn't that correct?

8 A Yes.

9 Q And you said you were depressed; is that right?

10 A Yes.

11 Q Okay. So it would have been when you moved into St.  
12 Andrews that you were suffering some depression?

13 A A little bit after I moved into the St. Andrews.

14 Q Okay. Do around 2010?

15 A Like 2011.

16 Q Were you living in St. Andrews in 2011?

17 A Wait. I was suffering depression from -- actually  
18 from 2007 to 2011.

19 Q Okay. So you were suffering depression this whole  
20 time?

21 A Yes.

22 Q Was it diagnosed depression?

23 A That's --

24 Q Had you gone to see a doctor?

25 A Yes.

1 Q Okay. Do you remember the doctor's name?  
2 A No.  
3 Q Does Dr. Emmanuel Nwapa sound right?  
4 A Yes.  
5 Q Okay. Did your mom take you?  
6 A Yes.  
7 Q And do you remember when she took you? Do you  
8 remember your mom taking you to see a psychiatrist, a doctor?  
9 A Yes, sir.  
10 Q Okay. Do you remember approximately when?  
11 A In 2009.  
12 Q Okay. Do you think maybe she took you in 2010?  
13 A I can't recall. I remember seeing one. I remember  
14 seeing him through 2010 -- 2009-2010.  
15 Q Okay. And do you recall he prescribed you any  
16 medication to help in your depression?  
17 A Yes.  
18 Q Do you remember the name?  
19 A I changed -- I had two different ones.  
20 MS. ALLEN: Okay. Your Honor, may I approach --  
21 THE COURT: You may.  
22 MS. ALLEN: With Defense Exhibit S.  
23 BY MS. ALLEN:  
24 Q Can you take a look at that. Do you need me to take  
25 it out of the bag?

1           A     If you [unintelligible].  
2           Q     Do you want me to take it out of the bag? I can.  
3 Did that help?  
4           A     Yes.  
5           Q     Okay. You can grab it. Is your name on there?  
6           A     Yes.  
7           Q     Okay. And is the doctor's name on there that you  
8 saw?  
9           A     Yes.  
10          Q     And is this a prescription that you took?  
11          A     Yes.  
12          Q     Okay. And do you recognize the bottle or at least  
13 that this was yours?  
14          A     I don't recognize it.  
15          Q     But it has your name on it; is that correct?  
16          A     Yes.  
17          Q     And the doctor's name?  
18          A     Yes.  
19          Q     It also has the name of the medication on it; is  
20 that right?  
21          A     Yes.  
22          Q     Do you remember taking Zoloft?  
23          A     I remember.  
24          Q     Do you have any reason to doubt that this isn't  
25 yours?



1           A       No.

2                   MS. ALLEN: I'd move for admission.

3                   THE COURT: Any objection?

4                   MS. RHOADES: No, Your Honor.

5                   THE COURT: It's admitted.

6                           (Defendant's Exhibit S admitted)

7                   MS. ALLEN: Thank you.

8 BY MS. ALLEN:

9           Q       While you were seeing the psychiatrist, this Dr.

10 Nwapa, how many times did you see him?

11          A       I can't remember how many times.

12          Q       How many?

13          A       I can't remember how many times.

14          Q       More than once?

15          A       Yes.

16          Q       And during your sessions with Dr. Nwapa did you

17 disclose all of the abuse?

18          A       No.

19          Q       None of it?

20          A       I disclosed some, not all.

21          Q       You disclosed some of the abuse?

22          A       Just -- just witnessing abuse. I didn't disclose

23 the sexual abuse.

24          Q       Okay. So you didn't disclose any of the sexual

25 abuse, but you disclosed witnessing some abuse?

1           A     Yes.

2           Q     Okay.  So you specifically remember telling Dr.

3 Nwapa about witnessing the abuse?

4           A     Yes.

5           Q     Okay.  So if that wasn't in his notes, then he would

6 have missed that?  Is that right?

7                   MS. RHOADES:  Well, object.

8                   THE COURT:  Sustained.

9 BY MS. ALLEN:

10          Q     Is there a reason why you can think of Dr. Nwapa

11 wouldn't have that in his notes?

12                   MS. RHOADES:  Objection.  Foundation.

13                   THE COURT:  Sustained.

14                   MS. RHOADES:  Hearsay.

15 BY MS. ALLEN:

16          Q     Did you report to Dr. Nwapa that you had zero daily

17 stresses except normal day-to-day stuff?

18          A     Can you repeat the question?

19          Q     Sure.  Did you report to Dr. Nwapa that you had no

20 daily -- no major stresses in your life, just day-to-day

21 stuff, day-to-day stress?

22          A     Can't remember.

23          Q     Okay.  But you do remember reporting the abuse;

24 right?

25          A     Yes.

1 Q Okay. In March of 2010 you were still living at  
2 that home; is that right? In Blankenship. I apologize. You  
3 were living at Blankenship; is that right?

4 A Are you asking me for a pacific month?

5 Q In March of 2010 were you still living there?

6 A Yes.

7 MS. ALLEN: Okay. And if I can approach with  
8 Proposed Exhibit T.

9 THE COURT: You may.

10 BY MS. ALLEN:

11 Q Do you recognize that?

12 A I recognize it.

13 Q And is that something that you wrote?

14 A Yes.

15 Q Okay. And is that your signature at the bottom?

16 A Yes.

17 Q And do you need a chance to review it, or is this a  
18 letter that you did?

19 A I wrote the letter. But he made us write it because  
20 he said he needed --

21 Q Hold on. Can you hold on for just a minute.

22 MS. ALLEN: Okay. I'd move for admission of  
23 Proposed T.

24 THE COURT: Any objection?

25 MS. RHOADES: No, Your Honor.

1 THE COURT: It's admitted.

2 (Defendant's Exhibit T admitted)

3 MS. ALLEN: Thank you.

4 BY MS. ALLEN:

5 Q Okay. So Fred made you write this letter; is that  
6 right?

7 A Yes.

8 Q Okay. Did he beat you in order to get you to write  
9 it?

10 A He said he needed a letter to give to CPS saying  
11 that their house was helping us.

12 Q Okay. So he forced you to write it?

13 A Yes. He said that why -- if we don't write the  
14 letter or something why -- it would be disrespectful to them,  
15 because they had helped us a lot, why wouldn't we write it.  
16 That's what he said.

17 Q Okay. Did he -- again, did he beat you in order to  
18 get you to write the letter?

19 A Yes.

20 Q He did?

21 A Yes.

22 Q Okay. What did he do to you in order to get you to  
23 write this letter?

24 A He beat us. He came in there and said that --

25 Q [Inaudible] you. You wrote the letter. What did he

1 do to you to get you to write this letter?

2 A He came in there, he hit me, he said that mom --  
3 because mom had just called the police and CPS came over right  
4 after, and he said that I needed to write a letter stating  
5 that the home was good.

6 Q Okay. Let me stop you there. Mom had just called  
7 the police? Is that the same incident you described earlier  
8 with the boots?

9 A Yes.

10 Q Okay. So your mother had just called the police; is  
11 that correct?

12 A Not just. But she called the police, and CPS came  
13 and they asked us to write a letter.

14 Q Okay. So the incident that you described where Fred  
15 took his boots and he threw them at your mom --

16 Is that right?

17 A Yes.

18 Q -- okay, and she had just that day or within that  
19 couple of day period she just called the police?

20 A Yes.

21 Q Okay. And do you know if she was ever -- if she  
22 ever filled out a [inaudible]? [Inaudible].

23 A I don't know.

24 Q But you're sure it's the one where he threw his work  
25 boots at her?

1 A Yes.

2 Q Where did the work boots hit her?

3 A She -- I remember them being thrown at her, at her  
4 body. I walked -- I walked out by the time -- all I seen was  
5 him throw the boots at her and it hit her in her face.

6 Q Her face?

7 A In her -- in her head.

8 Q Okay.

9 A And he went over there and kicked her. She was on  
10 the floor, and he was beating her. By the time anything else  
11 had happened I had left and went into another room.

12 Q Okay. So you actually saw him throw both boots;  
13 correct?

14 A Yes.

15 Q And you saw him hit her?

16 A Yes.

17 Q How did he hit her, with an open hand, or a closed  
18 fist?

19 A A closed fist.

20 Q Because he left her a black eye, didn't he?

21 A Yes.

22 Q Okay. What other marks did he leave on her body?

23 A He left a bruise on her leg.

24 Q Okay. Anything else?

25 A Not that I can remember.

1 Q Did you hear about anything else happening that day?

2 A I just remember CPS being there. I remember him  
3 saying that, do you guys like staying her --

4 Q Hold off for one second. You're going off on a --  
5 you're going off.

6 Before, before CPS do you remember anything else  
7 happening between Fred and your mom?

8 A No.

9 Q Okay. So you didn't see him do anything else to her  
10 that day?

11 A No.

12 Q Okay. And this was the same day that there was a  
13 paperwork issue. She had filled something out, right, or  
14 something had gone wrong with some paperwork?

15 A Yes. Yes.

16 Q Okay. Actually that's the same day; correct?

17 A Yes.

18 Q Okay. So let's go back to the letter. So you were  
19 forced to write this letter, and you said he beat you in order  
20 to get you to write it; is that correct?

21 A Yes.

22 Q Okay. You said in the letter, "Finally I would feel  
23 terrible about beating my family for crying. I also love Miss  
24 Ann and Fred." Do you recall writing that?

25 A I recall writing it.

1 Q Did he tell you to write that?

2 A It was an incentive. He said, make a letter stating  
3 how grateful you were to stay here because we had helped you  
4 and did so much for you.

5 Q Okay. But you actually wrote three paragraphs of  
6 how much you wanted to stay there; is that correct?

7 A Yes.

8 Q Okay. Do you recall putting a -- what looks like a  
9 moon next to Miss Ann's name?

10 A I don't recall it, but apparently I did.

11 Q How about the star next to Fred's name? Do you  
12 recall putting that there?

13 A They're -- the star wasn't meant for the name, it  
14 was me writing a star and then scratching it out because I had  
15 messed up. And instead of leaving the scribble, I just left a  
16 shape.

17 MS. ALLEN: Your Honor, we're going to need the  
18 overhead. I apologize. I'll move all my garbage. Thank you.  
19 I'm sorry.

20 And permission to publish to the jury, Your Honor.

21 THE COURT: You may. I apologize. I didn't know  
22 that I'd need it today.

23 (Pause in the proceedings)

24 THE COURT: Ladies and gentlemen, both screens  
25 should come on, so you can choose which one you want to look



1 at.

2 MS. ALLEN: Thank you.

3 Okay. Permission to publish, Your Honor?

4 THE COURT: Uh-huh.

5 BY MS. ALLEN:

6 Q Okay. And before I ask that, you put the star --  
7 your recollection is you put the star right next to the  
8 scribble; is that right?

9 A It's supposed to -- because I had messed up --

10 Q Right.

11 A -- and I scribbled it. And instead of leaving a  
12 scribble, I left a star just -- instead of leaving a scribble.

13 Q Okay. So the star would be right next to the  
14 scribble; right?

15 A I don't know. Because I left -- I messed up on the  
16 paper. And instead of leaving just a messed-up scribble I was  
17 trying to be creative and leave a star or a moon because I had  
18 messed up --

19 Q Okay.

20 A -- on the paper.

21 Q Okay. So -- well, let's start at the top, okay.  
22 You tell -- in the letter you say that you want to stay in the  
23 house; is that right?

24 A Yes.

25 Q And because it's made you -- "Being here has made me

1 a better and responsible person"?  
2 A Yes.  
3 Q Okay. "I love my school"; is that correct?  
4 A Yes.  
5 Q "And I am finally getting good grades"?  
6 A Yes.  
7 Q And you didn't want to lose that; is that right?  
8 A Yes.  
9 Q And you were worried about Taharah and Taquanda,  
10 because you mentioned them in there; is that right?  
11 A Yes.  
12 Q All right. And you think that they would have been  
13 mad at you if you left?  
14 A Yes.  
15 Q And is it safe to say your brother and your sisters  
16 mean a lot to you, Victoria?  
17 A Yes.  
18 Q They're your whole world, aren't they?  
19 A Yes.  
20 Q Okay. You don't want to be out on your own. You  
21 mentioned that in the letter; is that right?  
22 A Yes.  
23 Q Okay. At the bottom you said, finally you feel  
24 terrible about leaving your family behind. "I also love, love  
25 Miss Ann and Fred"; is that right?

1           A     Yes.

2           Q     And it would be -- you put "bisrespectful," but I  
3     assume you meant maybe disrespectful, you just put the D the  
4     wrong way; is that right?

5           A     Yes.

6           Q     Okay. And then at the bottom with "Sincerely" you  
7     put a heart with little sparks coming out of it; is that  
8     right?

9           A     Right.

10          Q     Okay. So Fred beat you and made you write the  
11     letter; is that right?

12          A     (No audible response)

13          Q     You have to answer out loud.

14          A     Yes.

15          Q     And he -- did he tell you exactly what to say, or  
16     did you come up with that on your own?

17          A     We had a long conversation about it.

18          Q     Okay. Did he stand over you while you wrote it?

19          A     He came in and checked on me and seen if I was done  
20     or if I wrote it right.

21          Q     Okay. Are you aware if the other kids wrote  
22     letters?

23          A     No, I'm not aware.

24          Q     So you're the only -- as far as you know, you're the  
25     only one who wrote one?

1           A     Yes.

2           Q     Okay. Did he ask you to put the heart at the bottom  
3 with the little sparks coming out of it?

4           A     No. It was to be creative on the paper.

5           Q     Understood. Thank you.

6                 You -- we previously talked about -- we previously  
7 talked about your mom leaving you guys a couple of times;  
8 right?

9           A     Yes.

10          Q     And you were angry -- you were angry with your mom  
11 about that; is that right?

12          A     Yes.

13          Q     Angry at her in Louisiana, and angry at her in Utah;  
14 is that right?

15          A     Yes.

16          Q     Okay. And it seems like -- or did it seem like  
17 every time you got back together with your mom something would  
18 happen?

19          A     Yes.

20          Q     And a lot of times that involved Fred; isn't that  
21 right?

22          A     Yes.

23          Q     All right. Do you remember telling Detective Madsen  
24 that your mom is a good person but she has a hard time doing  
25 the right thing?

1           A     Yes.

2           Q     Okay. Do you also remember telling Detective Madsen  
3 that, I can't make my mom change?

4           A     Yes.

5           Q     That she has to change for herself?

6           A     Yes.

7           Q     And that no one can make her change?

8           A     Yes.

9           Q     Do you remember telling Detective Madsen that, my  
10 mom won't admit that this happened?

11          A     Yes.

12          Q     So this is in 2012 that you talked to him; is that  
13 right?

14          A     Yes.

15          Q     And you were already telling him that your mother  
16 wasn't going to admit any of this; isn't that right?

17          A     Right.

18          Q     And that's because almost a year earlier you'd made  
19 the same allegations; isn't that correct?

20          A     Yes.

21          Q     And no one backed you up; is that right?

22          A     Right.

23          Q     Do you remember telling Detective Madsen, I have to  
24 wake up every day and know that she's my mom?

25          A     Yes.

1 Q Can't go on having anger towards her?  
2 A Yes.  
3 Q And that you really just -- your mom wants the  
4 family together; is that right? Your mom did?  
5 A Yes.  
6 Q You wanted the family together; isn't that right?  
7 A Yes.  
8 Q Do you also remember telling Detective Madsen that  
9 you -- "I said --" you said this, "I said a long time ago I  
10 was going to do something to him if he did anything to my  
11 family"? Do you remember that?  
12 MS. RHOADES: What page?  
13 MS. ALLEN: Oh. I'm sorry. 69. I'm skipping  
14 around, too. I apologize.  
15 BY MS. ALLEN:  
16 Q Do you remember saying that to Detective Madsen?  
17 A Yes.  
18 Q In fact, you said that to your mom, didn't you?  
19 A Yes.  
20 Q You were going to get Fred, weren't you?  
21 A I didn't mean it.  
22 Q You said that to your mom; is that correct?  
23 A Yes.  
24 Q In November of 2011 you talked about the last time  
25 that you had sex with Fred. Do you remember that?

1           A     Yes.

2           Q     That was the last time the two of you had sex,  
3 according to your testimony; is that right?

4           A     Yes.

5           Q     And you said that he forced you into the room and  
6 wanted something from you; is that correct?

7           A     Yes.

8           Q     Isn't it correct that your mom was having sex with  
9 Fred and you barged into the room?

10          A     When?

11          Q     In November 2011.

12          A     No.

13          Q     And you tried to intercede on the two of them in  
14 order to have sex with Fred?

15          A     That is incorrect.

16          Q     So if your mom testified to that, she would be  
17 lying?

18          A     Yes.

19          Q     Okay. Back when this -- the first time -- you  
20 talked about the first time you'd ever had sex with Fred in  
21 the car; is that right?

22          A     Yes.

23          Q     And the first time you went out into a park?

24          A     Yes.

25          Q     And you were walking around in the park; is that

1 right?

2 A Yes.

3 Q But you were already on notice at that time. Fred

4 had already told you that he was having sex with you; is that

5 right?

6 A Yes.

7 Q In fact, he had told you the day it was going to

8 happen; is that correct?

9 A Can you repeat the last part?

10 Q He told you the day it was going to happen?

11 A He made me choose a day he was going to have it.

12 Q Okay. So you were forced to choose a day?

13 A Yes.

14 Q And you did; is that right?

15 A Yes.

16 Q And you put it -- it was calendared; right? That

17 was the day that you were going to have sex; is that correct?

18 A Yes.

19 Q And you drove around Vegas a little bit to get

20 alcohol; was that correct?

21 A Yes.

22 Q And then you went to some park?

23 A Yes.

24 Q And you were walking around the park?

25 A Yes.



1           Q     It was like late afternoon when you were walking  
2 around the park?

3           A     Yes.

4           Q     Were other people in the park?

5           A     Yes.

6           Q     Okay. At no time did you yell and scream and try to  
7 run off?

8           A     Why would I? Why -- I wouldn't have no proof, oh,  
9 she's crazy, don't believe her. Right? Who's going to  
10 believe somebody who says that their mom set them up to have  
11 sex?

12          Q     Okay. And then you drove for a few hours; is that  
13 correct?

14          A     Yes.

15          Q     And then you ended up in the mountains somewhere; is  
16 that right?

17          A     Yes.

18          Q     And you're up in the mountains, and you described  
19 other cars rocking back and forth.

20          A     Yes.

21          Q     Were there other people in these cars?

22          A     I believe so, if the cars were rocking.

23          Q     Did you have an idea what they were doing?

24          A     Yes.

25          Q     What was your idea of what they were doing?

1           A       I guess they were having sex, too, if the cars was  
2     rocking.

3           Q       Okay. And you didn't get out of the car at any  
4     point; is that correct?

5           A       No.

6           Q       And Fred climbed into the backseat and he had sex  
7     with you; is that correct?

8           A       Yes.

9           Q       Do you remember if he put a condom on?

10          A       I -- I remember.

11          Q       You remember what?

12          A       I remember him putting a condom on.

13          Q       You do remember him putting a condom on?

14          A       Yes.

15          Q       Okay. And as you sit here -- as you sit here you  
16     had specifics of what happened that day; is that correct?

17          A       Yes. Not -- I don't remember pacific things. I  
18     just remember what had happened before and --

19          Q       You remember what happened before. So you remember  
20     what happened with the alcohol, drinking the alcohol; right?

21          A       I remember drinking lots of alcohol. I remember my  
22     mom saying it was cute. I remember him climbing in the  
23     backseat. I remember him hovering me. After that I cannot  
24     remember, because I had just taken two, three more bottles of  
25     alcohol into my system.

1 Q Okay. So your mom said it was cute and she was  
2 laughing; is that correct?

3 A Yes.

4 Q Okay. And what else did Fred say to you?

5 A I don't remember him saying anything else.

6 Q You remember him saying something about having sex  
7 with his own daughter, Sharday?

8 A I remember him saying that. I remember him saying  
9 -- I remember him saying that happened to him -- happened to  
10 her. I remember him saying that it was normal and these  
11 things happen to people, everybody got secrets and problems in  
12 the family and everybody's been through it.

13 Q When you testified in the preliminary hearing -- do  
14 you remember that -- me asking you those same questions about  
15 Sharday?

16 A Yes.

17 Q And do you recall Sharday being in the courtroom?

18 A Yes.

19 Q And do you recall there being a bit of a scene after  
20 you said that?

21 A Yes.

22 Q And do you remember Sharday being very angry?

23 A Yes.

24 MS. ALLEN: Court's indulgence.

25 (Pause in the proceedings)

1 BY MS. ALLEN:

2 Q Do you recall the house on Blankenship? I mean, do  
3 you have a memory of what the rooms looked like?

4 A Yes.

5 MS. ALLEN: May I approach, Your Honor, with  
6 Proposed D, E, F, G, H, I, J, K, L, M, N, O, P, and Q? May I  
7 approach, Your Honor?

8 THE COURT: You may.

9 BY MS. ALLEN:

10 Q Take a look at these for me. You can look through  
11 them.

12 Do you have a chance to look through those?

13 A Yes.

14 Q Do you recognize those at all?

15 A Yes.

16 Q Okay. Are they pictures from the house on  
17 Blankenship?

18 A Yes.

19 Q Do they look the same as what you remember?

20 A Yes.

21 Q Has it changed at all?

22 A No.

23 Q Okay. Are those fair and accurate pictures, I  
24 guess, of the house on Blankenship?

25 A Yes.

1 MS. ALLEN: I'd move for admission, Your Honor.  
2 THE COURT: Any objection?  
3 MS. RHOADES: No, Your Honor.  
4 THE COURT: D through Q are admitted.  
5 (Defendant's Exhibits D through Q admitted)  
6 MS. ALLEN: Your Honor, I think that would conclude  
7 my cross at this time.  
8 THE COURT: Redirect?  
9 MS. ALLEN: I'll get out of the way, Your Honor.  
10 MS. RHOADES: Thank you, Your Honor.  
11 THE COURT: Victoria, are you okay to continue?  
12 THE WITNESS: Yes.  
13 THE COURT: Okay.  
14 REDIRECT EXAMINATION  
15 BY MS. RHOADES:  
16 Q Victoria, in 2005, the first time that you and your  
17 family came to Las Vegas, when do you remember your mom  
18 getting a job?  
19 A I'm not sure of -- I'm not sure of the month that I  
20 remember her getting a job. I do remember her getting a job  
21 at Jason's Deli.  
22 Q Was it near the time that you guys arrived in Las  
23 Vegas?  
24 A No.  
25 Q Was it a week later, two weeks later? Can you give

1 me an estimate?

2 A I remember it being a little bit later, probably  
3 like a couple weeks. I'm not even sure at the moment.

4 Q And when you came out here in 2007, August of 2007,  
5 about how long did it take for your mom to get a job then?

6 A When we moved, or -- can you repeat the question?

7 Q Sure. When you guys came out in August of 2007 do  
8 you remember about how long it took your mom to get a job in  
9 Las Vegas?

10 A Two months.

11 Q And did she start working at?

12 A She started working at Bally's.

13 Q There was some questioning about your testimony on  
14 June 11th, 2013, regarding the exact date of the incident at  
15 Fred's apartment. Do you remember that?

16 A Yes.

17 Q And your testimony today is that that happened  
18 January 2005?

19 A Yes.

20 Q So back in June of last year did you not -- why  
21 didn't you know the date then?

22 A I have been reflecting about what had happened, and  
23 I -- I blocked a lot of things out that I've matured and got  
24 over. And some came back to memory. Different things have  
25 brought certain things back to memory.

1 Q Why have you blocked a lot of things out?

2 A Because it hurt too much. I didn't want to think  
3 about it. And I was trying to go on about my life without  
4 having to think about it all the time.

5 Q Also during the preliminary hearing in May 2013 --  
6 June 2013 do you remember specifically being asked whether  
7 Fred beat you when you first came to Las Vegas 2004-2005?

8 A Yes.

9 Q You were specifically asked that?

10 A (No audible response)

11 MS. ALLEN: I'm sorry. Could she answer out loud,  
12 Your Honor?

13 THE COURT: You need to answer out loud.

14 THE WITNESS: Yes.

15 BY MS. RHOADES:

16 Q When you first disclosed what happened in 2005 at  
17 Fred's apartment, when you told Ann and when you told Mahlica,  
18 were you living all together with your family at Trish Lane?

19 A Yes.

20 Q Everybody was there?

21 A Yes.

22 Q Did everybody -- and that means you and your four  
23 siblings and your mom -- did you guys all live at the Trish  
24 Lane address together from when you guys were here in Vegas  
25 the first time?

1           A     Yes.

2           Q     How did CPS get involved when you were in Utah?

3           A     Their principal, to my recollection of recent  
4 findings, their principal came over -- I remember their  
5 principal coming over to the house and seeing that there was  
6 no grownup in the house.

7           Q     And when you say their principal, whose principal?

8           A     Mahlica and Shabazz and Taharah's principal.

9           Q     Was someone watching you guys?

10          A     There was supposed to be a lady next door, but she  
11 only came to check on us. She didn't make sure of much. She  
12 just came to check on us. I was basically feeding them and  
13 watching them by myself.

14          Q     Do you remember the lady's name that was supposed to  
15 be checking on you guys?

16          A     Miss Heather.

17          Q     After you were put in foster care and you got back  
18 with your mom did your mom come out to Las Vegas to see Fred  
19 from Utah?

20          A     Yes.

21          Q     Do you remember how many times that happened?

22          A     No.

23          Q     Did it happen more than once?

24          A     No.

25          Q     So it just happened one time?



1           A       I believe she did leave for a moment, and I don't  
2 know, she just left. She said she was going out of town. She  
3 didn't say where she was going.

4           Q       What makes you think she was going to see Fred?

5           A       Because we wouldn't know anyone out of town besides  
6 him.

7           Q       On cross-examination you testified you told someone  
8 named Shalisa what happened. Do you remember that?

9           A       Yes.

10          Q       What exactly did you tell Shalisa?

11          A       I had told her that I was sexually molested and that  
12 I told my mom and she didn't believe me and I feel like my mom  
13 was going to make a plan to go back to Vegas. Because she  
14 kept saying we was going to move. That was my fear, that we  
15 was going to go back to Vegas.

16          Q       Do you remember about how old Shalisa was?

17          A       She was younger than me. I think she was about 13  
18 or 12, because our birthdays had just passed.

19          Q       You also testified that you told your therapist some  
20 things. What exactly did you tell your therapist?

21          A       I told her about what happened in Vegas before we  
22 left to go to Utah [inaudible] to go to Vegas.

23          Q       Specifically what did you tell her or him?

24          A       I just told her the same thing that I told Shalisa.

25          Q       And you also testified you told CPS workers in Utah

1 about what happened?

2 A Yes.

3 Q What exactly did you tell them, if you remember?

4 A I told them about what my mom had -- what I had --  
5 that I got sexually molested by Fred and I told my mom and she  
6 didn't believe me, I felt like she was going to take us back  
7 to Vegas.

8 Q And how about the neighbor? Do you remember what  
9 you specifically told the neighbor?

10 A The same -- the same thing.

11 Q Going to your teachers, your Canyon Springs  
12 teachers, Coach Coop, do you remember what specifically you  
13 told Coach Coop?

14 A I remember telling him that I got -- that it was an  
15 abusive situation. I remember telling him about the situation  
16 that had happened earlier. I'm not sure in detail all that I  
17 had told, but I know that I was speaking on the subject and  
18 what had happened and the living situation.

19 Q When you say the living situation, did you tell him  
20 anything about sexual abuse?

21 A I believe -- I believe I did. I'm not exactly sure.

22 Q And Ms. Bywaters, do you remember what specifically  
23 you told her?

24 A I remember telling her about the same exact thing  
25 that I told Coach Coop about.

1 Q Did you tell her anything about the sexual abuse?

2 A I believe I did.

3 Q When Fred picked you up from Utah there was some

4 questions about how you didn't initially recognize him. Why

5 couldn't you recognize him at first?

6 A Because he had glasses on and a beanie. And it was

7 dark. And he never turned around, he never said anything.

8 Q And you testified to that at the preliminary

9 hearing. Do you remember that?

10 A Yes.

11 Q Do you also remember testifying that they were

12 rushing you and you were trying to put the bags into the car?

13 MS. ALLEN: Objection, Your Honor. Leading.

14 THE COURT: You're leading. Just ask the question

15 in a way that doesn't suggest the answer.

16 BY MS. RHOADES:

17 Q Why else didn't you initially recognize that it was

18 Fred in that car?

19 A I was -- I was sleepy. She had just woke us up, and

20 we was staying up all night. And when we got in the car it

21 was dark and everybody was rushing into the car and trying to

22 get their things, and she was basically, you know, her rushing

23 into the car.

24 Q You're talking about your mom?

25 A Yes.

1           Q     At the Blankenship house what would happen when  
2 things went missing from the fridge?

3           A     They would line us up and ask us what happened. And  
4 then they would say for everyone to come to a answer. They  
5 would make us -- it was like, one of you guys did it, who did  
6 it, I know it was one of you guys, who wants to admit first.  
7 And they would pull out of the belt. And if nobody answered  
8 after a while, they would start going into questioning who was  
9 up and what was they doing, who woke up, who was the first one  
10 up. By then they had decided who had did it, and that person  
11 who had did it and the people who had lied to help was going  
12 to get whuppin.

13          Q     And did people get whuppings?

14          A     Yes.

15          Q     And do you mean with the belt?

16          A     Yes.

17          Q     And when you say people, who would get whuppings?

18          A     Me and my sisters and my brother.

19          Q     You testified on cross-examination that in August  
20 2007 you were unhappy about being brought to Vegas. Why were  
21 you unhappy?

22          A     Because I knew that it wasn't going to be a peaceful  
23 environment. I knew that there wasn't going to -- it wasn't  
24 going to be anything that was going to necessarily help. And  
25 I also knew that Fred was there and that my mom was with Fred

1 and that something bad was going to happen if I continued to  
2 be in that same proximity.

3 Q Are you okay?

4 A Yes.

5 Q How did you know that something bad was going to  
6 happen?

7 A Because I knew that the first time when we moved  
8 here in December, in December of 2004, and that in -- ever  
9 since that day in January happened I had never trusted being  
10 Vegas or being around Fred. I didn't feel like it was a good  
11 idea. I didn't feel like it was going to help at all to be in  
12 Vegas, and I felt like something worse was going to happen if  
13 we moved back to Vegas.

14 Q There was also testimony on cross-examination about  
15 a system that Fred had, that he would warn you and then do  
16 some other things before he would beat you with the belt.  
17 Were there times when he just went straight into beating you  
18 with the belt?

19 A Yes.

20 Q Without doing those other previous things?

21 A Yes.

22 Q Would you say that Taharah or Taquanda looks more  
23 like you, if there's one that looks more like you?

24 A Everybody says that Taquanda looks like me, and just  
25 recently everybody's been saying that Taharah looks like me.

1 But I think that they -- we look like each other.

2 Q All three of you guys?

3 A Yes.

4 Q When you told Taharah and Taquanda to be strong,  
5 when did you tell them that?

6 A I told them to be strong when we was in the -- when  
7 we was at the Henderson residence, because they had told me  
8 about the starvation and the beatings and the violence that  
9 was going on in the home. I said that it wasn't right, and I  
10 asked them if -- I said that I had already reported the  
11 problem and nothing's being done, it's out of my hands, you  
12 know, I can't do nothing but say be strong and just go report  
13 it to someone that can help, because I did all I could do and  
14 now it's time for someone else to speak for the family, you  
15 know, for our suffering.

16 Q And this was after Taharah and Taquanda told you  
17 things that were going on inside the house?

18 A Yes.

19 Q In 2011 when you made the calls to CPS, how old were  
20 you at that time?

21 A I was 19.

22 Q So CPS wouldn't have been involved with you?

23 A No.

24 MS. ALLEN: Objection, Your Honor. I don't know how  
25 this witness could testify what CPS would be involved with.

1 THE COURT: I agree. Sustained.

2 BY MS. RHOADES:

3 Q Was CPS involved with you?

4 A I had called them. I had never talked to them in  
5 person in 2011.

6 Q Why -- going to your psychologist that prescribed  
7 you the Zoloft, why didn't you tell -- I'm sorry,  
8 psychiatrist. Why didn't you tell the psychiatrist that there  
9 was -- about the sexual abuse?

10 A Because I didn't -- it looked to be that -- I felt  
11 like he was going to tell my mom and then my mom was going to  
12 tell Fred. Because I remember the psychologist conversating  
13 to my mom. Because what they do is they say they're not going  
14 to say nothing, but in serious problems they'll say something  
15 to the parent or something. And I wasn't -- I wasn't ready --  
16 I just kept feeling like was going to get -- if anything had  
17 happened, it's going to be -- like the first time we wound up  
18 in foster care Fred and Miss Dorothy told me, it's your fault,  
19 it's your fault, you told CPS, it's all your fault, that's why  
20 you guys wound up in foster care. And I just felt like I  
21 didn't want else to be my fault. I just wanted help. I  
22 needed -- I thought I needed some medicine to get help so I  
23 can deal with the hard situation at home.

24 Q What was the time period that you were going to the  
25 psychiatrist?

1           A       From 2009 to 2010.

2           Q       Where were you living at at this time?

3           A       2009 I was living in the Blankenship house, from  
4 2009 all the way to 2010, that's when we moved out. So I was  
5 -- I stayed there all the way until we moved out in 2010 of  
6 August.

7           Q       And you said that you disclosed to the psychiatrist  
8 about witnessing abuse. Are you talking about physical abuse?

9           A       Yes.

10          Q       The facility abuse on whom?

11          A       My siblings.

12          Q       When did you say to your mom that you're going to  
13 get Fred?

14          A       I didn't mean -- I didn't say I was going to get  
15 him.

16                 MS. ALLEN: Objection. Judge, objection.  
17 Nonresponsive -- unresponsive. Unresponsive to the question.

18                 THE COURT: It's nonresponsive.

19                 Do you understand the question?

20                 THE WITNESS: Yes.

21                 THE COURT: Okay. Why don't you ask it again.

22                 MS. RHOADES: I will, Your Honor.

23 BY MS. RHOADES:

24          Q       On cross-examination you said that you did say to  
25 your mom that you were going to get Fred. Did you say



1 something different than that?

2 A No.

3 Q So what did you say to your mom about that?

4 A I just -- I said that the situation wasn't right and  
5 that -- I meant -- when I said that I meant -- personally  
6 speaking, I felt angry and I felt like he should hurt just as  
7 much as I did, because I didn't want to give -- I didn't want  
8 to be there, I didn't want to be talked to the way he talked  
9 to us, I didn't want to be treated that way. And my mom  
10 didn't do nothing about it, and I felt as the oldest I should  
11 do something about it.

12 Q When did you have this conversation with your mom?

13 A The day -- I'm not sure what day. I know it was  
14 during 2007.

15 Q Do you remember what month?

16 A In August.

17 Q When you guys first came back to Las Vegas?

18 A Yes.

19 Q When you picked this date of August 24th how old  
20 were you when you picked that date?

21 A Fifteen. I had just turned fifteen.

22 Q And you had just turned 15 on August 24th, 2007; is  
23 that right?

24 A No. I just turned 15 July 31st -- well, you know, I  
25 just turned 15 in 2007.

1           Q     When did Fred tell you that he had done the same  
2 things with his own daughter?

3           A     On multiple occasions. A lot of times he had spoke  
4 on it on random occasions.

5           Q     Would he say other things when he said this?

6           A     He had stated that his aunties and his male cousins  
7 had touched him, too.

8           Q     Did this happen in multiple years that he told you  
9 this?

10          A     Yes.

11          Q     How do you feel about your mom?

12          A     I feel that I -- there's so many things that  
13 describe how I feel about my mom, because she is the one that  
14 birthed me and raised me until a certain age. And when she  
15 took part in what had happened in 2007 on August it had very  
16 -- it had changed the relationship between me and my mom in a  
17 way that is very hard for me to describe, because I will never  
18 think of my mom the same ever again no matter what my mom -- I  
19 don't hate her, I don't -- I just -- it's just I don't -- I  
20 don't know what to feel, because it's like she -- it's like I  
21 can't touch her, I don't have no feelings, I don't want to  
22 give her a hug. I just -- I love my mom, and I know she's my  
23 mom, but what had happened had changed everything. It had  
24 changed it. It changed everything. And I will never be the  
25 same. I will never think of her the same. I will never feel

1 the same. I'll always feel the way I do when I think of my  
2 mom now, when I look at her now. It will never change. There  
3 is no hate. It's just I can't -- I can't do it. I can't -- I  
4 can see my mom, but when I look at her the pain, it just --  
5 it's so overwhelming. And I just -- I just always -- ever  
6 since this has happened I've always felt that I have a mom but  
7 I don't have a mom. I always felt like, why me. And I just  
8 can't -- I can't describe our relationship. I can't.

9 MS. RHOADES: Nothing further, Your Honor.

10 THE COURT: Recross?

11 MS. ALLEN: Just briefly.

12 THE COURT: Victoria, are you okay?

13 MS. ALLEN: Do we need a break, Your Honor?

14 THE COURT: Okay. I'd like to finish this witness,  
15 but --

16 MS. ALLEN: I know.

17 THE COURT: -- we'll take a short recess.

18 During this recess you're admonished not to talk or  
19 converse amongst yourselves or with anyone else on any subject  
20 connected with this trial, or read, watch, or listen to any  
21 report of or commentary on the trial or any person connected  
22 with this trial by any medium of information, including,  
23 without limitation, newspapers, television, the Internet, or  
24 radio, or form or express any opinion on any subject connected  
25 with this trial until the case is finally submitted to you.

1           We'll be in recess for about 5 minutes.

2           (Court recessed at 4:54 p.m., until 5:14 p.m.)

3                       (Jury is present)

4           THE COURT: Does the defense stipulate to the  
5 presence of the jury panel?

6           MS. ALLEN: Yes, Your Honor.

7           THE COURT: The State?

8           MS. RHOADES: Yes, Your Honor.

9           THE COURT: You may begin your recross.

10          MS. ALLEN: Thank you, Your Honor. I should be  
11 brief.

12                       RECROSS-EXAMINATION

13 BY MS. ALLEN:

14          Q     All right. So the State asked you some questions  
15 about what you told your friend Shalisa; is that right?

16          A     Yes.

17          Q     Okay. And you told Shalisa -- you told Shalisa some  
18 of the things that happened; is that correct?

19          A     Yes.

20          Q     And you told the CPS workers in Utah; is that  
21 correct?

22          A     Yes.

23          Q     And a therapist in Utah?

24          A     Yes.

25          Q     And then coming back here you told Coach Coop and

1 Ms. Bywaters; is that right?

2 A Yes.

3 Q And then you told the psychiatrist about the abuse  
4 towards your siblings, but nothing about you; is that correct?

5 A Yes.

6 Q Okay. Were you specific when you talked about let's  
7 say the abuse towards your siblings when you were talking to  
8 the psychiatrist. Were you specific about what Fred was  
9 doing?

10 A The only thing I told the -- the only pacific thing  
11 I told him was that he -- is that he held my sister up by her  
12 neck and was hitting her.

13 Q That's the only specific thing you said to the  
14 psychiatrist?

15 A And that he -- that he dragged my little sister down  
16 the hall. That was about it.

17 Q So you didn't tell him about the belt and the  
18 kicking and the punching in face?

19 A No.

20 Q No?

21 A No.

22 Q You saw him for almost a year?

23 A Yes.

24 Q Dr. Nwapa; is that correct?

25 A Yes.

1           Q     Okay. This is the one who prescribed you the  
2 medications; is that correct?

3           A     Yes.

4           Q     And that wasn't the only medication he prescribed  
5 you; is that right?

6           A     Right.

7           Q     Okay. Your concern about disclosing this  
8 information to him was that you said you were afraid he would  
9 tell your mom.

10          A     Yes.

11          Q     Okay. Did Dr. Nwapa have a conversation with you  
12 where he told you that anything between you was confidential?

13          A     He said --

14          Q     That's all I'm asking. Did he have a conversation  
15 with you and explain to you that your -- the patient-doctor  
16 relationship was confidential?

17          A     Yes.

18          Q     And the things that you told him would not be  
19 repeated?

20          A     Yes.

21          Q     When you explained to -- well, let me back up. When  
22 you explained to Coach Coop and Ms. Bywaters about -- you  
23 explained to them about the sexual abuse; is that correct?

24          A     I believe -- yes, I believe so.

25          Q     Well, do you recall me questioning -- asking

1 questions of you about that and you telling -- you telling the  
2 jury just a few minutes ago that you did tell them about the  
3 sexual abuse? Do you remember that?

4 A Yes.

5 Q Yes?

6 A Yes.

7 Q Do you remember --

8 A It died. It was dying.

9 (Pause in the proceedings)

10 BY MS. ALLEN:

11 Q Is it working?

12 A Yes.

13 Q All right. It's working. Okay. So when you told  
14 Coach Cooper and Ms. Bywaters were you specific in the details  
15 that you gave them?

16 Let me rephrase it. When you told them about the  
17 sexual abuse were you specific [inaudible]?

18 A Yes.

19 Q Okay. Can you be as specific as possible as to what  
20 you told them.

21 A I told them that -- I told them about what had  
22 happened with my mom on the 24th of August 2007. I told them  
23 about the abuse at home.

24 Q The sexual abuse?

25 A Physical and -- the physical abuse and the sexual

1 abuse.

2 Q All right. You've also been interviewed multiple  
3 times, is that correct, by law enforcement [inaudible];  
4 correct?

5 A Yes.

6 Q Okay. And you told them that Fred would use his  
7 fingers or his penis to touch your vagina; is that right?

8 A Yes.

9 Q Okay. Do you recall testifying that he had put his  
10 penis in your anus?

11 A Yes.

12 Q You recall testifying to that last year?

13 A Yes.

14 Q But when you were asked today by the State if he had  
15 done anything else, he put his penis anywhere else, you didn't  
16 indicate that; is that correct?

17 A Yes.

18 Q You said you were -- Ms. Rhoades asked you a lot of  
19 questions about the statement you made about getting Fred. Do  
20 you remember that?

21 A Can you repeat the question?

22 Q Sure. Ms. Rhoades, Kristina Rhoades, she asked you  
23 questions about the comment you made about getting Fred. Do  
24 you remember that?

25 A Yes.



1 Q Okay. You made the statement to Detective Madsen in  
2 2012 [inaudible]?  
3 A Yes.  
4 Q [Inaudible] sometime later in the year, September or  
5 October; is that about what you remember?  
6 A Yes.  
7 Q All right. And he -- this was a pretty long  
8 statement you gave him; is that correct?  
9 A Yes.  
10 Q You talked to him for a while?  
11 A Yes.  
12 Q Okay. In the context of you saying this were you  
13 talking about that Fred doesn't come over to the house anymore  
14 ever since he found out I was home? Do you remember that?  
15 A Yes.  
16 Q And you said you didn't know why he didn't -- he  
17 wasn't coming over. Remember that?  
18 A [Inaudible]. Is it during 2012?  
19 Q This is the statement you gave to Detective Madsen  
20 of Las Vegas Metropolitan Police Department, the one in late  
21 -- later in 2012. Do you remember that?  
22 A Yes.  
23 Q Okay. And you agree with me it's a fairly lengthy  
24 statement; is that correct?  
25 A Yes.

1 Q Okay. You said you didn't know why Fred wasn't  
2 coming over anymore. Do you remember telling him that?

3 A I remember telling him that, but --

4 Q So you remember telling him that Fred doesn't come  
5 over anymore; is that correct?

6 A Uh-huh.

7 Q Yes?

8 A Yes.

9 Q Okay. And you said you didn't know why; is that  
10 right?

11 A Yes.

12 Q And then you said, maybe he knows that I'm angry.  
13 Do you remember saying that?

14 A Yes.

15 Q Okay. And then you said, "I said a long time ago I  
16 was going to do something to him if he did anything to my  
17 family."

18 A Yes.

19 Q What was "a long time ago"? When did you say that?

20 A I told him that in 2007, because I didn't want him  
21 to hurt me like he hurt my siblings, like have sex with my --

22 Q [Inaudible]. In 2007 is when you told him you were  
23 going to get him; is that right?

24 A Yes.

25 Q Okay. And that's about the time when he basically

1 said, we don't want you in the house anymore; isn't that  
2 correct?

3 A Yes.

4 Q Okay. How many times did you tell your mom that you  
5 were going to get Fred?

6 A I remember only telling her one time.

7 Q Okay. And do you remember when you told her that?

8 A No. I just remember it was like August.

9 Q August? You don't remember the year?

10 A Of 2007.

11 Q Okay. All right. The same time frame that you were  
12 told you weren't coming to live with your siblings; isn't that  
13 right?

14 A Yes.

15 Q And that made you angry, didn't it, that you weren't  
16 living with them?

17 A Yes.

18 Q You said that Fred said something about his aunts  
19 and uncles or aunties and someone else touching him. Do you  
20 remember saying that a few minutes ago?

21 A Yes.

22 Q Is that the first time that you've ever said that?

23 A Yes.

24 Q Okay. You didn't say it when you initially talked  
25 to the Henderson Police Department, did you?

1 A No.

2 Q In 2011 you didn't say that to them, did you?

3 A No.

4 Q You didn't say it to CPS; is that correct?

5 A No.

6 Q You didn't say it to Detective Madsen in 2012; is  
7 that correct?

8 A No.

9 Q You didn't say it in May of 2013 when you testified;  
10 is that right?

11 A Can you repeat the question?

12 Q Sure. You didn't say it in May of 2013 when you  
13 testified? That was the first day you testified. You didn't  
14 say it then, did you?

15 A No.

16 Q And you didn't say it in June of 2013 when you  
17 testified for the second time; isn't that correct?

18 A No.

19 Q You didn't offer that information yesterday; is that  
20 right?

21 A No.

22 Q So today would have been the first time that you  
23 offered that information?

24 A Yes.

25 Q And that would have been information that you had

1 seven years ago; is that correct?

2 A He would talk about it --

3 Q Is that the first time he said it to you, seven  
4 years ago?

5 A Seven years ago about his aunts and aunties?

6 Q In 2007?

7 A I don't understand the question.

8 MS. ALLEN: That's okay. I'll withdraw it. Thank  
9 you.

10 THE COURT: Anything else for this witness?

11 MS. RHOADES: Yes, Your Honor.

12 THE COURT: Okay.

13 FURTHER REDIRECT EXAMINATION

14 BY MS. RHOADES:

15 Q Did Fred ever put his penis in your anus?

16 A Yes.

17 Q When did he do this?

18 A I can't remember.

19 Q Where were you at when this happened?

20 A I can't remember.

21 Q You don't remember where you were living when this  
22 happened?

23 A No.

24 Q How many times did he put his penis in your anus?

25 A Once.

1 MS. RHOADES: Nothing else, Your Honor.

2 THE COURT: Are there any questions from the jury  
3 panel? Okay. I just -- I thought there were going to be some  
4 questions.

5 Go ahead, Ms. Allen.

6 FURTHER RECROSS-EXAMINATION

7 BY MS. ALLEN:

8 Q Do you have a recollection of how many times the  
9 State asked you yesterday and today what various body parts  
10 Fred used to put into you? Do you remember how many times  
11 approximately they asked you that?

12 A No.

13 Q More than once; correct? They've asked you more  
14 than one time if -- what Fred used, what parts of his body he  
15 used to touch parts of your body? Do you remember all the  
16 times they've asked you that?

17 A No.

18 Q More than one time?

19 A Yes.

20 Q Probably more than two times; correct?

21 A Yes.

22 Q And I asked you the same questions; isn't that  
23 correct?

24 A Yes.

25 Q And this is the first time that you've said he did

1 that; isn't that right?

2 A I don't understand your question.

3 Q This is the first time that you've --

4 MS. RHOADES: Objection. Misstates testimony.

5 THE COURT: I'm sorry?

6 MS. RHOADES: Missates her testimony. Ms. Allen

7 asked her if she previously said that at the preliminary

8 hearing transcript, to which she replied yes.

9 MS. ALLEN: Well, let me clarify, then, Your Honor.

10 THE COURT: Okay. Go ahead.

11 BY MS. ALLEN:

12 Q This is the first time, yesterday and today, that

13 you have acknowledged that Fred used his penis in your anus;

14 is that correct?

15 A In this court?

16 Q Yes.

17 A Yes.

18 Q Okay. Even though you were asked what parts of his

19 body he used to touch you, that would have been the first time

20 that you [inaudible], yesterday or today; is that correct?

21 A Yes.

22 THE COURT: Okay. We do have at least one question.

23 So the court marshal will collect the question. We have

24 three?

25 THE CLERK: No, no. We have [inaudible].

1           THE COURT: All right. Okay. It will be marked as  
2 Court's Exhibit next in line, Number 3.

3           You know, could I see the lawyers out in the  
4 hallway.

5           We're going to go out in the hallway so we don't  
6 have to dismiss you. But just remember court is still in  
7 session.

8           (Bench conference in hallway - not recorded)

9           THE COURT: Let me just wait till everyone gets back  
10 in.

11          Okay. Does the defense stipulate to the presence?

12          MS. ALLEN: Yes.

13          THE COURT: The State?

14          MS. LUZAICH: Yes.

15          THE COURT: Okay. At this time, Ms. Duke, I am  
16 going to ask you a question. The question is did Mom or  
17 Victoria," so your mom or Victoria, you, "have, own, or use  
18 cell phones?"

19          Why don't we just start with you. Did you have a  
20 cell phone?

21          THE WITNESS: Of my own? Did I have -- right now?  
22 I'm sorry, Your Honor. I don't understand the question.

23          THE COURT: You don't understand the question of  
24 whether you have a cell phone?

25          THE WITNESS: I do have a cell phone. But my cell



1 phone is off at the moment.

2 THE COURT: Okay. But you have a cell phone?

3 THE WITNESS: Yes.

4 THE COURT: Okay. How about your mom? Does she

5 have a cell phone?

6 THE WITNESS: Yes.

7 THE COURT: Okay. How about when you were living at

8 the Walnut apartment? Did you have a cell phone? When did

9 you get a cell phone?

10 THE WITNESS: I never -- when I was at the Walnut

11 apartment I had never received a cell phone. My mom always

12 kept the phone. They never let me have a phone.

13 THE COURT: So your mom had a cell phone, though?

14 THE WITNESS: Yes.

15 THE COURT: At that time?

16 THE WITNESS: Yes.

17 THE COURT: But you did not?

18 THE WITNESS: Yes.

19 THE COURT: Okay. It will be marked as Court's

20 Exhibit Number 3.

21 Does the State of Nevada have any followup?

22 MS. RHOADES: No, Your Honor.

23 MS. ALLEN: No, Your Honor.

24 THE COURT: Any followup?

25 MS. ALLEN: No, Your Honor.

1 THE COURT: Okay. Any other questions?

2 Okay. Thank you very much, ladies and gentlemen.  
3 We are going to end for the evening. We're going to start  
4 tomorrow morning at 10:00 o'clock. Again, just come up to the  
5 fourteenth floor. I want to remind you that on Thursday  
6 mornings I do have a regular calendar, and so I'd just ask  
7 that you don't come in the courtroom until the court -- the  
8 court marshal will be in here with myself and the other staff  
9 in Department 12, so I'd ask that you not come in here until  
10 the court marshal comes out and tells you that we are ready  
11 for trial.

12 During this recess you're admonished not to talk or  
13 converse amongst yourselves or with anyone else on any subject  
14 connected with this trial, or read, watch, or listen to any  
15 report of or commentary on the trial or any person connected  
16 with this trial by any medium of information, including,  
17 without limitation, newspapers, television, the Internet, or  
18 radio, or form or express any opinion on any subject connected  
19 with this trial until the case is finally submitted to you.

20 You're further admonished you may not communicate  
21 with anyone, including your fellow jurors, about this case on  
22 your cell phone, through email, Blackberry, iPhone, text  
23 messaging, Twitter, through any blog or Website, through any  
24 Internet chat room or by way of any other social networking  
25 Website, including, but not limited to, Facebook, MySpace,

1     LinkedIn, and You Tube.

2             Thank you very much. And you are excused for the  
3 evening. Tomorrow morning 10:00 o'clock.

4                     (Jury recessed at 5:38 p.m.)

5             THE COURT: The record will reflect that the jury  
6 has left the courtroom.

7             I was just asking the witness -- well, can I excuse  
8 the witness from her subpoena? I told her --

9             MS. LUZAICH: Her plane leaves like any minute.

10            THE COURT: I told her that somebody may want to  
11 recall her. Is that -- can I excuse her from her -- I know  
12 the State won't.

13            Mr. MacArthur, Ms. --

14            MS. ALLEN: No, I believe we can excuse her at this  
15 point. Yes, Your Honor.

16            THE COURT: Okay. You are excused from the  
17 subpoena. You may step down and you can go, okay. Thank you  
18 very much for being here.

19            And I do think that based upon -- I looked at my  
20 calendar. I think we can -- I think 10:00 o'clock is really  
21 good, a good estimate.

22            (Court recessed at 5:39 p.m., until the following day,  
23 Thursday, April 3, 2014, at 10:00 a.m.)

24                             \* \* \* \* \*

25

INDEX

<u>NAME</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
<u>STATE'S WITNESSES</u>				
Victoria Duke	2	35	170/194	185/195

\* \* \*

EXHIBITS

<u>DESCRIPTION</u>	<u>ADMITTED</u>
<u>DEFENDANT'S EXHIBIT NO.</u>	
D - Q	170
S	150
T	153
U	108

\* \* \*

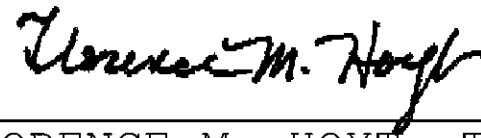
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I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

**AFFIRMATION**

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

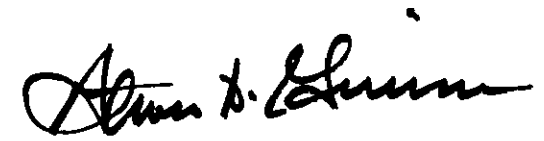
**FLORENCE HOYT**  
**Las Vegas, Nevada 89146**



FLORENCE M. HOYT, TRANSCRIBER

12/28/15

\_\_\_\_\_  
DATE



CLERK OF THE COURT

TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA  
\* \* \* \* \*

THE STATE OF NEVADA

Plaintiff

vs.

FREDERICK HARRIS, JR.

Defendant

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CASE NO. C-291374

DEPT. NO. XII

**Transcript of  
Proceedings**

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

**PORTION OF JURY TRIAL - DAY 6**

WEDNESDAY, APRIL 2, 2014

APPEARANCES:

FOR THE STATE:

ELISSA LUZAICH  
KRISTINA A. RHOADES  
Deputy District Attorneys

FOR THE DEFENDANT:

BETSY ALLEN, ESQ.  
JONATHAN MacARTHUR, ESQ.

COURT RECORDER:

KRISTINE CORNELIUS  
District Court

TRANSCRIPTION BY:

FLORENCE HOYT  
Las Vegas, Nevada 89146

Proceedings recorded by audio-visual recording, transcript  
produced by transcription service.

1 LAS VEGAS, NEVADA, WEDNESDAY, APRIL 2, 2014, 11:08 A.M.

2 (Court was called to order)

3 (Jury is present)

4 THE COURT: Do the parties stipulate to the presence  
5 of the jury panel?

6 MS. ALLEN: Yes, Your Honor.

7 MS. RHOADES: Yes, Your Honor.

8 THE COURT: Okay. You can call your next witness.

9 MS. RHOADES: The State recalls Victoria Duke.

10 THE COURT: Or recall Victoria Duke. I apologize.  
11 Thank you.

12 Will you please raise your right hand. The clerk's  
13 going to swear you again today, okay.

14 VICTORIA DUKE, STATE'S WITNESS, SWORN

15 THE CLERK: Thank you. Please be seated. Could you  
16 please state your full name, spelling your first and last name  
17 for the record.

18 THE WITNESS: My name is Victoria Duke. V-A --  
19 V-I-C-T-O-R-I-A, Duke, D-U-K-E.

20 THE CLERK: Thank you.

21 THE COURT: You may proceed.

22 MS. RHOADES: Thank you, Your Honor.

23 DIRECT EXAMINATION (Continued)

24 BY MS. RHOADES:

25 Q Victoria, how are you feeling today?

1           A     All right.

2           Q     Are you nervous?

3           A     Yes.

4           Q     Yesterday when you testified in that same spot, were  
5 you nervous yesterday?

6           A     Yes.

7           Q     Do you recognize anyone else in the courtroom  
8 besides Fred?

9           A     Yes.

10          Q     And who do you recognize?

11          A     His mother.

12          Q     Is that Miss Dorothy?

13          A     Yes.

14          Q     Is she in the courtroom today?

15          A     Yes.

16          Q     Was Miss Dorothy in the courtroom yesterday?

17          A     I can't remember.

18          Q     Is it difficult for you to testify regarding the  
19 sexual things that we were talking about yesterday?

20          A     Yes.

21          Q     I'm going to go back to Trish Lane in 2005. What  
22 was it like living in Trish Lane?

23                MS. ALLEN: Objection. Asked and answered.

24                THE COURT: Overruled. You can answer.

25                MS. RHOADES: Thank you, Your Honor.



1 THE COURT: I'd just ask you not to go everything we  
2 already went over yesterday.

3 MS. RHOADES: Of course.

4 THE COURT: I understand you want to bring the jury  
5 up to speed, but limit it.

6 MS. RHOADES: Thank you, Your Honor.

7 BY MS. RHOADES:

8 Q What was it like living at Trish Lane?

9 A It was hard.

10 Q Why?

11 A Because they always made -- they always just like,  
12 oh, you're bad, you know.

13 MS. ALLEN: Objection to "they," Your Honor.

14 THE COURT: Sustained.

15 BY MS. RHOADES:

16 Q And when you say "they," Victoria, who do you mean?

17 A Fred, Ann, and Miss Dorothy.

18 Q Did you tell Mahlica about what happened at Fred's  
19 apartment in 2005?

20 A Yes.

21 Q When did you tell Mahlica that?

22 A Probably like the next day.

23 Q Before you went to Utah?

24 A Yes.

25 Q Coming back from when you came back to Las Vegas

1 from Utah, what was it like living at Miss Dorothy's?

2 A It was -- it was hard, because I didn't want to be  
3 there, and I kept crying. And I didn't really want to be  
4 there. It was just too much. Because everybody -- when I  
5 came there everybody had this thing, oh, Victoria's bad.

6 MS. ALLEN: Objection as to everybody had this  
7 thing.

8 THE COURT: Sustained.

9 MS. RHOADES: It's not offered for the truth of the  
10 matter.

11 THE COURT: She said everybody. If it's not offered  
12 for the truth, then it's usually not relevant. So if you  
13 could just direct her.

14 MS. RHOADES: Yes, Your Honor. And I'm just trying  
15 to get her state of mind living in each of these places.

16 THE COURT: Okay.

17 BY MS. RHOADES:

18 Q Who all lived at Miss Dorothy's?

19 THE COURT: You can ask her that.

20 MS. ALLEN: I'm sorry, Your Honor?

21 THE COURT: You can ask her that.

22 MS. RHOADES: Her state of mind?

23 THE COURT: Uh-huh.

24 BY MS. RHOADES:

25 Q What was your --

1 THE COURT: How she felt.

2 BY MS. RHOADES:

3 Q Yeah. How did you feel living at Miss Dorothy's?

4 A Overwhelmed and sad.

5 Q Who else lived there, Victoria?

6 A My mom, Miss Dorothy, and me.

7 Q And after Miss Dorothy's, at the Siegel Suites, what  
8 was it like living at Siegel Suites?

9 A It was hard.

10 Q Why was it hard?

11 A Because Fred would come over a lot.

12 Q After that at the Walnut apartments, describe how it  
13 was living at the Walnut apartment.

14 A I didn't -- I didn't like living there because I was  
15 by myself and I wasn't used to being by myself all the time.  
16 And I would just missed my siblings. I missed my siblings all  
17 the time. I never got to talk to them, I never got to see  
18 them. And when my mom came over she would called Fred to come  
19 over, or we -- or me and my mom would hang out. But I didn't  
20 -- I was just sad all the time and angry all the time. I  
21 didn't want to be there.

22 Q You said you were alone a lot of the time. Where  
23 was your mom?

24 A At work.

25 Q And where did she work at this time?

1           A     Bally's.

2           Q     Yesterday you talked about some things that happened  
3 with Fred at the Walnut apartment. Is there anything that you  
4 didn't tell us happened at the Walnut apartment?

5           A     Not that I know of.

6           Q     At the Walnut apartment would your mom be home  
7 during the night?

8           A     Sometimes, yes.

9           Q     Other times when she was not what hours was she out  
10 at?

11          A     She was out -- sometimes she would be out from 12:00  
12 to like 3:00 in the morning.

13               THE COURT: 12:00 a.m., 12:00 in the afternoon?

14               THE WITNESS: 12:00 in the midnight. Like 12:00 in  
15 the midnight.

16               THE COURT: 12:00 midnight to 3:00 a.m.?

17               THE WITNESS: (No audible response)

18 BY MS. RHOADES:

19          Q     While at the Walnut apartment did you ever hear Fred  
20 and your mom talk about money?

21          A     Yes.

22          Q     When you heard this what did you hear Fred say?

23          A     I would hear him arguing about where the money is  
24 and how she needs to go out and get the money. And I would  
25 hear him hit her.

1 Q Did you ever see him hit her?

2 A At the Walnut apartment no. I would hear it.

3 Q What would you hear?

4 A I would hear him hit her, like a slap on -- like you  
5 know how you -- like that. You would hear it. I would hear  
6 her yell.

7 Q Moving on to Blankenship, what was it like living  
8 they Blankenship after you moved from the Walnut apartment?

9 A The first year -- before I went I had ran away, and  
10 when I came back it was kind of chill. It wasn't so bad. And  
11 then, you know, it was just a chill since I ran away. Just  
12 had everybody in a certain like -- it wasn't so bad. But that  
13 following year, in 2009, things got hard, and he would beat us  
14 and -- for nothing or beat us, oh, you didn't do this right,  
15 or, you didn't do that right. Or he would come back from work  
16 and beat us.

17 Q And when you say "he" do you mean Fred?

18 A Yes.

19 Q With regards to you what beatings did he do to you?

20 A He would beat us with a belt, beat us with his hand.

21 THE COURT: Okay. She's talking about you, and  
22 you're saying "us." So she's specifically asking you.

23 THE WITNESS: He would slap me across the face hard,  
24 he would push me, shove me, punch me.

25 //

1 BY MS. RHOADES:

2 Q Where were you at in the Blankenship house when this  
3 occurred?

4 A Sometimes in the garage, in the kitchen, in the  
5 living room.

6 Q When he punched you what did he punch you with?

7 A His fists.

8 Q Did he ever hit you with a belt?

9 A Yes.

10 Q Can you describe that for us.

11 A He would grab my hand or grab me or he would just  
12 fling the belt towards my direction to hit me on the back or  
13 on the legs.

14 Q How many times did this happen?

15 A Often that year.

16 Q Often that year in Blankenship? Did anything else  
17 happen with you with regards to the physical abuse with Fred?

18 A I don't understand the question.

19 Q Okay. Thank you. I'm sorry. While at Blankenship  
20 was there anything that you didn't tell us about that Fred did  
21 to you?

22 A He -- he's very abusive. I remember him being very  
23 abusive. He -- when Fred -- when Miss Ann was gone and when  
24 people was gone he would call me into his room. And he would  
25 talk to us or make us -- like he would make me -- just talk to

1 me. And I just didn't -- or he'll put me down or cuss me out  
2 or say that I wasn't doing something right.

3 Q Did all four of your -- all four of your siblings  
4 lived at Blankenship at that time; is that right?

5 A Yes.

6 Q What physical abuse did you see Fred do to Mahlica,  
7 if any?

8 A He would hit Mahlica or he would get a belt and whip  
9 Mahlica. He would cuss Mahlica out. He would -- he had -- he  
10 would hit and slap Mahlica. He would hold her by her neck --  
11 and she's little, about 5-something, and just hold her by her  
12 neck and be hitting her, slapping her and just being violent  
13 with her. Because my sister -- he -- she -- he was always  
14 trying to get my sister to bend his way, and my sister would  
15 never bend his way. And that's what really made him angry,  
16 because he wanted her, too. And she wasn't going for it. She  
17 knew, because I had told her, what was going on.

18 Q When you saw Fred lift Mahlica by her neck, where  
19 were you when this happened?

20 A Inside -- inside of our room, me and my sisters'  
21 room by his and Miss Ann's room. And here's the room right  
22 here, the room where we were sleeping.

23 Q So you were in your room. Where was Fred and  
24 Mahlica?

25 A They -- like they were in the room, and there's this

1 mirror -- like as soon as you walk and you look, there's this  
2 mirror and then a wall and then two beds. They were -- it  
3 happened by the mirrors, like by -- on the wall on this side.  
4 And then it happened again on my side, where there's just a  
5 wall and a TV.

6 Q So you saw that happen twice?

7 A Yes.

8 Q Would you hear Fred say anything while he was doing  
9 this to Mahlica?

10 A He would be calling her names and just saying that  
11 she don't listen and be cussing at her and be wanting him to  
12 -- wanting Mahlica to respond. But Mahlica wouldn't respond  
13 to him.

14 Q What kind of names would he call Mahlica?

15 A He would call her a bitch.

16 Q And the other things that you saw Fred do to  
17 Mahlica, can you describe those? Does that make sense? You  
18 said that you saw him lift her up by her neck, and you said  
19 that you saw him do that twice; right?

20 A Uh-huh.

21 Q And both times you were in your room and they, Fred  
22 and Mahlica, were in Fred's room.

23 A Yes.

24 Q Did you -- I know you mentioned some other things  
25 that you saw Fred do to Mahlica. What are those things?



1           A       I've seen him -- I really -- I really can't -- I  
2 can't remember it all, because it was -- it was a long time  
3 ago. And I'm trying to get the grip of it. Because I've been  
4 trying so hard to block it out because --

5           MS. ALLEN: Objection. Nonresponsive.

6           THE COURT: Sustained.

7 BY MS. RHOADES:

8           Q       Did you ever see Fred hit Mahlica with a belt while  
9 you were at Blankenship?

10          MS. ALLEN: Objection. Leading.

11          THE COURT: Sustained.

12          THE WITNESS: Yes.

13          THE COURT: Okay. The objection was sustained, so  
14 the answer is stricken from the record.

15          MS. ALLEN: Thank you, Your Honor.

16          THE COURT: Go ahead.

17 BY MS. RHOADES:

18          Q       What else did you see Fred do to Mahlica while at  
19 the Blankenship house?

20          A       He would beat her with a belt, he would beat her  
21 with her [sic] hand, he would punch her, he would do -- he  
22 would just be abusive.

23          Q       How many times did you see Fred hit Mahlica with a  
24 belt at Blankenship?

25          A       A lot. A lot. More than I can count.

1 Q More than 20?

2 A Yes.

3 Q Did you see Fred abuse Shabazz while at Blankenship?

4 A Yes.

5 Q What did you see him do?

6 A I seen him cornering Shabazz, kicking him, hitting

7 him, beating him with a belt, punching him in his ribs,

8 punching him in his face, kicking him and cussing at him and

9 beating him with a belt on multiple occasions throughout the

10 year.

11 Q Throughout the year 2009?

12 A Throughout the -- throughout the whole year that we

13 lived there, through a very long time.

14 Q Can you describe some instances where you saw this.

15 A He did it in the kitchen, which is -- when you first

16 come into the house the first you see is the kitchen.

17 MS. ALLEN: I'm going to object as to foundation.

18 I'd like to know when it was.

19 THE COURT: I agree. Can you lay some foundation.

20 MS. RHOADES: Yeah.

21 BY MS. RHOADES:

22 Q Do you know what month in the year 2009 this

23 happened in the kitchen?

24 A Every month. Every day. Every other day. Every

25 week.

1 Q So what did you see Fred do in the kitchen?

2 A Hit him, kick him, beat him with his fists, with his  
3 hands, with a belt, with his shoe, with his foot.

4 Q Do you remember a specific instance?

5 A I remember if he didn't do something right or if he  
6 forgot to do -- if he didn't do the dog chores right, he would  
7 get in trouble. If he didn't fill up the water or if Man-Man  
8 knocked over the water, his water, or something would happen  
9 with the animals or if the animal -- if one of the dogs got  
10 out and killed a chicken or if anything had happened or if  
11 Shabazz didn't feed the dogs that day or if we came and we did  
12 something else other than --

13 MS. ALLEN: Judge, at this point object to  
14 nonresponsive.

15 THE COURT: It is nonresponsive. So I'd just ask  
16 that you listen to the question and just answer the question,  
17 please. Do you want her to ask it again?

18 THE WITNESS: Yes.

19 THE COURT: Okay. Thank you.

20 MS. RHOADES: I'll move on, Your Honor.

21 BY MS. RHOADES:

22 Q Did you see Fred punch Shabazz ever at the  
23 Blankenship house?

24 MS. ALLEN: Objection. Leading.

25 THE COURT: Sustained.

1 THE WITNESS: Yes.

2 THE COURT: The objection was sustained, so the  
3 answer is stricken.

4 Victoria, when I sustain an objection you can't  
5 answer, okay. Do you understand that?

6 THE WITNESS: Yes.

7 THE COURT: Okay. Thank you. I know it's  
8 different, but if you could just wait till I make my ruling  
9 before you answer, that would be really helpful.

10 THE WITNESS: Okay.

11 THE COURT: Okay.

12 BY MS. RHOADES:

13 Q Victoria, can you describe another instance that you  
14 -- that you saw Fred abuse Shabazz? Just one specific  
15 instance.

16 A When you say instance what does that mean?

17 Q When you saw something happen with Shabazz at  
18 Blankenship.

19 MS. ALLEN: And could we have some foundation as to  
20 when.

21 THE COURT: I agree.

22 BY MS. RHOADES:

23 Q If you can remember the month in 2009 and something  
24 that you saw with Fred and Shabazz, can you describe that for  
25 us.

1           A       It was in May, and it was --

2                   THE COURT:   So May 2009?

3                   THE WITNESS:  2009 in May.  And Shabazz forgot to  
4 feed the animals.  He was supposed to feed the animals as soon  
5 as he got into the house.  He didn't.  He was sitting down  
6 eating.  And it was in the daytime after school, like around  
7 2:00.

8 BY MS. RHOADES:

9           Q       What did you see Fred do to Shabazz?

10          A       He asked him did he feed the dogs -- Fred asked  
11 Shabazz if he fed the dogs, and Shabazz was sitting down  
12 eating, and he said no.  Fred that he was supposed to feed the  
13 dogs first before he ate.  And he went in his room, he got the  
14 belt, and he was -- started hitting and hitting Shabazz with  
15 the belt.  Shabazz got up, and he started punching Shabazz in  
16 the face with his right hand and then hitting him with his  
17 left hand.

18          Q       Where were you while this was happening?

19          A       I had just came in from school.

20          Q       So where were you in the house?

21          A       I was coming in the front door, coming through the  
22 living room.

23          Q       Did you see Shabazz after this happened?

24          A       After -- like I don't understand the question.

25          Q       Did you see -- did Fred ever stop hitting Shabazz

1 that day?

2 A No. He stopped momentarily, and 'Bazz did something  
3 else that he didn't like, and he started back hitting him.

4 Q How about Taquanda? Did you ever see Fred do  
5 anything abusive to abusive to Taquanda while you guys were at  
6 Blankenship?

7 A Yes.

8 Q What did you see?

9 A He would hit her or hit her with the belt or slap  
10 her across her face or take her in the room and tell her to  
11 strip naked and beat her with the belt.

12 Q Did you see Fred beating Taquanda with the belt when  
13 he told her to strip naked?

14 A No. He closed the door.

15 Q Could you hear sounds coming out of the room?

16 A Yes.

17 Q What sounds did you hear?

18 A I could hear the belt, I could hear him -- I could  
19 hear the wind of the belt before he hits her and then after he  
20 hits her, the -- like that.

21 Q Did you hear any other noises coming out of that  
22 room?

23 A Her screaming and crying and him telling her that he  
24 was trying to get the truth out of her, and he was like, tell  
25 the truth. And she was trying to tell him that she didn't do

1 it.

2 Q Do you remember what month this was in?

3 A In the same month.

4 Q Which was May?

5 A Yes.

6 Q And what year?

7 A 2009.

8 Q When you said that you saw Fred slap Taquanda, can  
9 you describe an instance -- can you describe when that  
10 happened.

11 A We was --

12 THE COURT: Is it different from what we're talking  
13 about right now? Is it a different incident?

14 THE WITNESS: (No audible response)

15 THE COURT: No? Okay.

16 BY MS. RHOADES:

17 Q Okay, Victoria. So when you saw Fred beating  
18 Taquanda with the belt -- or go into the room and then you  
19 heard those noises did you see him slap her, also, on that  
20 same day?

21 A Yes.

22 Q Did you see him slap her on any other day?

23 A Yes.

24 Q Do you remember when that was, what month?

25 A It was in May. It happened often, you know, during

1 2009.

2 Q How about with Taharah? Did you ever see Fred  
3 physically abuse Taharah while at the Blankenship house?

4 A He -- Taharah -- Taharah was getting bullied, and  
5 Taharah came back --

6 MS. ALLEN: Objection. Nonresponsive.

7 THE COURT: Sustained.

8 BY MS. RHOADES:

9 Q Victoria, can you describe an incident -- can you  
10 describe a day that you saw Fred physically abuse Taharah?

11 A It was a day we had school and Taharah got in  
12 trouble. She came back home and when he was waiting for her  
13 he asked her why did she do what she did, and she just said  
14 that he was in trouble. He grabbed her by her hair, he  
15 slapped her, he punched her and dragged her down the hallway.

16 Q Do you remember what month this was in?

17 A It was in May.

18 Q When he dragged her down the hallway where did he  
19 take her?

20 A To his room.

21 Q Could you hear noises out of his room when he took  
22 her --

23 A I heard her screaming.

24 Q Did you hear any other noises?

25 A I heard him cussing at her and yelling at her, and I



1 heard him moving -- shoving her around in the room hard.

2 Q Is there another day that Fred did something  
3 physically abusive to Taharah?

4 A It was every -- it was every day. It was a lot  
5 during 2009, multiple occasions, every month.

6 Q When did you move out of the Blankenship house?

7 A We moved out August 2010.

8 Q Did you see anything happen in 2010 with Taharah and  
9 Fred?

10 A Just the same things that was going on in 2009.

11 Q And what same things were those?

12 A Just the beatings and the yelling and the cussing  
13 and the whuppins and the blaming us for small things or things  
14 we didn't do.

15 Q Who did you share a room with at Blankenship?

16 A I shared a room with my sister Mahlica and my sister  
17 Taquanda.

18 Q Where did Taharah sleep?

19 A Taharah slept in Mom's room.

20 Q Where was Mom's room in the house?

21 A In the front entrance by the living room, in front  
22 of the kitchen.

23 Q Did you ever see anything happen while Taharah was  
24 in her bed at Blankenship?

25 A Before -- that summer, in July, a week -- a couple

1 weeks before my birthday he went in Taharah's room --

2 THE COURT: Just so we're clear, July --

3 THE WITNESS: -- he went in our room where we was  
4 sleeping.

5 THE COURT: -- 2009?

6 BY MS. RHOADES:

7 Q July of what year, Victoria?

8 A 2010. And in 2010 we had moved into the garage to  
9 sleep, me, Taharah, and Taquanda. And I was -- I woke up and  
10 it was in the middle of the night, and he went in Taharah -- I  
11 seen someone under Taharah's cover, and he -- I seen Fred come  
12 out and go back into her cover, up under Taharah's cover while  
13 she was asleep.

14 Q Do you remember about what time this was at night?

15 A When he was done I got up, and it was around 3:00,  
16 2:00 in the morning, about 3:50.

17 Q Did you see Fred get out of Taharah's bed?

18 A Yes.

19 Q Could you hear any sounds?

20 A Yes.

21 Q What did you hear?

22 A I just heard wet noise.

23 THE COURT: I'm sorry, what? What?

24 THE WITNESS: A wet noise.

25 THE COURT: Okay.

1 BY MS. RHOADES:

2 Q Did you hear any other noises?

3 A No.

4 Q Did you ask Taharah about this incident after it  
5 happened?

6 A Yes.

7 Q Did Taharah tell you that nothing happened?

8 MS. ALLEN: Judge, objection.

9 THE COURT: Sustained.

10 BY MS. RHOADES:

11 Q Did anything get reported regarding this incident?

12 MS. ALLEN: Objection. Foundation.

13 THE COURT: Sustained.

14 BY MS. RHOADES:

15 Q Did you report to anyone anything about this  
16 incident?

17 A I told Shakira. Shakira was living with -- came  
18 over at the time and was doing Taharah and Taquanda's hair,  
19 and I was telling her that I seen Fred go up under Taharah's  
20 covers and I know that something is going on with Taharah  
21 between Fred.

22 Q And who is Shakira?

23 A Miss Ann's daughter.

24 Q Was she living at Blankenship at that time?

25 A She was coming and do Taharah and Taquanda's hair.

1 She wasn't living there at the time.

2 Q Did you ever see Fred physically abuse your mom  
3 while at Blankenship?

4 A He would hit her, slap her and throw shoes at her.

5 Q Were you there one time -- or were you there a time  
6 that he threw shoes at her?

7 A Yes.

8 Q And can you tell us what you saw.

9 MS. ALLEN: Your Honor, could we have foundation,  
10 please.

11 THE COURT: Yes. Can you just give us a time frame.

12 MS. RHOADES: Yes, Your Honor.

13 BY MS. RHOADES:

14 Q Do you remember what year this was in?

15 A It was 2010.

16 Q Victoria, do you remember the month it was in?

17 A In March.

18 Q Okay.

19 THE COURT: And it was at Blankenship?

20 MS. RHOADES: I believe so.

21 BY MS. RHOADES:

22 Q Was it at Blankenship, Victoria?

23 A Yes.

24 THE COURT: Okay.

25 //

1 BY MS. RHOADES:

2 Q Can you describe what happened.

3 A He was -- he was asking her what happened with  
4 trying to get Taharah's disability benefit, and she -- my mom  
5 said that she couldn't get it for Taharah, they would not give  
6 it to her. He was asking her, what did you say, what did you  
7 do, what happened. He got angry, he picked up one of his  
8 heavy boots, and he threw it at my mom. He picked up another  
9 boot and he threw it at my mom. He was cussing at my mom, and  
10 he hit my mom and he gave my mom a black eye. He pushed my  
11 mom down on the floor and kicked her and gave her a bruise on  
12 her leg.

13 Q Were there instances at the -- were there days at  
14 Walnut apartment where you saw Fred be physically abusive to  
15 your mom?

16 A No.

17 Q How about at the Siegel Suites?

18 A No.

19 Q Moving on to the apartment at St. Andrews, you lived  
20 there after Blankenship; is that right?

21 A Yes.

22 Q What was it like living in that apartment?

23 A It was better, because we lived right by the school.  
24 We never -- we went to school on time, and we went out after  
25 school. Fred didn't get to come over a lot because we were

1 always gone or our friends was over if he did come over, so he  
2 couldn't do what he usually does if we was at the Blankenship  
3 house.

4 Q Yesterday you told us about a day when you were --  
5 when you had an appointment at the welfare office. And you  
6 said you went into the room and Fred wanted you to do what his  
7 mom was doing.

8 A Yes.

9 Q What your mom was doing. I'm sorry.

10 A Yes.

11 Q How did you know that Fred wanted you to do that?

12 A He told me to -- he told me to get down on my knees  
13 with my mother and put my mouth on his penis.

14 Q Did he say anything else to you during that --  
15 during that event?

16 A He grabbed my hand and he wouldn't let my hand go,  
17 and he said that I belong to him and that I'm not going until  
18 he's ready to let me go.

19 Q When did you move to the Henderson apartment?

20 A We moved to the Henderson apartment in -- in 2006 --  
21 not 2006, but 2011.

22 Q Do you remember what month?

23 A In October. October 26.

24 Q What was it like living at the apartment in  
25 Henderson?

1           A       It was -- it was different. It was different  
2 because we really didn't really want to be in Henderson  
3 because we had -- we had made -- we had a lot of friends in  
4 the St. Andrews and we made friends and we had places to go  
5 and it was better. Out in Henderson nobody -- we didn't have  
6 no one, you know, to hang out with, nobody to come over. And  
7 that meant that we didn't have any -- we barely had money. We  
8 didn't have much.

9           Q       Was the Henderson apartment pretty far from the  
10 apartment at St. Andrews?

11          A       Yes.

12          Q       When did you meet Miss Rose?

13          A       I meet Miss Rose when -- I met Miss Rose when we  
14 moved into the St. Andrews apartments.

15          Q       How did you meet her?

16          A       Through my mom. She brought furniture to our house  
17 and she brought decorations and imitation flowers and plates  
18 and dishes.

19          Q       Did there come a time that you told somebody what  
20 Fred had been doing to you?

21               MS. ALLEN: Objection, Your Honor. Foundation.

22               THE COURT: Did there come a time? I think you're  
23 trying to lay the foundation. You know, maybe ask her about  
24 the time, the actual time.

25               MS. RHOADES: Of course.

1 BY MS. RHOADES:

2 Q Did you tell someone what Fred was doing to you?

3 A Yes.

4 Q Who did you tell?

5 A I told Miss Rose.

6 Q When did you tell Miss Rose?

7 A In November of 2011.

8 Q Can you describe how that happened?

9 A She was talking to me about staying a virgin and  
10 waiting until you get married and being with God.

11 Q Where were you at when you told Miss Rose this?

12 A At her house.

13 Q Would you stay at her house sometimes?

14 A On the weekends.

15 Q And when did you stay at her house on the weekends?

16 A Like she would come and get me on Friday or she  
17 would come and get me on Saturday if she couldn't get me  
18 Friday.

19 Q Was this while you were living at St. Andrews?

20 A It was -- we -- I used to sleep over at her house at  
21 St. Andrews and in Henderson.

22 Q In November 2011 where were you living? Were you  
23 living in Henderson, or at St. Andrews?

24 A We lived in St. Andrews from -- when we first went  
25 to -- from 2010 to October 2011.



1 Q When you told Miss Rose in November 2011 were you  
2 living in Henderson?

3 A We were living in Henderson, yes.

4 Q Describe how you told Miss Rose.

5 A I asked her if she could keep something to herself  
6 if I told her. And I told her that I wasn't a virgin and I  
7 did not -- and I didn't wait.

8 Q What else did you tell Miss Rose?

9 A I told her about what had happened between me and my  
10 mom August 2007, the 24th of August.

11 Q What else did you tell her?

12 A I told her about what happened between me, my mom,  
13 and Fred.

14 Q Do you remember what time of day or night this  
15 happened?

16 A It was at night, like 2:00 at night.

17 THE COURT: Like 2:00 a.m.?

18 THE WITNESS: Yeah, 2:00 a.m.

19 BY MS. RHOADES:

20 Q What else did you tell Miss Rose?

21 A I told her about how he -- or I told her about the  
22 abuse on Blankenship, and I told her about what happened at  
23 the St. Andrews with my dog and with him trying to -- with  
24 Fred trying to hold me by my wrist and not let me go.

25 Q Did Miss Rose do something after you told her?

1           A     She said --  
2           MS. ALLEN:  Objection to what she said, Your Honor.  
3           THE WITNESS:  Miss Rose --  
4           THE COURT:  Sustained.  Don't tell us anything Miss  
5 Rose said.  
6 BY MS. RHOADES:  
7           Q     Did Miss Rose do anything after you told her?  
8           A     Miss Rose took me to the police department.  
9           Q     Do you remember what police department this was?  
10          A     The Henderson Police Department.  
11          Q     Did she take you on the same day that you told her,  
12 or the next day?  
13          A     It was the day after church.  I think it was -- it  
14 was the next day.  
15          Q     The next day after you told her?  
16          A     Yes.  
17          Q     Could you have told Miss Rose what happened in  
18 December 2011?  
19          MS. ALLEN:  Objection, Your Honor.  Leading.  
20          THE COURT:  Sustained.  
21 BY MS. RHOADES:  
22          Q     Are you sure that it was November 2011 that you told  
23 Miss Rose?  
24          A     I believe it was in December.  
25          Q     What makes you think it was in December?

1           A       Because a lot happened in November, and I probably  
2 got December mixed up with November.

3           Q       When you went to the Henderson Police Department did  
4 you give a statement to the police?

5           A       Yes.

6           Q       What did you tell the police that day?

7           A       I had told them about what -- I had told them about  
8 -- about what happened with me, my mom on two -- me, my mom,  
9 and Fred 2007, and I told them about the abuse at Blankenship,  
10 and I told them about what happened at the St. Andrews with my  
11 -- with my dog and with -- with him trying to get me to get on  
12 the floor and him not wanting to let me go. I told them about  
13 the abusive situation. I told them about a lot of things.

14          Q       Did you tell them about anything that happened  
15 before you went to Utah?

16          A       Yes.

17          Q       What did you tell them about that?

18          A       I told them that -- they asked when did it start,  
19 and I said it started in January of 2005 and I was about 11  
20 and that's when he started and he sexually molested me.

21          Q       Did you describe the car incident when you and your  
22 mom and Fred went to the top of a mountain?

23          A       Yes.

24          Q       Do you remember anything else that you told  
25 Henderson?

1           A       I remember telling them about how I'm not living  
2 there in the Blankenship house no more but I know that there's  
3 abuse going on in the home.

4           Q       After you told Miss Rose and after you told the  
5 police in Henderson about it did anything like that happen  
6 with Fred again?

7           A       No.

8           Q       Did Fred ever hurt you again after that?

9           A       No.

10          Q       Did there come a time that you spoke with the police  
11 again after 2011?

12          A       Yes.

13          Q       When was that?

14          A       It was 2012, in October.

15          Q       Was this the Henderson police, or was it Metro?

16          A       It was Metro.

17          Q       What did you tell the Metro police when you talked  
18 to them in October 2012?

19          A       I had told them -- by the time it was the 2012 I had  
20 spent some time with my mother at her house at the Henderson  
21 address, and my sisters, my two little sisters was there for  
22 July. And my sister Taharah --

23               MS. ALLEN: Judge, objection. Unresponsive and  
24 she's getting into hearsay.

25               THE COURT: Sustained. It sounds like she's getting

1 into hearsay. The objection is sustained.

2 BY MS. RHOADES:

3 Q When did Taharah and Taquanda come live with you at  
4 the Henderson apartment?

5 A In July.

6 Q How long did they stay?

7 A Until the summer was over.

8 Q What here was this?

9 A 2012.

10 Q And you say until the summer was over. Do you  
11 remember what month they left?

12 A The end of August.

13 Q Where did they go?

14 A To -- back to Fred and Ann's house on 966  
15 Blankenship.

16 Q When you spoke to Metro this was after they went  
17 back to Fred's house; is that right?

18 A Yes.

19 Q Can you tell me what you told Metro in October 2012.

20 A I had told them that Taharah was being -- said that  
21 she had been raped and that they were beating and starving my  
22 siblings.

23 Q What else did you tell Metro?

24 A I told them about what happened between me, my mom,  
25 and Fred.

1 Q Which incident are you talking about?

2 A The one 2004 [sic], August 24th.

3 Q What year was that?

4 A 2007.

5 Q Did you also tell Metro what happened before you

6 went to Utah in 2005?

7 A Yes.

8 Q What else did you tell Metro?

9 A I told Metro about what happened at Blankenship and

10 what happened at the St. Andrews and in Henderson.

11 Q What specifically did you tell them about what

12 happened at those places?

13 THE COURT: Other than what we've already talked

14 about? Are we in a different time period?

15 MS. RHOADES: No.

16 THE COURT: Could you just lay some foundation,

17 then.

18 MS. RHOADES: Sure.

19 BY MS. RHOADES:

20 Q Victoria, what did you tell Metro about what

21 happened at St. Andrews?

22 A I told them that he had forced -- he had tried to

23 force me to place my mouth on his penis and was trying to hold

24 my hand -- hold me against my will in my mother's room. I

25 told them that he -- that I didn't do it and I had broke away

1 from him and when I came back home my dog was gone.

2 MS. RHOADES: Okay. The State will pass the

3 witness, Your Honor.

4 THE COURT: Cross.

5 MS. ALLEN: Thank you.

6 (Pause in the proceedings)

7 MS. ALLEN: Thank you. I apologize. I'm

8 coordinating with my --

9 THE COURT: It's okay. Don't worry about it.

10 MS. ALLEN: -- my investigator.

11 And, Your Honor, for the record, on the witness

12 stand, I placed that up there previously with the State's

13 knowledge, is the statement that Miss Duke made to Metro. It

14 looks like two statements; however, it's one, apparently, tape

15 recorder.

16 THE COURT: Okay.

17 MS. ALLEN: And this is so I don't have to --

18 THE COURT: Okay. That's fine.

19 MS. ALLEN: I'm being lazy. I apologize.

20 THE COURT: Is there any objection?

21 MS. ALLEN: No, I don't think they did.

22 THE COURT: Okay.

23 MS. ALLEN: Thank you.

24 (Pause in the proceedings)

25 //

1 CROSS-EXAMINATION

2 BY MS. ALLEN:

3 Q Good morning, Victoria. How are you?

4 A Good morning.

5 Q Do you remember me?

6 A Yes.

7 Q I cross-examined you I think last year; is that  
8 correct?

9 A Yes.

10 Q Okay. And you recall testifying last June, so June  
11 of 2013?

12 A Yes.

13 Q Okay. And I think you've testified on two different  
14 days; is that right?

15 A Yes.

16 Q Downstairs, though; right?

17 A Yes.

18 Q Okay. You've also made a statement to Henderson  
19 Police Department, is that right, in December of 2011?

20 A I don't understand your question.

21 Q You also made a statement to the Henderson Police  
22 Department in December of 2011; is that correct?

23 A Yes.

24 Q Okay. And then you talked to various CPS workers  
25 about this; is that correct?



1           A     Yes.

2           Q     And then you made a very lengthy statement to the  
3 Las Vegas Metropolitan Police Department in was it September  
4 or October of 2012?

5           A     I don't stand your question.

6           Q     Okay. In front of you are two -- is some paperwork.  
7 Do you see that?

8           A     Uh-huh.

9           Q     Yes or no? You have to answer out loud.

10          A     Yes.

11          Q     Do you see your name on that paperwork? I can point  
12 it out for you if you'd like.

13          A     Yes.

14          Q     Yes, you see your name, or you need me to point it  
15 out for you?

16          A     I see my name.

17          Q     Okay. Is there a date on there that you see?

18          A     Yes.

19          Q     And what's that date?

20                MS. ALLEN: May I approach, Your Honor?

21                THE COURT: You may.

22                THE WITNESS: Right here?

23 BY MS. ALLEN:

24          Q     That's your birthdate; is that right?

25          A     Yes.

1 Q Okay. Is there -- oh. I apologize. There is no  
2 date on here. Do you remember when you gave this interview to  
3 Detective Madsen of Las Vegas Metropolitan Police Department?

4 A Yes.

5 Q When was it? Well, you're browsing through it. Do  
6 you just have an independent recollection of when that was?  
7 Victoria, do you have an independent recollection of when you  
8 gave that statement to Detective Madsen? You have to answer  
9 out loud.

10 A I don't -- I remember giving the statement, but I  
11 don't remember what day.

12 Q Okay. Do you remember the month?

13 A No.

14 Q And do you remember the year?

15 A 2011.

16 Q You gave this statement to Detective Madsen in 2011?

17 A Is what I believe.

18 Q Do you know if Detective Madsen is with Henderson  
19 Police Department or Las Vegas Metropolitan Police Department?

20 A I don't know. I can't remember.

21 Q All right. You remember living in Louisiana; is  
22 that correct?

23 A Yes.

24 Q Okay. And how old were you when you left Louisiana?

25 A About 11.

1 Q About 11 years old. Had you just turned 11 in July?  
2 A Yes.  
3 Q Okay. Thank you. You have to answer yes or no,  
4 because we have someone taking down a record. Okay? Okay?  
5 A Okay.  
6 Q Okay. You keep looking over there. Is everything  
7 okay?  
8 A Yes.  
9 Q Okay. You remember being about 11 years old; is  
10 that right?  
11 A Yes.  
12 Q Okay. And you testified you came out here in  
13 December, is that right, of 2004?  
14 A Yes.  
15 Q And when I say here I mean Las Vegas. Is that  
16 correct?  
17 A Yes.  
18 Q All right. Do you recall if it was before or after  
19 Christmas that you came?  
20 A It was in December. I remember coming in December  
21 after Christmas.  
22 Q So it was after Christmas. Yes?  
23 A Yes.  
24 Q Okay. Was it after -- so it's after December 25th  
25 and before the 31st, which is the end of the year; is that

1 correct?

2 A Yes.

3 Q Do you remember what day you left Louisiana?

4 A No.

5 Q Okay. You just remember that it was after

6 Christmas?

7 A Yes.

8 Q Was your mom there for Christmas?

9 A I don't understand the question.

10 Q Was your mother in Louisiana with you on Christmas

11 that year, in 2004?

12 A No.

13 Q So your mother had already come to Las Vegas?

14 A Yes.

15 Q When did your mother leave Louisiana to come to Las

16 Vegas?

17 A In the beginning of December.

18 Q Okay. You were alone, then, for approximately two

19 to three weeks with your brothers and sisters -- your brother

20 and sisters? I apologize.

21 A Yes.

22 Q Okay. How old was your brother at the time, if you

23 remember?

24 A I do not remember.

25 Q Was he -- was he a little, little kid?

1           A       I cannot remember.

2           Q       What about Taharah and Taquanda? Do you remember

3 how old they were?

4           A       They were young.

5           Q       They were young. Like were they still in diapers

6 yet?

7           A       No. They were young as in just potty trained.

8           Q       Okay. Did you potty train them?

9           A       No.

10          Q       Who did?

11          A       I can't remember.

12          Q       You don't remember if your mom potty trained them?

13          A       My mom didn't. I can't remember that.

14          Q       Your mom didn't?

15          A       I cannot remember the statement.

16          Q       I'm sorry.

17          A       I don't understand what you're trying to ask.

18          Q       Okay. Did your mom potty train -- do you remember

19 if your mom potty trained Taharah and Taquanda?

20          A       No.

21          Q       You don't remember?

22          A       No.

23          Q       Okay. But you did not do it; is that right?

24          A       No.

25          Q       Okay. For those three -- two to three weeks your

1 mom's gone. Did she tell you where she was going?

2 A Yes.

3 Q All right. So you knew she was coming to Las Vegas?

4 A Yes.

5 Q Okay. Did you know why she was coming to Las Vegas?

6 A To go see Fred.

7 Q So you did know the reason why she was coming to Las

8 Vegas.

9 A Yes.

10 Q You had met him once before; is that right?

11 A No. Not before.

12 Q Okay. That's right. You didn't come out of the

13 room; is that right?

14 A Yes.

15 Q All right. For the three weeks that you were alone

16 with your sisters and your brother were you in school? Were

17 you in school in Louisiana for the weeks that your mom was

18 gone?

19 A Yes.

20 Q So all of you went to school?

21 A Yes.

22 Q Where did the two little ones go?

23 A Someone had to watch Taquanda and Taharah, and

24 Mahlica and Shabazz went to school.

25 Q Did they go to school with you?

1 A No.

2 Q They went to a different school?

3 A Yes.

4 Q Did you walk them to school?

5 A No.

6 Q Someone else did?

7 A Yes.

8 Q When you were at home in the apartment -- was it an  
9 apartment?

10 A Yes.

11 Q When you were at home in the apartment were you  
12 alone with your siblings?

13 A No. There was someone there to watch us.

14 Q Who was that?

15 A It was the next-door neighbors.

16 Q Okay. So they stayed in the apartment with you?

17 A Yes.

18 Q For the --

19 A Well, no. We stayed at their house. We stayed at  
20 theirs.

21 Q You stayed at their apartment?

22 A Yes.

23 Q So you didn't stay at your apartment?

24 A No.

25 Q Okay. Do you remember Fred's brother coming to get

1     you?

2           A     Yes.

3           Q     Where did he come to get you?

4           A     At the people's house where we were staying.

5           Q     He didn't come to your apartment?

6           A     No.

7           Q     Had you talked to your mom the entire time that she

8     was gone?

9           A     No.

10          Q     You didn't speak to her for two to three weeks?

11          A     Yes.

12          Q     Okay. And then John -- his name is John; is that

13     correct?

14          A     Yes.

15          Q     Do you know his last name?

16          A     No.

17          Q     John shows up at the door; is that right?

18          A     Yes.

19          Q     And all of you get in the car with him; is that

20     correct?

21          A     Yes.

22          Q     Did your -- did anybody tell you that you should go

23     with him?

24          A     Our mom had called us that day -- or that night.

25          Q     So you did talk to your mom?



1           A       For three weeks we didn't. That last day she called  
2 us.  
3           Q       And she explained that you needed to go with him?  
4           A       Yes.  
5           Q       Okay. How long did it take to get out from  
6 Louisiana to Las Vegas?  
7           A       Well, it took a long time. I can't remember. I  
8 just remember it taking a very long time.  
9           Q       Was it more than one day?  
10          A       Yes.  
11          Q       More than two days?  
12          A       Yes.  
13          Q       More than three?  
14          A       I can't remember past two.  
15          Q       Okay. When you arrived you said you went to a home  
16 on Trish Lane; is that right?  
17          A       Yes.  
18          Q       Okay. And this was the home that was owned by Miss  
19 Ann -- or this was Miss Ann's home; is that correct?  
20          A       Yes.  
21          Q       And Shakira -- isn't that her name, Shakira?  
22          A       Yes.  
23          Q       Shakira was there; isn't that right?  
24          A       Yes.  
25          Q       And she's about your age, isn't she?

1           A     Yes.

2           Q     And you lived in that home with Shakira.  You and  
3 Shakira shared a room?

4           A     Yes.

5           Q     And --

6           A     No, we didn't -- we didn't share a room.  I live --  
7 I stayed -- me and my siblings and my mother stayed at a room  
8 next to hers.  We didn't stay in the room that --

9           Q     Okay.  Have you ever shared a room with Shakira?

10          A     Not that I can remember.

11          Q     Okay.  But it is possible that you did, you just  
12 don't remember it?

13          A     No.

14          Q     So you and your siblings and your mom stayed in one  
15 room; is that correct?

16          A     Yes.

17          Q     And Miss Ann had her own room?

18          A     Yes.

19          Q     And Shakira had her own room?

20          A     Yes.

21          Q     And Ann's mother lived there; is that right?

22          A     Yes.

23          Q     And did she have her own room?

24          A     Miss Ann's mother stayed in the room with Shakira.

25          Q     Shakira?

1           A     Shakira.

2           Q     Okay. Was anybody else in the house?

3           A     No.

4           Q     Okay. And so you left after Christmas. We

5 established that; is that right? You left after Christmas?

6           A     I don't understand the question.

7           Q     You left Louisiana after Christmas of 2004; is that

8 right?

9           A     Yes.

10          Q     And it took a few days to get her; is that correct?

11          A     Yes.

12          Q     Do you know if you arrived after the first of the

13 year?

14          A     No.

15          Q     Okay. How soon after you arrived did your mother

16 get a job, or was she already working prior to your arrival?

17          A     She didn't have a job when we got there.

18          Q     But she obtained some sort of employment right after

19 you got there?

20          A     A minute after we got there.

21          Q     When you say a minute, why don't you explain what

22 that means.

23          A     Maybe a couple months after she got there.

24          Q     So within a couple of months she got a job?

25          A     Yes.

1 Q Okay. So sometime maybe in February or March?

2 A I can't remember what month. I just know that after  
3 a couple months she got a job.

4 MS. ALLEN: Okay. Your Honor, Court's indulgence  
5 for a minute.

6 (Pause in the proceedings)

7 MS. ALLEN: Thank you. I apologize, Your Honor.

8 BY MS. ALLEN:

9 Q Okay. And you -- so your mom got a job. Do you  
10 know where she was working?

11 A She was working at -- at Jason's Deli.

12 Q Okay. Now, the first time that anything -- that you  
13 describe anything happening with Fred, you said that it  
14 happened in the month of January; is that correct?

15 A Yes.

16 Q Do you know how many days that you were here before  
17 that happened?

18 A I don't understand the question.

19 Q How many days had you been Las Vegas before the  
20 incident with Fred at his apartment?

21 A We had been in Vegas for probably about three weeks.

22 Q So about three weeks you'd been here; is that  
23 correct?

24 A Yes.

25 Q And your mom wasn't working yet; is that right?

1           A     Yes.

2           Q     And --

3           A     No, it's not right. It's not right. Because I

4 remember -- I remember Fred dropping my mom off and us staying

5 at Fred's house.

6           Q     Okay. A minute ago you said that your mom didn't

7 have a job for a couple of months. Do you recall testifying

8 that way?

9           A     I remember testifying that way.

10          Q     Just a couple minutes ago; is that correct?

11          A     Yes.

12          Q     Okay. But now your testimony is, oh, wait, my mom

13 did have a job; is that right?

14          A     Yes.

15          Q     Okay. So you remember Fred picking all of you up

16 from the Trish Lane home; is that right?

17          A     Yes.

18          Q     Okay. And you went to Fred's apartment; is that

19 correct?

20          A     Yes.

21          Q     Okay. And you said everybody was sick.

22          A     Yes.

23          Q     Your mom, your brother, and all the girls, the four

24 -- the four of you; is that right?

25          A     Yes.

1 Q Was Fred sick?

2 A No.

3 Q And you said everybody went into Fred's bedroom and  
4 fell asleep.

5 A Yes.

6 Q And when you woke up no one else was there but --  
7 you were alone in the room; is that right?

8 A Yes.

9 Q All right. What do you remember about the room?

10 A I remember a big huge TV in the room.

11 Q Okay.

12 A I remember one bed. I remember a closet. I  
13 remember this big lamp, light-up tree thing. I don't even  
14 know what it is.

15 Q So he had a tree in his room?

16 A It wasn't even a tree. It was a big -- it was  
17 something that -- it was lit up like a -- light which sticks  
18 out the bottom.

19 Q Okay. Was there any windows?

20 A There was a window.

21 Q Any doors?

22 A There's a door.

23 Q Okay. Where did the door lead? If you walked out  
24 the door from Fred's -- this room, where would it lead into?  
25 What would it go to?

1           A     It would go out of the room into the living room.

2           Q     Okay. Was there a bathroom in there?

3           A     I can't remember.

4           Q     All right. How many times did you go to Fred's

5 apartment?

6           A     Once.

7           Q     Okay. So this one -- this is the one and only time

8 that you went to Fred's apartment?

9           A     Yes.

10          Q     Okay. You said you woke -- when you woke up were

11 you on the floor, or were you on the bed?

12          A     I was on the bed.

13          Q     All right. And were you covered? Were you under

14 blankets, was the bed -- there was no sheets?

15          A     I was not covered.

16          Q     You were not covered?

17          A     No.

18          Q     Okay. And was anybody else in the room, or were you

19 totally by yourself?

20          A     I was totally by myself. And I woke up, and he had

21 just walked through the door.

22          Q     He'd just walked through the door; correct?

23          A     Yes.

24          Q     And this is the door that leads to the living room?

25          A     I don't understand your question.

1 Q You said he walked through the door; is that right?

2 A Yes.

3 Q A moment ago you said the door -- the only door from

4 this room led out to the living room. So did he come in that

5 door that you were describing a moment ago?

6 A Yes.

7 Q And what was he wearing?

8 A I cannot remember what he was wearing.

9 Q Okay. Was he clothed, or was he naked?

10 A I just remember him coming through the door and him

11 having his penis out. That's all I remember.

12 Q Okay. So you remember that his penis was sticking

13 out of his pants?

14 A Yes.

15 Q Okay. And he walked up to you when you were laying

16 on the bed; is that right?

17 A Yes.

18 Q Okay. And how were you laying on the bed?

19 A I was laying like this. Because the dashboard was

20 facing this way --

21 Q The dashboard?

22 A The dashboard was facing this way, like, and I was

23 laying on this side of the bed.

24 Q Okay. Is the bed a square?

25 A The bed is a square. Like this is the bed, and I'm



1    laying like this.

2           Q     Okay.  So are you in -- you're in the middle of the  
3   bed?

4           A     Yes.

5           Q     Okay.  And there's -- is there a pillow?

6           A     There's a pillow.

7           Q     Okay.  And is your head on the pillow?

8           A     Of course.  Yes.

9           Q     Okay.  And you said there's no covers on you; is  
10   that right?

11          A     Right.

12          Q     And you said the dashboard was behind you?

13          A     Yes.

14          Q     All right.  And you see Fred walk in?

15          A     Yes.

16          Q     Where's the door in relation to the bed?

17          A     The door is -- here's the bed, there's the door.

18          Q     Okay.  So the bed is in the center of the room, is  
19   that correct, and the door is in front of you?  Is that right?

20          A     Yes.

21          Q     Okay.  So describe to me again what happened with  
22   Fred.

23          A     I asked -- he came in, and I asked him, where's my  
24   siblings.  And he said they was at the park, downstairs.  He  
25   was at the park.

1 Q Okay. Go ahead.

2 A And Fred walked up to me and he grabbed my hand.

3 And I was trying to pull away from him, and he told me that I

4 needed to stop struggling or else he's going to beat me.

5 Q Okay.

6 A And he told me that I wasn't to tell anybody what

7 happened and if I did that he was going to hurt me.

8 Q Okay. You remember that I had -- back in May -- no,

9 I apologize. June of 2013 that I questioned you about all of

10 this stuff. Do you recall that?

11 A Yes.

12 Q The experience that you had in Fred's apartment was

13 -- would you describe it as startling to you?

14 A I had never been touched -- I had no idea what his

15 intention was. I had never been taught about the situation.

16 Q So what I asked you was, though, Victoria, was would

17 you -- did you find that experience a bit startling?

18 A Yes.

19 Q Okay. So your testimony is that none of that had

20 ever happened to you before; is that right?

21 A Yes.

22 Q Okay. And so the events that day, do they tend to

23 be pretty clear in your mind because nothing like that had

24 ever happened before?

25 A When --

1 Q I'm just asking if the events that day in 2005, do  
2 they tend to be fairly clear in your mind because nothing like  
3 that had ever happened before?

4 A Yes.

5 Q Okay. So you have a very good recollection of those  
6 events; that's correct?

7 A Yes.

8 Q Okay. Do you recall me asking you back in June last  
9 year if you recalled the date or when this happened? Do you  
10 recall me asking you that question?

11 A No.

12 Q Okay. And if you don't remember the question, you  
13 probably don't remember the response; is that correct?

14 A (No audible response)

15 Q You have to answer out loud.

16 A It depends on -- I really don't understand what  
17 you're saying. Depends on the question that you asked.

18 Q Okay. Do you remember me asking you questions about  
19 the first instance that you describe with Fred, about over in  
20 his apartment in 2005? Do you remember that?

21 A Yes.

22 Q Okay. And do you remember me asking you those  
23 questions back in June of 2013?

24 A Yes.

25 Q Okay. Do you remember me asking you do you remember

1 when that was? Do you remember I specifically asked you when  
2 that happened. Do you remember that?

3 A Yes.

4 Q Do you remember your response?

5 A I remember responding to saying that it happened in  
6 January of 2005.

7 Q Okay. Just --

8 MS. ALLEN: And I'm going to ask to approach in a  
9 moment, Judge.

10 BY MS. ALLEN:

11 Q Before coming to testify here today did the State,  
12 either Ms. Rhoades or Ms. Luzaich, give you a copy of your  
13 statements that you've made to Metro, the ones that are  
14 sitting in front of you? Did they give you a copy of those?

15 A (No audible response)

16 Q You're shaking your head. I need you to answer out  
17 loud, please.

18 THE COURT: Can you say yes or no.

19 THE WITNESS: No.

20 BY MS. ALLEN:

21 Q So you haven't reviewed those statements that are  
22 sitting in front of you at all; is that correct? Not those --  
23 that exact statement, but you haven't reviewed any of the  
24 statements that you've made to the police?

25 THE COURT: I think the question is have you

1 reviewed any --

2 Is that correct?

3 -- any statements that you've given in this case  
4 prior to coming to court today in preparation to testify.

5 Is that accurate?

6 MS. ALLEN: Yes. I apologize, Your Honor. Yes.

7 THE COURT: That's okay.

8 BY MS. ALLEN:

9 Q Victoria, you keep looking at --

10 THE COURT: Can you answer that?

11 THE WITNESS: Yes.

12 THE COURT: Okay. Do you understand my question?

13 THE WITNESS: No, I don't. I don't understand.

14 THE COURT: Okay. Prior to coming to testify today  
15 did you review any statements that you gave in this case in  
16 preparation for your testimony?

17 THE WITNESS: Yes.

18 THE COURT: Okay.

19 BY MS. ALLEN:

20 Q Okay. So you have reviewed statements prior to  
21 coming in here today; is that correct?

22 A (No audible response)

23 Q Ms. Duke, you keep looking over at Kristina Rhoades.  
24 Do you need a break to -- I'm wondering. Every time I ask you  
25 a question you're looking over there at her.

1           THE COURT: Victoria, remember I said if you need a  
2 break you need to let me know. Are you okay?

3           THE WITNESS: I do need a break.

4           THE COURT: You do need a break. Okay.

5           During this recess --

6           Thank you, Ms. Allen --

7           During this recess you're admonished not to talk or  
8 converse amongst yourselves or with anyone else on any subject  
9 connected with this trial, or read, watch, or listen to any  
10 report of or commentary on the trial or any person connected  
11 with this trial by any medium of information, including,  
12 without limitation, newspapers, television, the Internet, or  
13 radio, or form or express any opinion on any subject connected  
14 with this trial until the case is finally submitted to you.

15           You're further admonished you may not communicate  
16 with anyone, including your fellow jurors, about this case on  
17 your cell phone, email, Blackberry, iPhone, text messaging,  
18 Twitter, through any blog or Website, through any Internet  
19 chat room or by way of any other social networking Website,  
20 including, but not limited to, Facebook, MySpace, LinkedIn,  
21 and You Tube.

22           Thank you very much. You're excused until the  
23 marshal tells you we'll be back in session. It'll be at least  
24 15 minutes.

25                           (Jury recessed at 12:16 p.m.)

1 (Pause in the proceedings)

2 THE COURT: Do you want Victoria in here?

3 MS. ALLEN: No, I don't -- I mean, obviously I would  
4 ask her to be admonished not to speak to the jury or anybody,  
5 including the State. Not that I don't trust the State. I  
6 know that they're above reproach.

7 THE COURT: Okay. Victoria, you can step out. You  
8 know you have to be back in 15 minutes, so you can take a  
9 break. And, Victoria, you know that you can't communicate  
10 with the jurors; right?

11 THE WITNESS: Yes.

12 THE COURT: So if you have to go to the bathroom, up  
13 one floor, down one floor. It's your choice, okay.

14 MS. LUZAICH: And just for the record, Judge, our  
15 advocate, Felicia Hernandez, is with Victoria --

16 THE COURT: Okay.

17 MS. LUZAICH: -- and stays with her throughout.

18 (Witness exited courtroom at 12:18 p.m.)

19 THE COURT: She has left the courtroom. The jury is  
20 gone. I know you wanted to approach, so let's just do it now.

21 MR. MacARTHUR: She meant the witness. Before she  
22 approached the witness.

23 MS. ALLEN: Oh. Approach the witness.

24 THE COURT: Oh. I thought you said in a minute I'm  
25 going to approach. And I said, sure.

1 MS. ALLEN: I meant her. I'm sorry.

2 THE COURT: Who does she keep looking at?

3 MR. MacARTHUR: Kristina Rhoades.

4 I'm not saying you're looking.

5 MS. ALLEN: She's looking over here. Every time I

6 ask her a question she looks over here.

7 MS. RHOADES: I think she's confused by the

8 question. What she was given was the preliminary hearing

9 transcripts, not her statement. So I think she just doesn't

10 know what you're --

11 THE COURT: Okay. So the State gave her her

12 preliminary hearing transcripts?

13 MS. RHOADES: Right.

14 THE COURT: But you didn't give her anything else?

15 MS. RHOADES: Not for this trial, no.

16 THE COURT: Okay. Then you can do with that what

17 you may and --

18 Oh. I know I wanted to ask you guys. I got this

19 order. Did you see it, Ms. Allen? Because it was prepared by

20 the State.

21 MS. ALLEN: I did.

22 MS. LUZAICH: It's a stip and order --

23 THE COURT: You signed it.

24 MS. LUZAICH: Well, for the record, there's a stip

25 and order that has all those Eperson [phonetic] conditions,



1 and then the other order is just you, the Court, ordering CPS  
2 to turn those photos over. And then Ms. Allen signed and I  
3 signed a stip and order of all the things that she can and  
4 can't do with it.

5 THE COURT: Okay.

6 MS. LUZAICH: And then when she's done she'll return  
7 it to the State.

8 THE COURT: But you know what you can and can't do  
9 now; right?

10 MS. ALLEN: Oh, no, no. I understand. I'll look at  
11 them. And, honestly, my policy is to return it to the State.

12 MS. LUZAICH: That's fine. And I actually have the  
13 disk here. They shouldn't have, but they gave it to me  
14 because the Court had indicated that it was imminent. So I'm  
15 going to hand it to her. And then I'll get these filed.

16 THE COURT: Okay. The order's been signed.

17 MS. LUZAICH: Thank you.

18 THE COURT: It's going to be filed with the clerk,  
19 so you can go ahead and turn it over.

20 And remember, your client's not allowed --

21 MS. ALLEN: Oh, no. Those aren't -- those are never  
22 produced to anyone, huh-uh.

23 (Proceedings 12:20 p.m. thru 12:37 p.m. transcribed  
24 under separate cover, filed under seal)

25 (Court recessed at 12:37 p.m., until 12:58 p.m.)

1 (Jury is present)

2 THE COURT: Do I have a stipulation from the defense

3 to the presence of the jury panel?

4 MS. ALLEN: Yes, Your Honor.

5 THE COURT: The State?

6 MS. LUZAICH: Yes.

7 THE COURT: Okay. We can bring Victoria back in,

8 and the defense may continue with their cross.

9 MS. ALLEN: Your Honor, how long can I anticipate

10 going?

11 THE COURT: I'm sorry?

12 MS. ALLEN: How long would I anticipate before we

13 break?

14 THE COURT: Let me talk to Pam to see how long it's

15 going to take, because I'll let you go all the way up until

16 it's here.

17 MS. ALLEN: Thank you. I appreciate it. May I

18 proceed?

19 THE COURT: Uh-huh.

20 MS. ALLEN: Oh. Thank you.

21 CROSS-EXAMINATION (Continued)

22 BY MS. ALLEN:

23 Q Okay. Victoria, are you -- are you doing better,

24 ready to proceed?

25 A Yes.

1           Q     Okay. I was asking you some questions about I  
2 believe what paperwork you had received to prepare for  
3 testifying today. Do you remember me asking you those  
4 questions?

5           A     Yes.

6           Q     And then the Judge asked you some questions;  
7 correct?

8           A     Correct.

9           Q     Okay. Did you in fact receive the preliminary  
10 hearing transcript to prepare to testify today?

11          A     Yes.

12          Q     Okay. Did you receive anything else?

13          A     No.

14          Q     Okay. The statements that are sitting in front of  
15 you with your name on it, do you recognize those? Have you  
16 seen them before?

17          A     Yes.

18          Q     Okay. Had you reviewed those not prior to today,  
19 but at some point in the last 11 months or 10 months? You  
20 have to answer out loud.

21          A     No.

22          Q     Okay. So you never actually read those statements?

23          A     No.

24          Q     Were you provided any like police reports or  
25 anything like that to prepare to testify?

1           A       I just got the preliminary -- I just got the paper  
2 you was talking about to prepare for court.

3           Q       The preliminary hearing transcript? You have to  
4 answer out loud.

5           A       Yes.

6           Q       Okay. All right. So going back to your testimony  
7 about the January of 2005, okay, this is -- you recall  
8 testifying about that; is that right?

9           A       What did you -- I'm sorry. I did not understand  
10 your question pacifically.

11          Q       Okay. You recall testifying a few moments ago about  
12 the incident January of 2005; is that correct?

13          A       Yes.

14          Q       You provided testimony about it yesterday and today;  
15 is that correct?

16          A       Yes.

17          Q       Okay. And you were very specific yesterday and  
18 today that it happened in January of 2005; is that correct?

19          A       Yes.

20          Q       Okay. You had been out in Las Vegas less than a  
21 month when it happened; is that accurate?

22          A       Yes.

23          Q       Okay. Prior to this incident occurring in January  
24 with Fred at his apartment had -- had you been physically  
25 abused by anybody in Las Vegas?

1           A     I don't understand the question.

2           Q     Had anybody hit you?

3           A     I don't understand your question by date.

4           Q     Okay. You said that in January 2005, somewhere

5 towards the end of January 2005 this incident with Fred

6 occurred; is that right?

7           A     Yes.

8           Q     Okay. Prior to that incident while you were in Las

9 Vegas -- so after you left Louisiana, but prior to that

10 incident, so in the month of January, right, had anybody hit

11 you or beat you?

12          A     Yes.

13          Q     Who would that be?

14          A     Fred.

15          Q     Okay. Do you recall the first time he beat you?

16          A     I can't remember what date. I just know that it was

17 over a candy bar that was in the 'frigerator.

18          Q     Okay. And where did he beat you?

19          A     In the kitchen.

20          Q     What house?

21          A     Inside the Trish Lane house.

22          Q     All right. And who was there?

23          A     It was my siblings and Fred.

24          Q     Anyone else?

25          A     Miss Ann was there, but she wasn't in the kitchen.

1           Q     Okay.  And he -- so almost immediately on coming to  
2 Las Vegas -- is it fair to say almost immediately coming to  
3 Las Vegas Fred started beating you?

4           A     Yes.

5           Q     Okay.  Was he beating anybody else at this time?

6           A     My siblings.

7           Q     He was beating them, as well?

8           A     Yes.

9           Q     All of them?

10          A     Yes.

11          Q     And this was all in January of 2005?

12          A     Yes.

13          Q     Okay.  Have you told anybody this prior to today?

14          A     I don't understand the question.

15          Q     Have you told anybody about Fred beating you and  
16 your siblings immediately upon arriving in Las Vegas?

17          A     Today?

18          Q     Have you told anybody else prior to today about Fred  
19 beating you and your siblings right when you came to Las Vegas  
20 in January of 2005?

21          A     Yes.

22          Q     Who else did you tell?

23          A     I can't remember their names.

24          Q     Okay.  So as you sit here today you can't remember  
25 who else you told about this; is that right?

1           A     I don't understand your question. I don't know if  
2 you mean when it first happened or today --

3           Q     Ever. Prior to you saying it today have you ever  
4 told anybody that it happened?

5           A     I remember making statements to the police just  
6 about to get ready for this event. That's it.

7           Q     For what event?

8           A     For going to court. That's --

9           Q     Okay. Do you recall -- you recall testifying in  
10 June of 2013, is that right, at the preliminary hearing?

11          A     Yes.

12          Q     Okay. Did you testify on that day that you and your  
13 siblings were being beaten in January of 2005?

14          A     I didn't -- I didn't make any statements that I can  
15 remember about that date of us being beaten in 2005.

16          Q     Okay. So this is the first time you've testified to  
17 it under oath; is that correct?

18          A     Yes.

19          Q     Okay. You keep, again, looking at the prosecution  
20 table.

21          A     I'm not necessarily looking at her. I'm looking  
22 into space.

23          Q     Okay. All right. So you also recall, then, back in  
24 June of 2013 when you testified at the preliminary hearing  
25 that I asked you questions about this incident in January of

1 2005? Do you remember that, me asking you questions?

2 A Can you repeat the question, please.

3 Q Do you recall in June of 2013 that I questioned you

4 regarding the incident in January of 2005?

5 A Yes.

6 Q Okay. And I asked you a number of questions about

7 it; is that correct?

8 A Yes.

9 Q Okay. And I asked you a question specifically do

10 you remember when it was. You remember me asking you that

11 question?

12 A Yes.

13 Q And do you remember what your answer was?

14 A Yes.

15 Q What was it?

16 A In January of 2005.

17 Q Okay. So your testimony today is that in June of

18 2013 you gave the same answer; is that correct?

19 A Yes.

20 MS. ALLEN: Okay. Your Honor, may I approach?

21 THE COURT: You may.

22 MS. ALLEN: Page 8.

23 BY MS. ALLEN:

24 Q And you've reviewed this preliminary hearing

25 transcript; is that correct?



1 A Yes.

2 Q Okay. So you've read it?

3 A Yes.

4 Q Okay. Once, twice, how many times?

5 A This?

6 Q The preliminary hearing transcript.

7 A Yes.

8 Q How many times have you read it?

9 A Twice.

10 Q Okay. If I could refer you to this question that's

11 highlighted, and the answer, and the next question and answer.

12 If you could read that, please.

13 Have you finished reading that?

14 A No, not yet.

15 Q Okay.

16 A I'm done.

17 Q Okay. So you've had a review that?

18 A (No audible response)

19 Q Okay. And I'm going to ask you to follow along with

20 me and tell me if this is correct, okay. "When was the first

21 incident that you described with Fred? Do you remember when

22 that was?" And that was the question I asked you; is that

23 correct? Did I read that correctly?

24 A Uh-huh.

25 Q You have to answer out loud.

1           A     Yes.

2           Q     Okay. And your answer was, "No." Did I read that  
3 correctly?

4           A     You read that correctly.

5           Q     And then the next question, "You don't remember the  
6 date?" Did I read that correctly? You have to answer out  
7 loud.

8           A     Yes.

9           Q     Okay. And your answer is, "No." Is that correct?

10          A     I don't remember saying --

11          Q     All I'm asking you is if I read that correctly,  
12 Victoria. Did I read that correctly?

13          A     You read that correctly.

14          Q     Okay. The next question I asked you then I think  
15 was do you remember how old you were. And you didn't remember  
16 that, either. At least that was your testimony back in June  
17 of 2013; is that right?

18          A     Yes.

19          Q     Okay. Do you recall back in June of 2013 I asked  
20 you how long that you had been in Las Vegas when this  
21 happened? Do you remember me asking you that question back in  
22 2013?

23          A     Yes.

24          Q     Do you recall what your answer was?

25          A     January 2005.

1 Q Okay. That's the answer you recall giving?

2 A Yes.

3 MS. ALLEN: Page 9.

4 May I approach?

5 THE COURT: You may.

6 BY MS. ALLEN:

7 Q If I could have you read up here, that question and  
8 answer.

9 A I'm done reading.

10 Q I'm sorry. What?

11 A I'm done reading the paper.

12 Q Okay. And I need you to tell me if I'm reading this  
13 correctly. "Okay. Do you remember how long it was that you'd  
14 been in Las Vegas when it happened?" That was the question I  
15 asked you; is that right? Did I read it correctly?

16 A Yes.

17 Q And your answer was, "No"; is that correct? Is it  
18 correct on the page? Am I reading it correctly?

19 A Yes.

20 Q Okay. That's the answer that you gave back in June  
21 of 2013; is that correct?

22 A Yes.

23 Q Okay. And you don't recall in June of 2013 saying  
24 that Fred had beaten you and all your siblings in January of  
25 2005 prior to this incident in his apartment; is that correct?

1           A     I don't understand the question.

2           Q     Okay. You don't remember testifying in June of 2013  
3 about him beating you in January of 2005; is that correct?

4           A     I don't understand the question pacifically.

5           Q     Okay. All right. I'll tell you what, I'll move on.  
6                 In May of -- and let me backtrack just a moment.  
7                 So when you get here in January does your mom  
8 immediately enroll you in school?

9           A     No.

10          Q     Who enrolls you in school?

11          A     We didn't get enrolled immediately.

12          Q     Okay. When did you get enrolled in school?

13          A     I can't remember.

14          Q     Okay. Did you go to school at all between January  
15 of 2005 and May of 2005 when you left for Utah?

16          A     I remember we started school, but I don't remember  
17 what day we started.

18          Q     Okay. So you do remember attending a school during  
19 that period of 2005 when you lived in Las Vegas; is that  
20 right?

21          A     Yes.

22          Q     Okay. Do you remember who enrolled you in school?

23          A     No.

24          Q     Could it have been Miss Ann?

25          A     I'm not sure of the question.

1           Q     Could Miss Ann have been the one who enrolled you in  
2 school?  
3           A     I don't know.  
4           Q     Okay. In May of 2005 you left for Utah; is that  
5 right?  
6           A     Yes.  
7           Q     And do you remember when in May you left?  
8           A     What was the question?  
9           Q     Do you remember when in May that you left?  
10          A     No.  
11          Q     Do you remember how long it took you to get to Utah?  
12          A     No.  
13          Q     Okay. Were you -- were you told that you were going  
14 to Utah?  
15          A     No.  
16          Q     Do you recall just being picked up from school and  
17 being driven to Utah?  
18          A     Yes.  
19          Q     Okay. No one had forewarned you you were leaving  
20 Las Vegas; is that right?  
21          A     Right.  
22          Q     Okay. When you were picked up from school were you  
23 picked up in a mini van that you had testified to earlier?  
24          A     Yes.  
25          Q     And who was in the car when you got into it?

1           A     My mom and my siblings and a lady.

2           Q     Okay. And did you know the lady?

3           A     No.

4           Q     Okay. Did you come from Louisiana to Las Vegas with

5 any stuff, clothing, anything?

6           A     Yes.

7           Q     So you had suitcases that you brought out from

8 Louisiana?

9           A     I don't -- I can't remember what it is. I just know

10 we brought our clothes.

11          Q     Okay. So you had your clothes with you.

12          A     Yes.

13          Q     When you went to Utah did you take the same clothes

14 with you?

15          A     I don't understand the question.

16          Q     When you left from Las Vegas to go to Utah did you

17 take the same clothes with you, the clothes that you had

18 coming from Louisiana?

19          A     Yes.

20          Q     Okay. And you didn't pack those up, did you?

21          A     No.

22          Q     Someone else did?

23          A     Yes.

24          Q     Okay. When you went to Utah did you immediately

25 move into an apartment?

1           A     Yes.

2           Q     Okay. And you and your siblings and your mom; is  
3 that right?

4           A     Yes.

5           Q     Okay. And very shortly thereafter your mother had a  
6 baby; is that correct?

7           A     Yes.

8           Q     And gave the baby up for adoption?

9           A     Yes.

10          Q     Okay. Do you recall when the baby was born?

11          A     July 19th, 2005.

12          Q     Okay. Were you there when the baby was born?

13          A     No.

14          Q     Okay. Did you ever even see the baby?

15          A     One time.

16          Q     Did the baby -- the baby never came home; is that  
17 correct?

18          A     Correct.

19          Q     Okay. During this time frame in Utah from May of  
20 2005 to let's say the end of November of 2005 were you  
21 attending school and doing -- were you attending school?

22          A     Yes.

23          Q     Were your brother and all your sisters in school, as  
24 well?

25          A     Yes.

1 Q Was your mom working?  
2 A No.  
3 Q She wasn't working at all?  
4 A No.  
5 Q At some point did she obtain employ in Utah? Did  
6 she get a job?  
7 A No.  
8 Q Your mother never worked while you guys lived in  
9 Utah?  
10 A She worked at the -- a little bit before. Like in  
11 2006 she started working.  
12 Q But was that in Utah, or Las Vegas?  
13 A Utah.  
14 Q Okay. So your mother did get a job while you lived  
15 in Utah?  
16 A Yes.  
17 Q Okay. And you said it was in 2006?  
18 A Yes.  
19 Q Do you remember when?  
20 A No.  
21 Q What month do you remember that you were taken away  
22 -- CPS came and took you guys away from your mom?  
23 A December 2005.  
24 Q Do you know if there's any significance to the month  
25 of December for your mom? If you know.



1           A     For my mom?

2           Q     Uh-huh.  Yes.

3           A     It was Fred's birthday in December and that's why  
4 she left.

5           Q     Okay.  So in December of 2005, so almost exactly a  
6 year from Louisiana, is that right, she left again; is that  
7 correct?

8           A     Can you repeat the question.

9           Q     Sure.  So in December of 2005, almost exactly -- she  
10 left; right?  She left to come to see Fred for his birthday;  
11 is that right?

12          A     Yes.

13          Q     Exactly one year before that, in December of 2004,  
14 she had left around the same time; is that correct?

15          A     Yes.

16          Q     Okay.  How long was your mom in Las Vegas before CPS  
17 got involved with your family?

18          A     She was -- probably about two to three weeks.

19          Q     She had been -- so in December of 2005, when you  
20 were in Utah and she came out here, she was gone two to three  
21 weeks; is that right?

22          A     Yes.

23          Q     Okay.  And you knew her reason for coming was Fred;  
24 is that right?

25          A     Yes.

1 Q And you knew it was his birthday?

2 A Yes.

3 Q Okay. Did you have any contact with your mother in

4 this two to three week period in December of 2005?

5 A No.

6 Q Were you caring for the children?

7 A Yes.

8 Q Did you make sure that they got to school?

9 A Yes.

10 Q And had lunches and did all those things?

11 A Yes.

12 Q You were kind of the mother, weren't you?

13 A Yes.

14 Q Okay. Do you remember in June of 2013 testifying

15 that your mom was only gone for a week?

16 A Can you repeat the question.

17 Q Sure. Do you remember in June of 2013, when you

18 were testifying, I asked you a question how long your mom was

19 gone before CPS got involved? And do you recall that your

20 answer was a week?

21 A I can't remember.

22 Q Would it refresh your recollection to look at a copy

23 of the preliminary hearing transcript?

24 A It wouldn't help me.

25 Q It wouldn't?

1           A     No.

2           Q     Okay. All right. Do you need another break?

3           A     No, I'm cool.

4           THE COURT: Can we get you something to drink?

5           THE WITNESS: No.

6           THE COURT: Okay.

7           MS. ALLEN: Thank you.

8 BY MS. ALLEN:

9           Q     Okay. So you don't -- it wouldn't help you to

10 refresh your recollection, to be able to read how you

11 testified in June of 2013?

12          A     No.

13          Q     Okay. How long were you and your brother and

14 sisters in foster care in Utah?

15          A     From December of 2005 to June of 2006.

16          Q     Okay. And you didn't all live together; is that

17 right?

18          A     No.

19          Q     You guys were all separated in different homes?

20          A     Yes.

21          Q     You certainly missed them at this time, didn't you?

22          A     Yes.

23          Q     Did you blame Fred for this?

24          A     I blamed my mother.

25          Q     You blamed your mother? You didn't blame Fred?

1           A       No.

2           Q       Your mom coming to Las Vegas to see Fred, it made  
3 you angry, didn't it?

4           A       What does that have to do with it?

5           Q       Your mom coming to Las Vegas?

6           THE COURT:   Okay.   Just so you know, Victoria, she  
7 gets to ask the questions, and you get to answer them, okay.  
8 You don't get to ask her questions.   Do you understand that?

9           THE WITNESS:   (No audible response)

10          THE COURT:   Is that a yes?

11          THE WITNESS:   Yes.

12          THE COURT:   Okay.   Are you okay?

13          THE WITNESS:   I'm fine.   I'm okay.   I'm okay, Your  
14 Honor.

15          THE COURT:   I'm sorry.   I can hardly hear you.

16          THE WITNESS:   I'm okay, Your Honor.

17          THE COURT:   Okay.   And you can proceed?   Okay.   So  
18 just do your best to answer Ms. Allen's questions.

19 BY MS. ALLEN:

20          Q       Your mom coming to see Fred in December of 2005,  
21 that made you angry, didn't it?

22          A       It wasn't the fact that she went to go see him.

23          Q       The question -- I -- it's very -- it's a yes or no.  
24 Were you angry that your mother left to come see Fred in  
25 December of 2005?

1           A     I wasn't angry until we wound up in foster care.  
2           Q     Okay. So that made you angry; is that correct?  
3           A     Yes.  
4           Q     Okay. And this was the second time your mom had  
5 done this to you, is that right, sort of left you? Correct?  
6           A     Correct.  
7           Q     Exactly one year apart; is that right?  
8           A     Yes.  
9           Q     And both times it was to come to see Fred; is that  
10 right?  
11          A     Yes.  
12          Q     While you were in Utah you told -- you told people  
13 about what happened with Fred; is that right?  
14          A     Right.  
15          Q     Who did you tell?  
16          A     I told my best friend. I didn't -- and I told -- I  
17 really don't tell much of anybody.  
18          Q     Who was your best friend that you told?  
19                THE COURT: Just a minute.  
20                Can the jury hear? Okay. Because I can barely  
21 hear. So if -- the jury has to be able to hear you. Can you  
22 speak up.  
23                THE WITNESS: Yes.  
24                (Pause in the proceedings)  
25                MS. ALLEN: Okay. I apologize.

1 THE COURT: No. I'm just trying to see if maybe the  
2 handheld microphone --

3 MS. LUZAICH: I can put something bigger under the  
4 microphone to raise it up.

5 THE COURT: Okay. We can try that. Perfect.

6 And if the -- ladies and gentlemen, if you'll please  
7 raise your hand if you can't hear her, that'll be helpful to  
8 me.

9 Okay. Is that better, Victoria?

10 THE WITNESS: Yes.

11 THE COURT: Can the jury hear better?

12 JUROR NUMBER 10: Just a little bit, Judge.

13 THE COURT: Just a little bit.

14 JUROR NUMBER 10: If she leans forward, it would  
15 help.

16 THE COURT: Okay. Can you just -- there you go.  
17 You know what, you can put your purse right down on the  
18 ground, and then that'll help you be able to move the chair in  
19 closer. And pull that microphone as far back as you can.  
20 Okay. Thank you.

21 BY MS. ALLEN:

22 Q Okay. Are you ready to proceed?

23 A Yes.

24 THE COURT: Is that better? Okay. I'm getting a  
25 thumbs up. Okay.

1 BY MS. ALLEN:

2 Q Okay. So I asked you I think who you told in Utah.  
3 And you said you told your best friend; is that right?

4 A Yes.

5 Q Okay. What's your best friend's name in Utah?

6 A Shelisa [phonetic].

7 Q Shelisa. Okay. And did you go to school with her?

8 A No.

9 Q All right. How were you best friends? Did you live  
10 around each other?

11 A I met her through one of the agents that my mom  
12 spoke to, that my mom -- one of the agents that my mom -- it  
13 was a agent in the adoption agency.

14 Q Okay. So you told Shelisa; is that right?

15 A Yes.

16 Q Okay. And you didn't tell anybody else while you  
17 were in Utah?

18 A No.

19 Q Did you tell your mom what happened when you were in  
20 Utah?

21 A Yes.

22 Q Do you remember when you were testifying on direct  
23 examination you referred to talking to a therapist in Utah?

24 A Yes.

25 Q Okay. So you did talk to a therapist in Utah; is

1 that correct?

2 A Yes.

3 Q And was that in relation to CPS taking your -- you

4 and your brother and your sisters away from your mom?

5 A Yes.

6 Q Okay. So you talked to a therapist; is that

7 correct?

8 A Yes.

9 Q And you never told the therapist what happened?

10 A I told the therapist.

11 Q You did tell the therapist?

12 A Yes.

13 Q Okay. And what about the CPS workers that you were

14 involved with in Utah? Did you tell them?

15 A Yes.

16 Q Okay. How many of them did you tell?

17 A I can't remember.

18 Q Okay. And can you think of anybody else that you

19 may have told while you were there?

20 A We had a neighbor. The neighbor.

21 Q And you told the neighbor?

22 A (No audible response)

23 Q Is that a yes?

24 A Yes.

25 Q Okay. Do you know -- and this is only if you know.



1 Do you know if the therapist or any of the CPS workers did  
2 anything as a result of you telling them that?

3 A I can't remember.

4 Q Okay. Were you ever asked to give a statement to  
5 anybody, like a police officer in Utah?

6 A No.

7 Q Okay. Do you remember ever giving a statement to  
8 anybody that was recorded involving that incident with Fred?

9 A I can't remember.

10 Q And the CPS worker never asked for like a recorded  
11 statement or for you to write something out; is that correct?

12 A I can't remember.

13 Q Okay. Do you remember if your mother spoke with  
14 Fred when she lived in Utah? Or do you know? I should ask if  
15 you know. Do you know if your mom spoke with Fred?

16 A No.

17 Q You don't know?

18 A No.

19 Q Okay. Do you remember on direct examination that  
20 you said you knew your mom had maintained contact with him?

21 A I felt like she was maintaining contact because she  
22 was acting strange. She was staying on the phone like long  
23 hours, just like when we lived in Louisiana, the same stuff,  
24 doing the same things, acting the same way.

25 Q Okay. So you felt -- so you didn't know that it was

1 Fred, you just -- you thought maybe it was; is that right?

2 A Right.

3 Q Okay. And how long did you notice that your mom was

4 doing this, acting strangely? How long did that go on?

5 A I can't remember.

6 Q Did it happen the entire time that you were in Utah

7 with her?

8 A No.

9 Q Okay. When did you come back to living with your

10 mom?

11 A In June of 2006.

12 Q June of 2006. Okay. And you continued to live in

13 Utah; is that correct?

14 A Yes.

15 Q For another year?

16 A Yes.

17 Q Okay And did all of you come back to your mom's

18 house at the same time?

19 A Yes.

20 Q Okay. So you -- that was -- June of 2006 was the

21 first time that you were living back with your brother and

22 your sisters; is that right?

23 A Yes.

24 Q You had seen them, but you just didn't live with

25 them; is that correct?

1           A     Yes.

2           Q     Okay.  So you're living -- you live one year in  
3 Utah, and then in was it August of 2007 --

4           A     Yes.

5           Q     -- you were woken up in the middle in the middle of  
6 the night; is that correct?

7           A     Yes.

8           Q     And your mom had packed up some things to take with  
9 her; is that right?

10          A     Yes.

11          Q     And they were her things; is that correct?

12          A     Yes.

13          Q     Did your stuff come to Las Vegas from Utah?

14          A     Barely any of it.

15          Q     Okay.  So was it just the clothing that you had on?

16          A     Basically.

17          Q     Okay.  And when you got down to the car you realized  
18 it was Fred; is that correct?

19          A     I didn't know it was him.

20          Q     You didn't know it was him?

21          A     No.

22          Q     How long did it take you to figure out it was Fred?

23          A     I can't even remember how long.

24          Q     Okay.  How long -- it had been, what, a good two  
25 years since you had seen him; is that right?  You have to

1 answer out loud.

2 A Yes.

3 Q Okay. You didn't even remember who he was; is that  
4 right?

5 A I don't understand your question.

6 Q Okay. So in June of 2013 I asked you -- I was  
7 asking you questions about coming from Utah to Las Vegas. Do  
8 you remember me asking you those questions?

9 A Yes.

10 Q Okay. Do you remember me asking you specifically  
11 about getting in the car with Fred? You don't remember? You  
12 have to answer out loud.

13 A No, I don't remember.

14 Q Okay. And I asked you if you realized that Fred was  
15 there. And do you remember your response?

16 A No.

17 Q Okay. Would it refresh your recollection to look at  
18 preliminary hearing transcript?

19 A No.

20 Q It wouldn't refresh your recollection to be able to  
21 read that?

22 A No.

23 Q Okay. Is there something wrong with the preliminary  
24 hearing transcript?

25 A I don't understand your question.

1 Q Are you able to read it?

2 THE COURT: I don't know if she understands would it

3 refresh your --

4 MS. ALLEN: Okay.

5 THE COURT: Yes.

6 BY MS. ALLEN:

7 Q Would it help you if you could read what you

8 testified to? How about that?

9 A It would help.

10 MS. ALLEN: Okay. May I approach?

11 THE COURT: Yes.

12 MS. ALLEN: 27. Page 27.

13 THE COURT: Page 27. What date?

14 MS. ALLEN: This is June 11th of 2013.

15 THE COURT: June 11th.

16 BY MS. ALLEN:

17 Q Starting right here and all the way down.

18 Did you have a chance to read it?

19 A I read it.

20 Q Okay. Do you remember now the conversation that we

21 had in June of 2013?

22 A Yes.

23 Q Okay. So you remember that I asked you about

24 whether or not you realized Fred was there; is that correct?

25 A Yes.

1 Q Okay. And you didn't realize it was him until  
2 later; is that correct?

3 A Yes.

4 Q Okay. And I said -- and I asked you specifically,  
5 you didn't see him. Do you remember that?

6 A I remember.

7 Q And your answer was, "I haven't seen him in two and  
8 a half years. I didn't even remember who he was." Do you  
9 remember answering that way?

10 A Uh-huh.

11 Q You have to answer out loud.

12 A Yes.

13 Q Yes. Okay.

14 MS. LUZAICH: Objection, Your Honor. She answered  
15 -- she went on.

16 MS. ALLEN: I wasn't finished.

17 MS. LUZAICH: Okay.

18 MS. ALLEN: I'm not finished.

19 THE COURT: Okay. Go ahead, Ms. Allen.

20 MS. ALLEN: Thank you.

21 BY MS. ALLEN:

22 Q And then you continued talking. And do you remember  
23 what you said after that?

24 A No.

25 Q Okay. You said something about, "Like I knew who he

1 was, but I didn't remember what he looked like." Do you  
2 remember that? You have to answer out loud.

3 A No.

4 Q Okay. All right. At the time that you testified  
5 did you have -- in June 2013 was it your memory that you had a  
6 hard time remembering who Fred was?

7 A In 2013?

8 Q Uh-huh.

9 A I don't understand your question.

10 Q Okay. I'll move on.

11 So you come back to Las Vegas and your mom and Fred  
12 decide that you shouldn't be around the other kids; is that  
13 right?

14 A Correct.

15 Q Okay. They -- well, Fred -- specifically you  
16 testified that Fred thought you were a bad influence; is that  
17 correct?

18 A Yes.

19 Q Had you gotten into some trouble in the Trish Lane  
20 house in -- between January of 2005 and May of 2005?

21 A I can't remember.

22 Q Okay. Would you -- do you remember being -- do you  
23 remember ever being caught lying when you lived in that house  
24 by Miss Ann, Fred, or your mom?

25 A I never lied at that house. Every time I turned

1 around they would make assumptions that I had did something  
2 that I had not.

3 Q Okay. So you never -- you never lied; is that  
4 right?

5 A No.

6 Q Okay. Were you ever caught taking things out of the  
7 refrigerator --

8 A No.

9 Q -- and then blaming your siblings for it?

10 A No, I never did things like that.

11 Q You never did anything like that. In fact, you gave  
12 a voluntary statement to Detective Madsen saying that you  
13 thought Fred was taking things out of the refrigerator so he  
14 could blame you; is that right?

15 A Yes.

16 Q Okay. So is that your recollection then, today, is  
17 that Fred was taking things out of the refrigerator so he  
18 could blame you for things?

19 A Okay. Because why would we steal? We didn't steal.

20 Q Okay. And you specifically remember what things  
21 were being taken out of the refrigerator?

22 A Small stuff. Like candy bars, stuff that kids would  
23 like. But we didn't take it.

24 Q Okay. When you say we who do you mean?

25 A Me and my -- me, Taharah, Taquanda, and Shabazz.



1 Q Okay. All right. And you thought it was Fred, yes,  
2 so he could get you in trouble?

3 A Yes.

4 Q Do you remember being close with Shakira while you  
5 were living in the Trish Lane house?

6 A We wasn't all that close. We just talked every now  
7 and then. And I really didn't talk to her that much.

8 Q Okay. So you remember having conversations with her  
9 when you lived in that house?

10 A Every now and then.

11 Q Okay. Do you recall if you and Shakira would  
12 sometimes watch the younger kids?

13 A Yes.

14 Q Okay. And that happened in the Trish Lane house; is  
15 that correct?

16 A Yes.

17 Q Okay. Did you -- did you tell Shakira about what  
18 had happened with Fred in January 2005?

19 A No.

20 Q You never told Shakira that?

21 A No.

22 Q Okay. And who was Shakira, just to be clear?

23 A Miss Ann's daughter.

24 Q Okay. Not Fred's daughter; is that right?

25 A Right.

1 Q Okay. When you -- in August of 2007, when you were  
2 brought back to Las Vegas, you were very unhappy about being  
3 brought back here; is that right?

4 A Yes.

5 Q And less happy about the fact that it was to see  
6 Fred; is that correct?

7 A Correct.

8 Q In fact, you told Detective Madsen that you were  
9 sort of just getting used to be around your mom again; isn't  
10 that right?

11 A Right.

12 Q And then you're uprooted and sort of drug back to  
13 Las Vegas; is that correct?

14 A Correct.

15 Q And you were kind of angry about that?

16 A Yes.

17 Q And when you got back here they took you away from  
18 your siblings; is that right?

19 A Yes.

20 Q In the time between May of 2006 and July, end of  
21 July of 2007, when you were all living as a family, your mom  
22 and all your siblings, were you helping care for them?

23 A Yes.

24 Q Okay. Were you sort of the primary caregiver to  
25 those kids?

1 A Basically.

2 Q Okay. Your mom was working?

3 A Yes.

4 Q How old were you?

5 A Fourteen.

6 Q So you were 14 years old. All right. And you were

7 making sure they got to school?

8 A Yes.

9 Q And you were making sure they got lunches?

10 A Yes.

11 Q Okay. And fed?

12 A Yes.

13 Q All right. So when you got back here in August of

14 2007 you were angry that they wouldn't let you live with your

15 siblings, weren't you?

16 A Yes.

17 Q Would you -- well -- I apologize.

18 So in August of 2007 you -- do you remember exactly

19 when you came back? Was it the beginning of the month, the

20 end of the month?

21 A It was the beginning of the month.

22 Q Okay. Right after your birthday; is that right?

23 A Yes.

24 Q And how old did you turn that year?

25 A Fifteen.

1           Q     Okay.  And you came -- you came back here and  
2 immediately you went to Miss Dorothy's house; is that right?  
3 You and your mom?

4           A     Yes.

5           Q     Okay.

6           A     That's right.

7           Q     And everybody else went to the Blankenship home; is  
8 that correct?

9           A     Yes.

10          Q     And how long were you in Miss Dorothy's house before  
11 you moved again?

12          A     From August to September.

13          Q     So about a month?

14          A     Yes.

15          Q     Okay.  And it's in that month time period that you  
16 testified that something else happened with Fred; is that  
17 correct?

18          A     Yes.

19          Q     Okay.  And you previously stated, I believe, that --  
20 or let me ask you this.  Had he talked to you about it before  
21 -- before it actually happened?

22          A     Yes.

23          Q     How many times would you say he talked to you about  
24 it?

25          A     Once.

1 Q Just one time?

2 A Yes.

3 Q Okay. And where was that conversation?

4 A In front of Miss Dorothy's house in the car.

5 Q Okay. And what was -- you were told what was going  
6 to happen; is that right?

7 A Yes.

8 Q And how soon after that conversation did it actually  
9 happen?

10 A Within two weeks or three weeks.

11 Q Within two or three weeks. Okay. In this time  
12 period had you started school yet?

13 A No.

14 Q Okay. And what were you doing while you were at  
15 Miss Dorothy's house? What would you do during the day?

16 A Watch TV and draw and do whatever I was asked.

17 Q Okay. And your mom was there; is that right?

18 A Yes.

19 Q Did Miss Dorothy have a telephone?

20 A Yes.

21 Q Like a working telephone? You could actually call  
22 people on it?

23 A Yes.

24 Q Did -- did you see your siblings at all during this  
25 month?

1 A No.

2 Q Did you ask to see them?

3 A Yes.

4 Q And you were told no?

5 A Yes.

6 Q And it was your mom telling you no?

7 A Yes.

8 Q Okay. After -- and I'll come back to the incident

9 with Fred. But after leaving Miss Dorothy's house where did

10 you go?

11 A To -- I don't understand the question.

12 Q After you moved out of Miss Dorothy's house where

13 did you go?

14 A We moved into the -- this motel across the street on

15 Nellis, across the street from Walmart.

16 Q Okay. And how long were you there?

17 A From the end of September to the mid October.

18 Q And so not even a month; is that right?

19 A Yes.

20 Q Okay. Had your mom gotten a job in this time frame?

21 A Yes.

22 Q Okay. And she was working at Bally's; is that

23 right?

24 A Yes.

25 Q And was she working full time? Was she working a

1 lot?

2 A Yes.

3 Q Okay. And do you remember her getting up and like

4 putting on a uniform or --

5 A Yes.

6 Q Okay. And going to work?

7 A Yes.

8 Q Okay. And how long -- do you remember her being on

9 8 to 10 hours a day, 6 hours a day? How long do you remember

10 her being gone generally just during that time period?

11 A I remember her being gone from 8:00 in the morning

12 to about 5:00 at night.

13 Q Okay. And then she would come home?

14 A Yes.

15 Q All right. And was that -- did that happen at Miss

16 Dorothy's house?

17 A I can't remember.

18 Q Okay. But it happened at the motel or the hotel you

19 stayed in?

20 A Yes.

21 Q Okay. And then right after that you moved into

22 Walnut?

23 A Yes.

24 Q Okay. And was she working at Walnut, as well?

25 A She was working at Walnut.

1 Q At Bally's; is that correct?

2 A Yes.

3 Q Okay. And was it the same thing, that she would get

4 up and put a uniform on?

5 A Yes.

6 Q And she would leave?

7 A Yes.

8 Q Okay. Were you in school in -- this would have been

9 in like September of 2007?

10 A In September?

11 Q Did you start school that year?

12 A I started school, yes. I started school the 1st of

13 October.

14 Q You started, I'm sorry, when?

15 A I started school at the 1st of October.

16 Q Okay. Had school -- if you know, had school already

17 started?

18 A Yes.

19 Q Okay. So you had missed the very first day of

20 school; is that right?

21 A Yes.

22 Q Okay. And who enrolled you in school that year?

23 A My mom.

24 Q Your mom did? Okay. And do you remember what

25 school you attended?



1           A     Mojave.

2           Q     Okay.  You attended Mojave High -- is it a high  
3 school?

4           A     Yes.

5           Q     Okay.  Were you at Mojave High School that entire  
6 year?

7           A     No.

8           Q     Okay.  And at what point did you leave Mojave High  
9 School?

10          A     Mid October.

11          Q     Of what year?

12          A     2007.

13          Q     So you were only at Mojave High School for two  
14 weeks?

15          A     Approximately.

16          Q     And then where did you go?

17          A     To Desert Pines.

18          Q     Okay.  And how long were you at Desert Pines?

19          A     I was at Desert Pines from 2007 till the summer,  
20 till September 2008.

21                MS. ALLEN:  Okay.  Your Honor, I believe that --  
22 okay.  Defense Exhibit U has been stipulated to.  Do I want to  
23 stop there, or --

24                THE COURT:  Well, I just want to make sure.  Let me  
25 just check.

1           Okay. All right. At this time, ladies and  
2 gentlemen, we are going to recess for lunch. In an effort to  
3 kind of move it along I have asked my secretary to order you  
4 lunch. So the court marshal will take you back to the jury  
5 deliberation room, where you can have lunch. I just want to  
6 make sure you understand that you don't have to have lunch  
7 with us. I'm just doing this -- I mean, I can't imagine you  
8 don't want to have lunch together, okay, especially since it's  
9 free. But I had her order lunch so that we could, you know,  
10 take a shorter break. So we're going to break for an hour.  
11 But again I want to make sure you understand you don't have to  
12 eat lunch back there. And if you do decide you want to eat  
13 lunch back there, it is a secure hallway. The court marshal  
14 will be with you at all times. So if you want to leave, you  
15 just need to make sure that the court marshal knows, and he  
16 will be able to escort you out into the public area.

17           Is there anyone who doesn't want to have lunch? You  
18 don't want to?

19           JUROR NUMBER 12: Well, I have certain dietary  
20 restrictions. So I'm not sure what you ordered, so --

21           THE COURT: Okay. And you know what, you can let me  
22 know that. If you'll write that down -- and I apologize for  
23 not asking that; usually I do -- I will make sure that those  
24 dietary restrictions are adhered to. Do you want to find out  
25 first to see, or are you just so sure that we missed the boat?

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FREDERICK HARRIS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

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**APPELLANT’S APPENDIX TO THE OPENING BRIEF  
VOLUME XIV**

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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

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**CERTIFICATE OF SERVICE**

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court 17<sup>th</sup> 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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