



FILED

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

FEB 22 1 32 PM '13

THE STATE OF NEVADA,

JUSTICE COURT
LAS VEGAS NEVADA

Plaintiff

JP DEPUTY

CASE NO: 13F02924X

-vs-

DEPT NO: 3

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

Defendant.

CRIMINAL COMPLAINT

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

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

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

1 Defendant's conduct.

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

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

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

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

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

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

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

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

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

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

17 COUNT 7 - FIRST DEGREE KIDNAPPING

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

23 COUNT 8 - FIRST DEGREE KIDNAPPING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 COUNT 19 - SEXUAL ASSAULT

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

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

COUNT 20 - SEXUAL ASSAULT

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

COUNT 21 - OPEN OR GROSS LEWDNESS

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

COUNT 22 - OPEN OR GROSS LEWDNESS

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

COUNT 23 - FIRST DEGREE KIDNAPPING

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

COUNT 24 - FIRST DEGREE KIDNAPPING

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

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

3 COUNT 25 - PROMOTION OF SEXUAL PERFORMANCE OF MINOR

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

7 COUNT 26 - PROMOTION OF SEXUAL PERFORMANCE OF MINOR

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

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

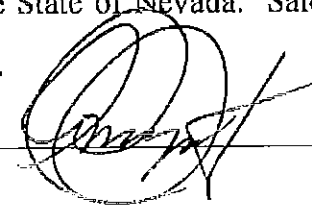
12 did on or between July 31, 2003 and September 26, 2012 then and there wilfully,
13 lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body,
14 or any part or member thereof, a child, to-wit: VICTORIA DUKE, said child being under
15 the age of fourteen years, by touching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

18 COUNT 28 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT

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

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

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27 13F02924X/cmj
28 LVMPD EV# 1209271444
(TK3)

2/22/2013 

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

FILED IN OPEN COURT
APR 29 2013

THE STATE OF NEVADA,

Plaintiff,

-vs-

FREDERICK HAROLD HARRIS JR.,
#0972945,

Defendant.

CLARK

CASE NO: 13F02924X

DEPT NO: 3

AMENDED

CRIMINAL COMPLAINT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 COUNT 16 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

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

24 COUNT 17 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

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

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

4 COUNT 18 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

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

11 COUNT 19 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

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

19 COUNT 20 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

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

26 //

27 //

28 //

1 COUNT 21 - FIRST DEGREE KIDNAPPING

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

10 COUNT 22 - FIRST DEGREE KIDNAPPING

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

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

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

25 //

26 //

27 //

28 //

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

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

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

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

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

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

26 //

27 //

28 //

1 COUNT 27 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE
2 did on or between July 31, 2003 and September 26, 2012 then and there willfully,
3 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child
4 under sixteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his
5 penis into the genital opening of the said VICTORIA DUKE, against her will, or under
6 conditions in which Defendant knew, or should have known, that the said VICTORIA
7 DUKE was mentally or physically incapable of resisting or understanding the nature of
8 Defendant's conduct.

9 COUNT 28 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE
10 did on or between July 31, 2003 and September 26, 2012 then and there willfully,
11 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child
12 under sixteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his
13 penis into the genital opening of the said VICTORIA DUKE, against her will, or under
14 conditions in which Defendant knew, or should have known, that the said VICTORIA
15 DUKE was mentally or physically incapable of resisting or understanding the nature of
16 Defendant's conduct.

17 COUNT 29 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE
18 did on or between July 31, 2003 and September 26, 2012 then and there willfully,
19 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child
20 under sixteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his
21 penis into the genital opening of the said VICTORIA DUKE, against her will, or under
22 conditions in which Defendant knew, or should have known, that the said VICTORIA
23 DUKE was mentally or physically incapable of resisting or understanding the nature of
24 Defendant's conduct.

25 COUNT 30 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE
26 did on or between July 31, 2003 and September 26, 2012 then and there willfully,
27 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child
28 under sixteen years of age, to sexual penetration, to-wit: digital penetration, by inserting his

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

5 COUNT 31 - SEXUAL ASSAULT

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

12 COUNT 32 - SEXUAL ASSAULT

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

19 COUNT 33 - OPEN OR GROSS LEWDNESS

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

23 COUNT 34 - OPEN OR GROSS LEWDNESS

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

27 //

28 //

1 COUNT 35 - FIRST DEGREE KIDNAPPING

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

7 COUNT 36 - FIRST DEGREE KIDNAPPING

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

13 COUNT 37 - PROMOTION OF SEXUAL PERFORMANCE OF MINOR

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

17 COUNT 38 - PROMOTION OF SEXUAL PERFORMANCE OF MINOR

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

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

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

28 //

1 COUNT 40 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT

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

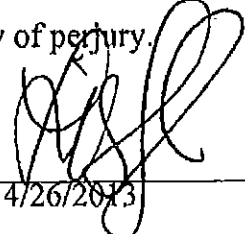
7 COUNT 41 - PANDERING

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

12 COUNT 42 - LIVING FROM THE EARNINGS OF A PROSTITUTE

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

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

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21 4/26/2013

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

Tran
CASE NO. 13F02924X
DEPT. NO. 3

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

-ooo-

STATE OF NEVADA,
Plaintiff,
vs.

FREDERICK HAROLD HARRIS, JR.,
Defendant.

ORIGINAL

Case No. 13F02924X

13F02924X
RTP
Transcript of Proceedings
2595962



REPORTER'S TRANSCRIPT

OF

EXCERPT OF PROCEEDINGS

BEFORE THE HON. JANIECE MARSHALL
JUSTICE OF THE PEACE

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

APPEARANCES:

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

For the Defendant: BETSY ALLEN, ESQ.

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

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

1 LAS VEGAS, CLARK COUNTY, NV, TUESDAY, JUNE 11, 2013
2 1:00 p.m.
3 -oOo-

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

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

9 Q. Do you know Fred's family?

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

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

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

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

18 A. Yes.

19 Q. Okay. And do you know her name?

20 A. I forgot.

21 Q. Okay. Do you know his daughter?

22 A. No.

23 Q. You don't know her.

24 A. I never met her.

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

1 A. Yeah, because he told me he did.

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

4 A. Yes.

5 Q. Do you remember when he told you that?

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

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

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

14 MS. GREEN: She's lying.

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

18 MS. GREEN: Watch.

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

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

23 MS. LUZAICH: Can we take a break.

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

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

3 THE COURT: How do you want to
4 proceed?

5 MS ALLEN: Are we back on the record?

6 THE COURT: Yes.

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

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

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

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

10 THE COURT: I understand.

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

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

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

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

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

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

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

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

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

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

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

14 (End of excerpt of proceedings.)
15
16
17
18
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20
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22
23
24
25

AFFIRMATION

Pursuant to NRS 239B.030:

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

Dated this 11th day of June, 2013.

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

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

REPORTER'S CERTIFICATE

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

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

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

/s/ Cheryl Gardner

CHERYL GARDNER, RMR-RPR, CCR 230

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

☐ Courtesy Copy

**LAS VEGAS JUSTICE COURT
CLARK COUNTY, NEVADA**


Clerk's Initials

DATE: 2-22-13

DEPT #: 3

JUDGE: Maj

CUSTODY STATUS

NAME: Harris Jr, Fredrick H

CASE #: 13FO2924X

DEFENDANT'S ID#: 972945

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

Other: _____

☐ Remand on all Counts

☐ Remand on Counts _____

☐ Remand (NLVDC/HDC Billing Purposes) _____

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

☐ Contempt of Court

_____ Days with _____ Days CTS

☐ Concurrent ☐ Consecutive

To Case# _____

☐ Concurrent ☐ Consecutive ☐ Case# _____

☐ Specific CTS _____ Days

☐ (1) CTS, this case, this lodging

☐ (2) Total CTS, this case, all lodgings

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

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

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

☐ FUGITIVES - Court orders Defendant to be released 30 days from this date (IF THERE ARE NO LOCAL CHARGES)

OR released 30 days after all local charges have been resolved.

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

☐ House Arrest _____ Days ☐ Pre Trial to Interview

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

CHANGE OF CUSTODY STATUS

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

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

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

☐ Released due to DA Delayed Filing

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

This form is not to be altered without consent of Clark County Justice Courts and Detention Center's Administrations

1
2 Tran
3 CASE NO. 13F02924X
4 DEPT. NO. 3
5
6 IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP
7 COUNTY OF CLARK, STATE OF NEVADA
8
9 -000-
10
11
12 STATE OF NEVADA,)
13 Plaintiff,)
14 vs.) Case No. 13F02924X
15 FREDRICK HAROLD HARRIS, JR.,)
16 Defendant.)
17
18 VOLUME II
19 REPORTER'S TRANSCRIPT
20 OF
21 PRELIMINARY HEARING
22
23 BEFORE THE HON. JANIECE MARSHALL
24 JUSTICE OF THE PEACE
25 TUESDAY, MAY 7, 2013
12:30 p.m.
APPEARANCES:
For the State: ELYSSA LUZAICH, ESQ.
Chief Deputy District
Attorney
KRISTINA RHODES, ESQ.
Deputy District Attorney
For the Defendant: BETSY ALLEN, ESQ.
Reported by: CHERYL GARDNER, RNR-RPR
CCR No. 230

ORIGINAL

1 LAS VEGAS, CLARK COUNTY, NV, TUES., MAY 7, 2013
2 12:30 p.m.
3 -oOo-
4 PROCEEDINGS
5 THE COURT: Fredrick Harold Harris,
6 Jr., 13F02924X. Continuation of preliminary
7 hearing. The record will reflect the presence of
8 the defendant and counsel. First witness.
9 MS. LUZAICH: The State calls Mahlica
10 Duke.
11 THE COURT: And then you received the
12 transcript.
13 MS. LUZAICH: I did. Thank you.
14
15 MAHLICA DUKE,
16 having first duly affirmed to tell the truth under
17 the pain and penalty of perjury, was examined and
18 testified as follows:
19
20 THE CLERK: Please have a seat. State
21 your name for the record. Spell your first and
22 last name, please.
23 THE WITNESS: Mahlica Duke,
24 M-A-H-L-I-C-A, D U K E.
25 THE COURT: Okay. Before we start,

I N D E X	
STATE'S WITNESSES	PAGE
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VICTORIA DUKE	
Direct Examination by Ms. Luzaich	39
Direct Examination (continuing) by Ms. Luzaich	126

13F02924X
RTP
Transcript of Proceedings
2489468



1 let me explain how this process works. So the
2 district attorney's going to ask you some questions
3 and she's looking for you to verbalize your
4 response. So this lady right here is the court
5 reporter. She's taking everything down that we say
6 so she can't look at you all the time; and she
7 would also have to interpret if you say uh-huh or
8 nod your head so we would prompt you to verbalize
9 your response.
10 It will help if you try to remember if
11 your answer is yes to say yes rather than uh-huh or
12 some other form. Give an answer out loud. Because
13 she's taking it down, she needs you to speak up.
14 If you can move your chair closer, this is a
15 microphone right here. I know it's difficult
16 sometimes to testify. If you need a moment, if you
17 need water, there's water right there. If you need
18 to take a break, let me know.
19 If you don't understand what the
20 attorney is asking you, you need to make sure you
21 don't understand. Because if she asks you a
22 question and you answer, then the presumption is
23 that you understood what the question is. If
24 there's something that is a little off in her
25 question, for example if it's the wrong day or it's

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

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

12 THE WITNESS: Yes.

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

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

1 like what part of town?

2 A. Henderson, Nevada.

3 Q. Okay. Was there a time that you also
4 lived in Las Vegas?

5 A. Yes.

6 Q. And did you -- you know what, let me
7 just take you back even further.

8 What's your mom's name?

9 A. Tina Duke.

10 Q. Do you have brothers and sisters?

11 A. Yes.

12 Q. Tell me their names and their ages
13 starting with the oldest.

14 A. Okay.

15 Q. Who is your oldest sibling?

16 A. Victoria, she's 20.

17 Q. Okay.

18 A. And my younger brother, he's 18.

19 Q. What's his name?

20 A. Shabazz.

21 Q. Could you spell that for the court
22 reporter.

23 A. S-H-A-B-A-Z-Z.

24 Q. Okay. So are you in between Victoria
25 and Shabazz?

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

3 THE WITNESS: Yes.

4 THE COURT: Okay. Great. Go ahead.

5 MS. LUZAICH: Thank you.

6

7 DIRECT EXAMINATION

8 BY MS. LUZAICH:

9 Q. Mahlica, how old are you?

10 A. 19.

11 Q. When is your birthday?

12 A. September 11, 1993.

13 Q. Okay. Do you go to school now?

14 A. No.

15 Q. When was the last time you went to
16 school?

17 A. October 26, 2011.

18 Q. 2011?

19 A. Yes.

20 Q. Okay. And what grade were you in at
21 that time?

22 A. I was starting 12th.

23 Q. Okay. Did you ever finish 12th grade?

24 A. No.

25 Q. All right. Where do you live now,

1 A. Yes.

2 Q. Okay. Then after Shabazz who?

3 A. Tahara, she's 13 and then there's

4 Taquanda. She is 12.

5 Q. Okay. Now, did all of you, your mom
6 and your three sisters and brother, move to Utah at
7 some point?

8 A. Yes.

9 Q. Do you remember going to Utah?

10 A. Yes.

11 Q. Do you remember where did you live
12 right before you went to Utah?

13 A. Yes.

14 Q. Where was that?

15 A. Las Vegas, Nevada.

16 Q. Las Vegas, Nevada. Sorry. Who did
17 you live with when you were living in Las Vegas,
18 Nevada, before you went to Utah?

19 A. A friend of my mom's.

20 Q. Okay. Was your mom and your brother
21 and sisters living with you?

22 A. Yes.

23 Q. And did all of you live with a friend?

24 A. Yes.

25 Q. Who was that friend?

1 A. Fredrick Harris.
 2 Q. Okay. Was there also a lady that was
 3 living with him and you guys?
 4 A. Yes.
 5 Q. What was her name?
 6 A. Ann Cook.
 7 Q. Okay. The person that you just
 8 mentioned, Fredrick Harris, do you see him here in
 9 court today?
 10 A. Yes.
 11 Q. Can you point to him and describe an
 12 article of clothing that he's wearing.
 13 A. He's wearing a dark blue shirt.
 14 MS. LUZAICH: Okay. Thank you. Can
 15 the record reflect she's identified the defendant.
 16 THE COURT: Yes.
 17 MS. LUZAICH:
 18 Q. When you went to Utah, do you remember
 19 either when it was or how old you were?
 20 A. No.
 21 Q. Okay. Do you remember coming back
 22 from Utah?
 23 A. Yes.
 24 Q. Do you remember when it was that you
 25 came back from Utah?

1 A. During the summer.
 2 Q. Okay. Does the summer of 2007 sound
 3 about right?
 4 A. Yes.
 5 Q. When you came back from Utah, where
 6 did you stay?
 7 A. With my mom's friend.
 8 Q. The same friends that we talked about
 9 a minute ago?
 10 A. Yes.
 11 Q. Would that be the defendant Fredrick
 12 Harris and Miss Ann?
 13 A. Yes.
 14 Q. Is that what you guys called her,
 15 Miss Ann?
 16 A. Yes.
 17 Q. Now, when you came back from Utah and
 18 you stayed with the defendant and Miss Ann, what
 19 kind of place did you stay in?
 20 Was it a hotel, an apartment or a
 21 house?
 22 A. It was a house.
 23 Q. Do you remember what street the house
 24 was at?
 25 A. 966 Blankenship.

1 Q. Is that here in Las Vegas, Clark
 2 County, as well?
 3 A. Yes.
 4 Q. Now, when you came back from Utah and
 5 you stayed in that house on Blankenship, who from
 6 your family, if anybody, else stayed there?
 7 A. My whole family.
 8 Q. Right when you came back, did
 9 everybody come to that house?
 10 A. No. My mom and my older sister
 11 Victoria, they went to go stay in another
 12 apartment.
 13 Q. Okay. So when mom and Victoria stayed
 14 somewhere else, who stayed at the house?
 15 A. It was me, my younger brother Shabazz,
 16 and my two other sisters Tahara and Taquanda.
 17 Q. And also the defendant Fredrick Harris
 18 and Miss Ann?
 19 A. Yes.
 20 Q. Were there any other people from
 21 either Miss Ann's family or the defendant's family
 22 that stayed at the house as well?
 23 Did she have a daughter, Miss Ann?
 24 A. Yes.
 25 Q. What's her name, do you remember?

1 A. Her name is Shakira.
 2 Q. Okay. Did she stay at the house
 3 sometimes too?
 4 A. Yes.
 5 Q. Now, when you guys came back from Utah
 6 and you guys were staying at the house, how did the
 7 defendant Fredrick treat you?
 8 A. Okay sometimes.
 9 Q. Okay. When it wasn't okay sometimes,
 10 what happened?
 11 A. We got in trouble.
 12 Q. When you say "we," who is we?
 13 A. My siblings and I.
 14 Q. Okay. And when you would get in
 15 trouble, what would happen?
 16 A. Sometimes we would get yelled at or
 17 cursed out or we would get whippings.
 18 Q. Now when you say we would get
 19 whippings, did you get whippings?
 20 A. Yes.
 21 Q. Did you see any of your brother or
 22 sisters get whippings?
 23 A. Sometimes, yes.
 24 Q. Okay. In addition to sometimes seeing
 25 it, would you sometimes hear something happen?

1 A. Yes.
 2 Q. Okay. Now, first I'm going to talk
 3 about you. You said you got whippings, who would
 4 give you whippings?
 5 A. Fred.
 6 Q. Was that on one occasion or more than
 7 one occasion?
 8 A. More than one occasion.
 9 Q. When he would give you whippings, what
 10 would he whip you with?
 11 A. A belt.
 12 Q. When he whipped you with a belt, where
 13 on your body would he whip you?
 14 A. My back and my butt.
 15 Q. When he whipped you on your back and
 16 your butt, would there be marks left on your back
 17 or your butt?
 18 A. Yes.
 19 Q. Why would he do that?
 20 Like would he say anything to you
 21 while he was doing it or what caused it?
 22 Let me ask it a better way. What did
 23 you do you believed that caused him to whip you, if
 24 anything?
 25 A. I can't really remember.

1 Q. Okay. So nothing like so heinous, so
 2 bad that it stands out in your mind.
 3 A. No.
 4 Q. Okay. When he would whip you, what
 5 would his demeanor be like?
 6 Would he be like laughing or crying or
 7 yelling or anything?
 8 A. He would be angry.
 9 Q. Would Miss Ann be there any of the
 10 times that he did that?
 11 A. No. She would be in her room.
 12 Q. Okay. Would any of your other
 13 brothers or sisters see it happen?
 14 A. Sometimes yes.
 15 Q. Okay. You said that it happened on
 16 more than one occasion. Whenever it happened, did
 17 it happen inside the house on Blankenship as
 18 opposed to like somewhere else?
 19 A. Yes.
 20 Q. Where in the house on Blankenship
 21 would it happen?
 22 A. In the room.
 23 Q. Which room?
 24 A. The bedroom that my siblings, my
 25 sisters and I were staying in.

1 Q. Okay. Did it only happen in your
 2 bedroom or anywhere else?
 3 A. No. Once it was in the garage.
 4 Q. Okay. Once in the garage. Did it
 5 happen one time or more than one time in your
 6 bedroom?
 7 A. More than once.
 8 Q. Okay. Anywhere else besides the
 9 garage and your bedroom?
 10 A. No.
 11 Q. You also mentioned that you saw one or
 12 more of your siblings get whipped. Who did you see
 13 get whipped?
 14 A. Shabazz.
 15 Q. When you saw Shabazz get whipped, who
 16 whipped him?
 17 A. Fred.
 18 Q. Did you see Shabazz get whipped by
 19 Fred one time or more than one time?
 20 A. More than once.
 21 Q. When you saw Fred whip Shabazz, where
 22 were they when you saw it happen?
 23 A. I don't remember really.
 24 Q. Okay. Was it in the house on
 25 Blankenship?

1 A. Yes.
 2 Q. Was it in a room like a room with a
 3 door as opposed to the livingroom that's kind of
 4 open? And if you don't remember, that's okay. I'm
 5 not trying to push you.
 6 A. I don't really remember.
 7 Q. That's okay. You said you saw it
 8 happen more than one time, correct?
 9 A. Yes.
 10 Q. In addition to seeing Fred -- oh, and
 11 I'm sorry.
 12 When you saw Fred whip Shabazz, what
 13 did he whip him with?
 14 A. A belt.
 15 Q. When you saw Fred whip Shabazz with a
 16 belt, where on Shabazz's body did you see it?
 17 A. His arms, his back.
 18 Q. After Fred whipped Shabazz, did you
 19 see any marks on Shabazz's body?
 20 A. Just on his arms.
 21 Q. Okay. Did you ever -- well, were
 22 there any other siblings that you saw Fred whip?
 23 A. Yes.
 24 Q. Who else did you see him whip?
 25 A. Tahara and Taquanda.

1 Q. Both Tahara and Taquanda?
 2 A. Yes.
 3 Q. Did you see him whip Tahara one time
 4 or more than one time?
 5 A. More than once.
 6 Q. When you saw him whip Tahara, what did
 7 he whip her with?
 8 A. The belt.
 9 Q. Where on her body did you see him whip
 10 her with a belt?
 11 A. On her back and on her butt.
 12 Q. Okay. Did you see marks afterwards?
 13 A. Yes.
 14 Q. And do you remember where in the house
 15 they were when you saw him whip Tahara?
 16 A. Once it was in the hallway and then
 17 the other time it was in the room.
 18 Q. Which room?
 19 A. The bedroom, the one that we were
 20 staying in.
 21 Q. Okay. And then you said you also saw
 22 him whip Taquanda. Did you see him whip Taquanda
 23 one time or more than one time?
 24 A. I only saw him whip her one time.
 25 Q. When he whipped her that one time,

1 A. Shabazz, Tahara.
 2 Q. Shabazz and Tahara. Okay. Let's talk
 3 about Shabazz first. Where were they when you
 4 heard something?
 5 A. The garage.
 6 Q. Where were you when they were in the
 7 garage?
 8 A. The room.
 9 Q. "The room" being a bedroom?
 10 A. Yes.
 11 Q. Okay. And what did you hear?
 12 A. Fred yelling at 'Bazz.
 13 Q. Did you hear anything besides him
 14 yelling?
 15 A. I heard him hitting him.
 16 Q. When you say "him" hitting him, you
 17 heard who hitting who?
 18 A. Fred hitting Shabazz.
 19 Q. Remember, we're trying to make a
 20 record here. What kind of sound did you hear?
 21 A. Like a smacking sound.
 22 Q. Okay. Afterward, well, did you hear
 23 Shabazz making any kind of sound in response?
 24 A. Yes.
 25 Q. What kind of sound did you hear

1 what did he whip her with?
 2 A. A belt.
 3 Q. Where on her body did he whip her with
 4 the belt?
 5 A. I don't remember.
 6 Q. And that's okay. Where were you or
 7 where were they I should say when you saw that?
 8 A. I don't remember.
 9 Q. Okay. But was it somewhere inside the
 10 house on Blankenship?
 11 A. Yes.
 12 Q. You said that there were times that
 13 you saw him whip your brother or sisters and that
 14 there were sometimes that you heard something.
 15 When you heard something, was it one time or more
 16 than one time?
 17 A. More than once.
 18 Q. Was it one o your siblings or more
 19 than one of your siblings that you heard him do
 20 something to?
 21 A. More than one.
 22 Q. Who did you hear him do something to?
 23 A. Shabazz.
 24 Q. Just Shabazz or Shabazz and anybody
 25 else?

1 Shabazz make in response?
 2 A. He was yelling.
 3 Q. What was he -- like yelling words or
 4 just noise?
 5 A. Just noise.
 6 Q. Okay. Did you see him afterward?
 7 MS. ALLEN: Who?
 8 MS. LUZAICH: Sorry.
 9 Q. Did you see Shabazz afterwards, close
 10 in time afterwards?
 11 A. Yes.
 12 Q. Did you notice anything about Shabazz
 13 when you saw him close in time afterwards?
 14 A. Yes.
 15 Q. What did you notice?
 16 A. He was crying.
 17 Q. Did you notice whether or not there
 18 were any marks on his body?
 19 A. No.
 20 Q. No, you didn't notice or --
 21 A. I didn't notice.
 22 Q. Okay. Did you see Fred right after
 23 that?
 24 A. Yes, but he went to his room.
 25 Q. Okay. So you didn't see Fred do

1 anything.

2 A. No.

3 Q. Okay. Is that the only time that you
4 heard something pertaining to Shabazz that you
5 didn't see happen?

6 A. Yes.

7 Q. Okay. You said you also heard
8 something pertaining to Tahara that you didn't see
9 happening, correct?

10 A. Yes.

11 Q. Where were Fred and Tahara when you
12 heard something?

13 A. I don't remember.

14 Q. Okay. Do you remember where you were?

15 A. Yes.

16 Q. Where were you?

17 A. In the bedroom.

18 Q. In which bedroom?

19 A. The one my siblings and I were staying
20 in.

21 Q. Okay. And because you were in the
22 bedroom and you heard it but didn't see it, does
23 that mean Tahara and Fred were not in that bedroom
24 with you?

25 A. Oh, yes.

1 Q. In the kitchen. Was it just you and

2 Fred in the kitchen or was anybody else around?

3 A. It was just me and Fred.

4 Q. Can you tell me what happened.

5 What were you doing before that
6 happened?

* 7 A. Well, I was in the kitchen. I was
8 putting away the dishes or something.

* 9 Q. Okay. And what did Fred do?

10 A. What do you mean?

11 Q. You said he choked you.

12 A. Yes.

13 Q. How did he do that?

14 A. He just -- he just started choking
* 15 me. He said I rolled my eyes at him.

16 Q. Okay. So was there -- did he say
17 something to you while you were either putting away
18 the dishes or doing what you were doing?

19 A. Yes.

20 Q. And did he get upset?

21 A. Yes.

22 Q. And did he put his hands somewhere?

23 A. Yes.

24 Q. Where did he put his hands?

25 A. My throat.

1 Q. Okay. What did you hear?

2 A. Tahara crying.

3 Q. Did you hear anything besides Tahara
4 crying?

5 A. Yes.

6 Q. What did you hear besides Tahara
7 crying?

8 A. Fred yelling at her.

9 Q. Did you hear anything besides words or
10 yelling and crying noises?

11 A. No.

12 Q. Afterwards did you see any marks on
13 Tahara's body?

14 A. No.

15 Q. Was there also an occasion where Fred
16 did something to you besides whip you with a belt?

* 17 A. I don't really remember.

* 18 Q. Okay. Do you remember saying that he
19 choked you?

20 A. Yes.

21 Q. Where did that happen?

22 A. The kitchen.

23 Q. I'm sorry. Was it in the house on
24 Blankenship?

25 A. Yes.

1 Q. And what did he do, if anything, with
2 those hands while they were on your throat?

3 A. He was squeezing my throat.

4 Q. When he did that, how did you feel?

5 A. Scared.

6 Q. Was he saying anything while he was
7 doing it?

* 8 A. I don't remember.

9 Q. Okay. Do you know what made him stop?

10 A. He just told me not to roll my eyes
11 again and then he stopped.

12 Q. Okay. Did there come a time that you
13 moved out of the house on Blankenship?

14 A. Yes.

15 Q. Okay. Do you remember when that was?

16 A. It was during the summer in 2010.

17 Q. Okay. Now, you had indicated that you
18 came back from Utah in the summer. We agreed that
19 it was 2007. Did you start school when you came
20 back from Utah and were living in the house on
21 Blankenship?

22 A. Yes.

23 Q. What grade did you start when you came
24 back from Utah and moved into the house on
25 Blankenship?

1 A. Eighth.
 2 Q. You started eighth grade that year.
 3 A. Yes.
 4 Q. What school did you go to?
 5 A. West Prep.
 6 Q. Did you live in the house on
 7 Blankenship when you went to ninth grade?
 8 A. Yes.
 9 Q. What school did you go to?
 10 A. Canyon Springs High School.
 11 Q. Did you finish ninth grade?
 12 A. Yes.
 13 Q. I'm sorry. Did you finish ninth grade
 14 while living in the house on Blankenship?
 15 A. Yes.
 16 Q. Did you then -- where did you go to
 17 tenth grade?
 18 A. Canyon Springs High School.
 19 Q. You started tenth grade. Did you
 20 finish it?
 21 A. Yes.
 22 Q. Did you finish it at Canyon Springs?
 23 A. Yes.
 24 Q. And were you still living in the house
 25 on Blankenship?

1 A. Yes.
 2 Q. Did you start 11th grade as well?
 3 A. At the same school?
 4 Q. Well, at all. That was going to be my
 5 next question.
 6 A. Yes.
 7 Q. Okay. Where did you start 11th grade?
 8 A. Canyon Springs High School.
 9 Q. Were you still living in the house on
 10 Blankenship when you started 11th grade?
 11 A. No. I believe that's when we moved
 12 out.
 13 Q. Where did you move to?
 14 A. St. Andrews apartments.
 15 Q. When you moved to St. Andrews
 16 apartments, who moved with you?
 17 A. My mom, my oldest sister Victoria, and
 18 my younger brother Shabazz.
 19 Q. And I'm sorry. A little bit ago you
 20 said that when you moved out of the house on
 21 Blankenship, it was in the summer; is that correct?
 22 A. Yes.
 23 Q. Was that the summer between your tenth
 24 and 11th grade years?
 25 A. Yes.

1 Q. When you moved into the apartment at
 2 St. Andrews, did Tahara and Taquanda remain at
 3 Blankenship?
 4 A. Yes.
 5 Q. Did you still see Fred when you lived
 6 at the St. Andrews apartments?
 7 A. Yes.
 8 Q. How did that come about? I mean would
 9 you go to the Blankenship house to see him or --
 10 A. He would come to the apartment to see
 11 us.
 12 Q. Okay. When he came to the apartments,
 13 did he bring anybody with him?
 14 A. No.
 15 Q. Tahara and Taquanda?
 16 A. Oh, yes, them.
 17 Q. Were there occasions while you were
 18 living at the St. Andrews apartment that Fred would
 19 come without Tahara and Taquanda that you
 20 personally saw?
 21 A. Yes.
 22 Q. Often or -- how often? How is that?
 23 A. Sometimes like two or three times a
 24 month.
 25 Q. Okay. Did there come a time -- well,

1 do you know who he came to see at the St. Andrews
 2 apartments when he did not have Tahara and Taquanda
 3 with him?
 4 A. My mom and sometimes my oldest sister
 5 Victoria.
 6 Q. Would you see him interact with them
 7 when he would come or would they go about their own
 8 business?
 9 A. They would -- sometimes I would see
 10 him talk to them and sometimes they would go do
 11 their own thing.
 12 Q. Okay. Did there come a time that you
 13 moved from the St. Andrews apartments to someplace
 14 else?
 15 A. Yes.
 16 Q. Do you know when that was?
 17 A. Yes.
 18 Q. When was that?
 19 A. It was in October.
 20 Q. Okay. So can I back up one second.
 21 Did you finish 11th grade while you were living at
 22 St. Andrews or maybe if I asked it better.
 23 Were you still living at St. Andrews
 24 when you finished 11th grade so at the end of that
 25 school year and the beginning of the next year were

1 you still living at St. Andrews? If you're not
 2 sure, it's okay to say that.
 3 A. I'm not sure.
 4 Q. Okay. Did you start 12th grade?
 5 A. No.
 6 Q. You didn't start 12th grade at all?
 7 A. I think I went to school for like one
 8 or two days but then I stopped going.
 9 Q. Okay. So when you started going to
 10 12th grade, were you still at Canyon Springs or
 11 were you someplace else?
 12 A. I was someplace else.
 13 Q. Do you remember what school you
 14 started 12th grade at?
 15 A. Basic High School.
 16 Q. So when you started 12th grade at
 17 Basic High School, were you living at St. Andrews
 18 or were you living somewhere else?
 19 A. Somewhere else.
 20 Q. Okay. Where were you living then?
 21 A. In Henderson.
 22 Q. Okay. So did you move from
 23 St. Andrews directly to that place in Henderson?
 24 A. Yes.
 25 Q. So did you do that in between the 11th

1 one occasion?
 2 A. Just one.
 3 Q. What happened?
 4 A. They got in an argument.
 5 Q. And did -- well, did you see Fred do
 6 anything to Shabazz?
 7 Okay. Did you see him do or trying to
 8 do anything?
 9 A. Yes.
 10 Q. What did you see him do or try to do?
 11 A. He tried to hit him.
 12 Q. Okay. "He" who?
 13 A. Shabazz.
 14 Q. Oh, he, Fred?
 15 A. Yes.
 16 Q. Tried to hit Shabazz?
 17 A. Yes.
 18 Q. What did Shabazz do?
 19 A. He was pushing him away.
 20 Q. Fought back, Shabazz fought back?
 21 A. Yes.
 22 Q. Was there an occasion also when you
 23 were living in the Henderson apartment that Fred
 24 wanted you to do something with Victoria?
 25 A. Yes.

1 and 12th grade school year?
 2 A. Yes.
 3 Q. Okay. Once you moved from the
 4 St. Andrews apartment to the apartment in
 5 Henderson, did you still see Fred?
 6 A. Sometimes, yes.
 7 Q. When you would see Fred at the
 8 Henderson apartment, would he be with any of your
 9 siblings or by himself or both?
 10 A. Both.
 11 Q. Okay. When you were at the
 12 Henderson -- I'm sorry. I don't know if I asked
 13 you this. When you moved from the St. Andrews
 14 apartment to the Henderson apartment, who moved
 15 there with you?
 16 A. My mom, my older sister Victoria, and
 17 my younger brother Shabazz.
 18 Q. Were Tahara and Taquanda still at the
 19 house in Blankenship?
 20 A. Yes.
 21 Q. Were there occasions when you moved at
 22 the apartment in Henderson when you saw Fred and
 23 Shabazz have a problem?
 24 A. Yes.
 25 Q. Was that on one occasion or more than

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

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

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

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

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

24 THE COURT: We're doing that right
25 now.

1 out and finish Mahlica and Victoria today if that's
2 the way --

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

5 THE COURT: Where is Ms. Duke?

6 MS. LUZAICH: Just right down the
7 hall.

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

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

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

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

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

23 (Off-the-record sotto voce
24 conversation.)

25 MS. LUZAICH: She locked herself in

1 MS. LUZAICH: Right.

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

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

8 THE COURT: No, the mom.

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

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

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

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

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

23 THE COURT: Okay. So if we can't get
24 an attorney down here this afternoon, we will have
25 the mother another day if that's the way it turns

1 the bathroom.

2 (Off-the-record sotto voce
3 conversation.)

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

7 (Pause in proceedings.)

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

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

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

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

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

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

22 (Pause in proceedings.)

23 THE COURT: Good afternoon, Ms. Duke.

* 24 MS. LUZAICH: They are all Ms. Duke.

25 THE COURT: This is Tina and Victoria.

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

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

14 THE WITNESS: Yes.

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

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

1 you could say yes or no.

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

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

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

21

22 DIRECT EXAMINATION

23 BY MS. LUZAICH:

24 Q. Hi, Victoria. How are you doing?

25 A. I'm doing good.

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

3 THE WITNESS: All right.

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

6

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

11

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

15 THE WITNESS: Victoria Angelica Duke.

16 THE COURT: Spell your last name.

17 THE WITNESS: D-U-K-E.

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

1 Q. You have a very low sweet soft talk.

2 I need you to talk in your outdoor voice. Can you
3 do that.

4 A. Yes.

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

7 A. 20.

8 Q. What is your date of birth?

9 A. 7/31/92.

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

12 A. My mother.

13 Q. Who else?

14 A. And my son.

15 Q. How old is he?

16 A. Five, six months.

17 Q. What's your mom's name.

18 A. Tina Duke.

19 Q. Do you have brothers and sisters as
20 well?

21 A. Yes.

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

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

1 Q. Okay. Now, do you go to school?
 2 A. Not at this moment.
 3 Q. Okay. What is the last grade that you
 4 finished?
 5 A. 12th.
 6 Q. When did you finish 12th grade?
 7 A. June 2011.
 8 Q. Okay. What school did you graduate
 9 from?
 10 A. Canyon Springs.
 11 Q. Now, I'm going to take you way back.
 12 Do you remember living in Utah for a period of
 13 time?
 14 A. Yes.
 15 Q. Do you remember when -- when you went
 16 to Utah, where did you come from? Like where were
 17 you living when you moved to Utah?
 18 A. Las Vegas.
 19 Q. When you lived in Las Vegas before you
 20 went to Utah, who did you live with?
 21 A. Fred and Ann and my mom and my sisters
 22 and brothers.
 23 Q. When you say Fred and Ann, do you see
 24 either one of them here in court today?
 25 A. One.

*
 Shade
 trees
 +
 Time
 getting
 late

*
 Fred
 lived
 with
 mom
 +
 siblings
 before
 Utah

1 Q. Which one do you see?
 2 A. Fred.
 3 Q. Can you point to him and tell me an
 4 article of clothing he's wearing?
 5 A. In the gray to the left.
 6 Q. Could that be blue by any chance?
 7 A. Blue.
 8 MS. LUZAICH: Let the record reflect
 9 the identification of the defendant.
 10 THE COURT: Yes.
 11 MS. LUZAICH: Thank you.
 12 Q. Do you remember as far back as where
 13 you lived before you came to Las Vegas back then?
 14 A. Louisiana.
 15 Q. Okay. When did you come to Las Vegas
 16 from Louisiana?
 17 How old were you about?
 18 A. About -- I don't know -- about 12 or
 19 11.
 20 Q. How long did you live in Las Vegas?
 21 Between like from the time you came from Louisiana
 22 until the time you went to Utah, how long did you
 23 live in Las Vegas, I mean days, weeks, months,
 24 years?
 25 A. We lived in Las Vegas until December

*
 Fred
 didn't
 have
 that
 one
 house
 the
 house

*
 they
 were
 there

1 2004 to May 2005.
 2 Q. Okay. And so from December 2004 until
 3 May of 2005, did you live with Fred and Ann that
 4 whole time or did you live other places?
 5 A. We lived with Fred and Ann and then
 6 they put us in the Shade Tree for a little while
 7 and then they put, and then they took us back into
 8 Miss Ann's house.
 9 Q. Now, you say they took us back into
 10 Miss Ann's house. Did Fred not live with Miss Ann
 11 when you went back to the house?
 12 A. He went there off and on.
 13 Q. Did he have another place that he
 14 lived?
 15 A. Yes.
 16 Q. Now, when you stayed at Miss Ann's
 17 house before you went to Utah, was it your mom and
 18 you and Mahlica, Shabazz, Tahara, and Taquanda?
 19 A. Yes.
 20 Q. Did there come a time that something
 21 happened when you were living at Miss Ann's house
 22 before you went to Utah that made you
 23 uncomfortable?
 24 A. Fred, my mom and Fred dropped us off
 25 at Fred's house. My mom went to work and Fred

1 touched me, tried to molest me.
 2 Q. When you say my mom and Fred dropped
 3 us off at Fred house, who is us?
 4 A. Tahara, Taquanda, me, Mahlica and
 5 Shabazz.
 6 Q. So all the kids?
 7 A. Yes.
 8 Q. Mom was working at the time?
 9 A. Yes.
 10 Q. Do you know what she was doing for
 11 work at the time?
 12 A. I can't remember.
 13 Q. Where was Miss Ann, was she also
 14 working at the time?
 15 A. Yes.
 16 Q. So you left the place you were staying
 17 with Miss Ann and your mom dropped you off at
 18 Fred's place.
 19 A. Yes.
 20 Q. What kind of place, a hotel, a house?
 21 A. An apartment.
 22 Q. Who was at the apartment when you went
 23 there?
 24 A. Nobody.
 25 Q. Did Fred drive you from Miss Ann's to

1 the apartment?

2 A. Yes.

3 MS. LUZAICH: Excuse me. I'm sorry,
4 Judge.

5 THE COURT: This will take one moment.
6 (Sotto voce off-the-record
7 discussion between the
8 marshal and the chief
9 deputy attorney.)

10 MS. LUZAICH: I'm so sorry.

11 Q. Did you say that yes, Fred drove all
12 of you from Miss Ann's to his apartment?

13 A. Yes.

14 Q. Do you know where his apartment was?

15 A. No.

16 Q. Was it in Las Vegas?

17 A. Yes.

18 Q. So how did mom get to work?

19 A. Fred drove her.

20 Q. With you guys in the car or after he
21 took you to his place?

22 A. After.

23 Q. Okay. So Fred takes you guys to his
24 place and then leaves with your mom and goes to
25 work?

*Everybody
gone*

1 Q. When you say "they were gone,"

2 everybody, all of your brothers and sisters and
3 Fred were gone or did anybody remain at the
4 apartment?

5 A. Nobody was at the apartment.

6 Q. Okay. So then you wake up and what
7 happens?

8 A. Fred walks in the room.

9 Q. What room are you in?

10 A. Fred's room.

11 Q. And you say Fred walks in that room?

12 A. Yes.

13 Q. And what happened?

14 A. I asked him where my sisters and
15 brother were.

16 Q. And what did he tell you?

17 A. They're in the park.

18 Q. Then what?

19 A. Then he tries to lay next to me.

20 Q. Where were you when that happened?

21 A. I was on the bed.

22 Q. Okay. And he tried to lay next to you
23 on the bed. When you say he tries, does he
24 actually lay down next to you?

25 A. No.

1 A. Yes.

2 Q. Does he come back from taking your mom
3 to work?

4 A. Yes.

5 Q. And what time of day is it that he
6 brings you from Miss Ann's place to yours, I mean
7 the morning, the afternoon, at night?

8 A. Morning.

9 Q. And when he leaves, drops mom off and
10 comes back to the apartment, what time of day is it
11 that he gets back to the apartment?

12 A. It's in the morning.

13 Q. It's still morning?

14 A. Yes.

15 Q. Okay. So what happens when he gets
16 back to the apartment? Tell me about it.

17 A. Everyone's asleep.

18 Q. Where are you guys sleeping?

19 A. In Fred's bedroom.

20 Q. All of you were sleeping in Fred's
21 bedroom?

22 A. Yes.

23 Q. And then what?

24 A. Everybody was asleep and then I woke
25 up and then they were gone.

1 Q. What does he do?

2 A. He takes my hand and tries to make me
3 touch his penis.

4 Q. Where did he put his hand at that
5 time?

6 A. He tried to take my pants off.

7 Q. Okay. Before you get to your pants,
8 where did he put his hand, your hand?

9 A. He put my hand on his -- he took my
10 hand and he put it on his penis. Like he took his
11 hand and he put my hand on his penis.

12 Q. When he put your hand on his penis,
13 were his clothes on or off?

14 A. On.

15 Q. So did the skin of your hand touch his
16 skin or something else?

17 A. Something else.

18 Q. What did it touch?

19 A. Like the clothes on his pants.

20 Q. After he put your hand on his penis or
21 his crotch area I guess, what did he do next?

22 A. He tells me not to tell my mom or
23 anybody about what he's doing.

24 Q. Okay. And then what?

25 A. Then I tell him that -- I tried to get

1 away from him and stuff and he's like holding onto
2 me and telling me I'm going to beat you and just
3 telling me that not to tell nobody or forcing my
4 pants off.

5 Q. So while you're laying on the bed, are
6 you wearing clothes?

7 A. At the time yes.

8 Q. Are you wearing pajama type clothes or
9 regular outside type clothes?

10 A. Regular outside type clothes.

11 Q. So you said he tried to force your
12 pants off. Was he able to get them off?

13 A. Yes.

14 Q. Pants, did you have anything on under
15 your pants?

16 A. Just my underwear.

17 Q. Did he take those off as well?

18 A. Yes.

19 Q. And then what did he do?

20 A. He was trying to -- he was telling
21 me -- I was like trying to get away from him and
22 he was telling me to like hold still and let him
23 do, like let him touch me or else he was going to
24 beat me.

25 Q. When he gets your pants off, are his

1 Q. What position were you and he in while
2 he was doing that?

3 A. On the side of the bed.

4 Q. What do you mean by on the side of the
5 bed?

6 A. Like you're like on this side of the
7 bed and he's right there and like this.

8 Q. Okay.

9 THE COURT: I'm sorry. The right side
10 of the bed or left side of the bed?

11 THE WITNESS: The right.

12 MS. LUZAICH:

13 Q. Well, actually were you sitting,
14 standing, laying, what position were you in on the
15 bed?

16 A. Oh, laying.

17 Q. So was your whole body laying on the
18 bed?

19 A. My arms was up but my legs was like
20 that.

21 Q. Okay. What does "like that" mean?

22 A. Like close to the floor.

23 Q. Okay. So your legs were hanging over
24 the side of the bed?

25 A. Yes.

1 clothes still on?

2 A. His penis is out of his pants.

3 Q. Okay. Then what happened?

4 A. He's trying to -- he was trying to
5 finger me.

6 Q. When you say trying to finger you --

7 A. Put his finger inside my vagina.

8 Q. Did he actually get it inside your
9 vagina?

10 A. Yes.

11 Q. How did that feel?

12 A. Terrible.

13 Q. Then what?

14 A. Then he was trying to put his penis in
15 my vagina but I was like in pain and like getting
16 ready to scream so he stopped.

17 Q. When you said he tried to put his
18 penis in your vagina, did any of his penis actually
19 pass by the lips of your vagina?

20 A. Yes.

21 Q. How did it feel when his penis was
22 trying?

23 A. It hurt.

24 Q. So it got in far enough that it hurt?

25 A. Yes.

1 Q. Okay. So where was he in relation to
2 the bed?

3 A. Like on the floor on his knees.

4 Q. In front of you?

5 A. Yeah.

6 Q. So were you facing each other kind of?

7 A. Yes.

8 Q. Okay. So you said you were fighting
9 him and it was hurting. Did there come a time that
10 he stopped?

11 A. Yes.

12 Q. And then what?

13 A. He pulled my pants back up and he told
14 me not to tell anybody because he was going to beat
15 me. He took my arm. He put a bruise on it.

16 Q. Was there anybody else in there?

17 Did anybody come home during this
18 time?

19 A. He went to go get my mom then we went
20 back to Miss Ann's house.

21 Q. What about the other kids?

22 A. The kids went back to Miss Ann's
23 house.

24 Q. But did the other kids come back to
25 his apartment?

1 A. After, like after he was done.
 2 Q. Okay. Did you tell anybody that day?
 3 A. No.
 4 Q. Why?
 5 A. Because I was scared. I was scared
 6 that he was going to beat me or do something to me.
 7 Q. Now, prior to that happening, prior to
 8 that day, had he ever hit you or hurt you in any
 9 way?
 10 A. Yes.
 11 Q. What had he done prior to that?
 12 A. He held me by my neck inside of
 13 Miss Dorothy's house just -- they was trying to
 14 tell me that I did something that I didn't do.
 15 Q. Who is Miss Dorothy?
 16 A. His mom.
 17 Q. Do you see her here today?
 18 A. Yes.
 19 Q. Where is she?
 20 A. She is in the white and black on the
 21 left side of the room.
 22 Q. So she's sitting over there?
 23 A. Yes.
 24 MS. LUZAICH: I would ask that she be
 25 included since she is the subject of a lot of this

1 defendant's mother.
 2 THE COURT: When it comes up, we'll
 3 deal with it. At this point I believe the witness
 4 is able to handle it.
 5 MS. LUZAICH:
 6 Q. So I'm sorry. Prior to the defendant
 7 putting his finger and his penis in your vagina,
 8 you said there was an occasion he did something at
 9 Miss Dorothy's. So was that at her home?
 10 A. You mean of the physical abuse?
 11 Q. Yes.
 12 A. Yes.
 13 Q. Okay. So she did not live with him at
 14 the time. It was in a different location.
 15 A. Yes.
 16 Q. Okay. When he did that, was anybody
 17 else there?
 18 A. My sisters and brothers.
 19 Q. Okay. Was that the only occasion when
 20 he physically hurt you before --
 21 A. No.
 22 Q. So is that why you were afraid that he
 23 was going to hurt you again because you knew he
 24 hurt you before?
 25 MS. ALLEN: Objection, leading.

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

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

1 A. It was just her.
 2 Q. What did you tell her? Do you
 3 remember specifically what you told her?
 4 A. I told her that Fred had touched me
 5 and she asked me what happened and I told her what
 6 happened.
 7 Q. What did she do?
 8 A. She called Miss Dorothy.
 9 Q. On the phone or --
 10 A. On the phone.
 11 Q. Okay. And did you have a conversation
 12 with Miss Dorothy?
 13 A. Yes.
 14 Q. In person or on the phone?
 15 A. On the phone and then they came over.
 16 Q. Who is they, she?
 17 A. Or she.
 18 Q. What about your mom, was your mom
 19 there for part of that?
 20 A. She came home after like a little
 21 while after.
 22 Q. What caused you to tell Miss Ann when
 23 you did?
 24 A. It was bothering me and I didn't want
 25 it to happen again and I trusted her and I thought

1 next. I'm not sure.
 2 MS. LUZAICH: How about if you listen
 3 to it and then you can strike it if you need to.
 4 THE COURT: Okay. So you're asking
 5 what Ann or Dorothy said to her after Dorothy came
 6 over.
 7 MS. LUZAICH: Yes.
 8 THE COURT: And your offer of proof is
 9 that it caused what to happen?
 10 MS. LUZAICH: Well, it put everything
 11 in context.
 12 THE COURT: I don't think she needs to
 13 say what exactly is being said.
 14 MR. LUZAICH: I mean it's not like I'm
 15 asking what did she say, what color the car was,
 16 they said it was -- that is something that is
 17 offered for the truth because a red car ran me
 18 over.
 19 THE COURT: Right, but you're
 20 saying -- you're saying this because it's the truth
 21 of she told them about this, and they did that so
 22 you are offering it for the truth otherwise what's
 23 the purpose of it?
 24 MS. LUZAICH: It's not offered for the
 25 truth of what they said to her.

1 that she would do something.
 2 Q. Okay. Did she do anything --
 3 A. No.
 4 Q. -- other than call Miss Dorothy?
 5 A. No.
 6 Q. When Miss Dorothy came over, what
 7 happened?
 8 MS. ALLEN: Objection.
 9 THE WITNESS: They was asking me
 10 questions and then they started telling me why did
 11 you let him do it.
 12 THE COURT: Excuse me one moment.
 13 When an attorney objects, I need you to wait before
 14 you continue. Okay. So you're objecting to
 15 whatever Ann or Dorothy said.
 16 MS. ALLEN: Correct.
 17 MS. LUZAICH: It's not offered for the
 18 truth.
 19 THE COURT: What is it offered for?
 20 MR. LUZAICH: To explain the context,
 21 what happened next.
 22 THE COURT: That would be the truth.
 23 MS. LUZAICH: No.
 24 THE COURT: Okay. You don't have to
 25 say what she said but you can tell what happened

1 THE WITNESS: It's the truth to me.
 2 THE COURT: I understand.
 3 MS. LUZAICH: Victoria, honey, these
 4 are legal issues.
 5 THE COURT: You can go ahead and offer
 6 it. I think it's probably hearsay, but I'll listen
 7 to the context of it and make a decision.
 8 MS. LUZAICH: Okay.
 9 Q. So you told Miss Dorothy and Miss Ann
 10 what happened, and then what happened?
 11 A. They -- well, Fred comes over and
 12 everybody is discussing it, about what's going on
 13 and what happened.
 14 Q. Okay. And then what?
 15 A. Fred said he didn't do it.
 16 Q. And then?
 17 A. Well, I got in trouble so the whole
 18 entire house is saying I couldn't be trusted and
 19 everybody was saying I was a liar.
 20 Q. Okay. Did they treat you differently
 21 after that?
 22 A. Yes.
 23 MS. ALLEN: May I ask who is "they."
 24 THE WITNESS: Fred, Ann, Miss Dorothy,
 25 everybody in the house.

1 THE COURT: Okay. So who is in the
2 house other than Fred, Ann, and Dorothy?
3 THE WITNESS: My mom, my sisters and
4 brothers.
5 MS. LUZAICH: Okay.
6 Q. Did your sisters and brothers also get
7 involved in that conversation?
8 A. I cannot remember.
9 Q. Okay. Did -- well, you said you were
10 treated differently after that happened.
11 A. Yes.
12 Q. How were you treated differently?
13 A. Always getting in trouble, always
14 getting talked about, always -- there was always
15 something I'm doing wrong.
16 Q. Okay. Did -- there came a time that
17 you guys left and went to Utah?
18 A. Yes.
19 Q. From December of '04 until May of '05
20 while you were here, did you go to school?
21 A. Yes.
22 Q. Do you remember what grade you were
23 in, grade or grades?
24 A. About sixth grade.
25 Q. Okay. What school did you go to while

1 you were living here before you went to Utah?
2 A. I went to two schools. I can't
3 remember the second one but I think it's J.D.
4 Smith.
5 Q. Okay. What was the first one?
6 A. I can't remember. Sorry.
7 Q. You said you couldn't remember the
8 second one. I thought that meant you remembered
9 the first. So you went to Utah,
10 How long were you guys in Utah?
11 A. Two years.
12 Q. Did your mom continue to have
13 conversations or contact with Fred while you were
14 in Utah?
15 A. Yes.
16 Q. The whole time?
17 A. Yes.
18 Q. Before you had gone to Utah, do you
19 know what was the relationship between Fred and
20 Miss Ann?
21 A. I figured out what their relationship
22 was a little like around the end.
23 Q. And what was it?
24 A. That they were boyfriend and
25 girlfriend.

1 Q. Now, before you went to Utah, do you
2 know what your mother and Fred's relationship was?
3 A. Yes.
4 Q. What was it?
5 A. They was supposed to be going out too.
6 Q. Okay. While you were in Utah you said
7 your mother continued to have contact with Fred.
8 Right?
9 A. Yes.
10 Q. And did there come a time that you
11 guys were removed from your mom's custody while you
12 were in Utah?
13 A. Yes.
14 Q. Do you know why that was?
15 A. Because she went to go see Fred for
16 his birthday.
17 Q. When you say she went to go see Fred,
18 you were living in Utah. Was Fred in Utah at the
19 time?
20 A. No.
21 Q. Where did mom go?
22 A. To Vegas.
23 Q. When mom went to Vegas, where did you
24 guys stay?
25 A. Utah.

1 Q. You said there came a time that you
2 came back from Utah.
3 A. That my mom came back from Utah.
4 Q. No, you.
5 A. Yes.
6 Q. All of you came back to Las Vegas from
7 Utah?
8 A. Yes.
9 Q. Do you remember when that was?
10 A. It was August 2007.
11 Q. When you came back in August 2007, did
12 you -- where did you go, you?
13 A. I went to go stay with Miss Dorothy
14 and my mother.
15 Q. When you went to Utah, did mom, you,
16 Mahlica, Tahara, Taquanda, and Shabazz all go?
17 A. Yes.
18 Q. Did you all come back from Utah?
19 A. Yes.
20 Q. You said you went with mom to stay
21 with Miss Dorothy?
22 A. Yes.
23 Q. Do you know where that was?
24 A. Somewhere on Lake Mead.
25 Q. Okay. Where did Mahlica, Shabazz,

1 Tahara, and Taquanda go?
 2 A. They went to Miss Ann's house.
 3 Q. Do you know where that was?
 4 A. 926 Blankenship, Martin Luther King
 5 area.
 6 Q. Who lived in that house?
 7 A. Shakira, some people I can't remember
 8 their name, Miss Ann, Fred.
 9 Q. Okay. So Fred and Miss Ann both lived
 10 there?
 11 A. Uh-huh.
 12 Q. Is that a yes?
 13 A. Yes.
 14 Q. Was it your understanding -- when you
 15 came back, what was Miss Ann's and Fred's
 16 relationship at that point?
 17 A. They were shagging, like living
 18 together.
 19 Q. As?
 20 A. Boyfriend and girlfriend or whatever.
 21 Q. Okay. What was your mom's
 22 relationship with Fred when you came back?
 23 A. I guess they was going out too.
 24 Q. Okay. So you and mom stayed with
 25 Miss Dorothy. How long did you stay there?

1 A. It was on Nellis by the Walmart.
 2 Q. Okay. Is that in Las Vegas?
 3 A. Yes.
 4 Q. Who lived there?
 5 A. Me and my mom.
 6 Q. Do you know for how long, days, weeks,
 7 months?
 8 A. We stayed there from September to
 9 October.
 10 Q. And then in October where did you go?
 11 A. We went to Walnut.
 12 Q. What's at Walnut?
 13 A. Our apartment.
 14 Q. You got an apartment, you and mom or
 15 you and mom lived in an apartment?
 16 A. Yeah.
 17 Q. Walnut, is that in North Las Vegas?
 18 A. Yes.
 19 Q. For how long did you and mom live in
 20 that apartment?
 21 A. 'Til the summer of 08.
 22 Q. So would that be for the rest of your
 23 ninth grade year?
 24 A. Yes.
 25 Q. Do you know who paid for the hotel

1 A. Until like around I'm not really
 2 sure. Just we stayed there until like after end of
 3 the month so I would say August so a little bit
 4 after September, just a little bit after September.
 5 Q. Now, when you came back, you said it
 6 was August of 2007. When was your birthday in
 7 relation to that?
 8 A. July 31st.
 9 Q. How old did you just turn when you
 10 came back?
 11 A. 15.
 12 Q. Did you start school?
 13 A. Right away?
 14 Q. Well, at all when you came back.
 15 A. Yeah.
 16 Q. Where did you go to school?
 17 A. Mohave.
 18 Q. What school? I'm sorry. What grade?
 19 I'm so sorry. What grade?
 20 A. Ninth.
 21 Q. When you guys -- did you guys move
 22 from Miss Dorothy's to someplace else?
 23 A. To a motel.
 24 Q. Do you remember what it was called or
 25 where it was?

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

1 going to try to get me. He was going to -- he
2 wasn't going to leave me alone because he wanted to
3 have sex with me and I had no way out.

4 Q. Okay. Well, did anything happen that
5 night?

6 A. No.

7 Q. Did there come a time that something
8 did happen?

9 A. It was August 2007 -- August 2007 and
10 it was August the 4th.

11 Q. Okay. How did that come about?

12 A. While our first day here -- it was our
13 first day being back here in Vegas. He told me I
14 had to figure out when I was going to lose my
15 virginity or else he was going to figure it out for
16 me.

17 Q. Okay. But physically on August 24,
18 2007, what happened? How did it come about?

19 A. I and my mom went to go get liquor and
20 they asked me, like he asked me, what do you want
21 to happen on that day and I just didn't want to
22 remember what happened and they went to go get
23 liquor and they drove me up to this hill and we
24 were drinking.

25 Q. What were you drinking?

1 A. Alcohol like vodka, wine coolers, and
2 a lot of like drinks.

3 Q. Okay. So you said it's you, Fred, and
4 your mom, correct?

5 A. Yes.

6 Q. You're in a car. Whose car?

7 A. Miss Ann's car.

8 Q. Where did -- you said you drove up to
9 a hill. Do you know where the hill is?

10 A. All I know is you could see the whole
11 entire Las Vegas from the hill and then there's
12 like this little road. It's on top of a road and
13 there's a road and then there's like a little sign
14 in front like here's the road and here's the sign.
15 Here's the -- on this side you could see the whole
16 Las Vegas.

17 Q. Okay. Where did you go from?

18 A. From the place. We came from
19 Miss Dorothy's house.

20 Q. Okay. Was it fairly close to
21 Miss Dorothy's house?

22 A. No.

23 Q. How long did it take you to get there?

24 A. A couple hours.

25 Q. Hours?

1 A. Probably -- you could see the whole
2 entire Las Vegas. We was driving around and I was
3 drinking.

4 Q. Oh, okay. So it's you, Fred, and your
5 mom. You guys are drinking. You're on a mountain
6 overlooking Las Vegas, and what happens?

7 A. I drink more drinks and there's music
8 playing and Fred pops in the back of the car and
9 then --

10 Q. Were you in the back of the car?

11 A. Yes.

12 Q. Where was your mom?

13 A. In the front seat.

14 Q. So Fred gets in back and then what?

15 A. He takes my clothes off. He has no
16 clothes on and he proceeds to try to have sex with
17 me and -- well, have sex with me.

18 Q. When you say he had sex with you, what
19 did he do?

20 A. He took my virginity. He put his
21 penis in my vagina. After that I don't remember
22 anything because I think I blacked out, like all
23 those drinks.

24 Q. Okay. You said your mom was in the
25 car.

1 A. Yes.

2 Q. Did your mom do anything to stop it?

3 A. No.

4 Q. Did she do something else?

5 A. No.

6 Q. Did she encourage it?

7 A. Yes.

8 Q. How did she encourage it?

9 A. She said it was cute. She was just
10 encouraging it and didn't say nothing else.

11 Q. Did you want that to happen?

12 A. No.

13 Q. Did he do anything else that night?

14 A. No.

15 Q. Did he take you guys somewhere
16 afterwards?

17 A. He took us to Miss Dorothy's house and
18 that was it.

19 Q. Did you continue to live at
20 Miss Dorothy's house?

21 A. Until September.

22 Q. When you moved into the apartment?

23 A. Yes.

24 Q. Did it ever happen again while you
25 were living at Miss Dorothy's house?

1 A. Yes. No, no, no, no. It didn't
2 happen no more until after we left Miss Dorothy's
3 house.

4 Q. Okay. So when you moved into the
5 apartment on Walnut, did you continue to go to
6 school?

7 A. Yes.

8 Q. Did that continue to happen?

9 A. Yes, frequently.

10 Q. How would it come about?

11 A. He would just assign dates and times
12 or he would jut come over.

13 Q. How often would he come over?

14 A. After work, after he get done, after
15 Fred get done from working.

16 Q. Would he come over I mean just for
17 example, once a week, once a month, once a year,
18 how often?

19 A. About three times a week.

20 Q. When he would come over, would he come
21 to see you?

22 A. Yes.

23 Q. Were there times that he would come to
24 see your mom?

25 A. Yes.

1 you won't be calling Tina until at least 3:00
2 o'clock.

3 MS. LUZAICH: Oh, at least.

4 THE COURT: I don't know if we'll get
5 to her today or not. What about Mahlica, are we
6 going to go back to Mahlica?

7 MS. LUZAICH: I'm hoping.

8 THE COURT: Was she given some
9 medication?

10 MS. LUZAICH: I don't believe so.

11 They can't give her medication.

12 THE COURT: She is not on any
13 medication. So there may be a witness, a child who
14 testifies after Victoria so I don't know that the
15 mom will be testifying today or not so you should
16 have plenty of time. Thank you for being here. I
17 appreciate it.

18 MR. SANFT: Thank you, Your Honor.

19 THE COURT: Go ahead.

20 MS. LUZAICH: All right.

21 Q. So you're living at the Walnut
22 apartment and you said the defendant would come
23 over. I mean often during the week. When he would
24 come over, would he, I mean always be with you, do
25 things with you? You're nodding your head. You

1 Q. Did he continue to have a relationship
2 with your mom that you were aware of?

3 A. Yes.

4 Q. Did he -- when he would come over if
5 he were with you, where would it happen?

6 A. It would happen at the house or it
7 would happen in the apartment and in the car if we
8 went out somewhere.

9 THE COURT: Can we take a moment.

10 Mr. Sanft, I need to appoint you to consult with --
11 her name is Tina Duke. She is staying outside the
12 courtroom. She is the mother of some minor
13 children, adult children. She is scheduled to
14 testify during this preliminary hearing. There may
15 be some issues that she has some criminal liability
16 or conduct. I don't know if you want to go into
17 any more than that.

18 MS. ALLEN: I'm actually handing him
19 my copies of her statement. I just need them back.

20 THE COURT: I have a meeting at 2:30
21 so you'll have plenty of time to speak with her.
22 How much more time do you think Victoria will be
23 taking?

24 MS. LUZAICH: A while.

25 THE COURT: So probably then not --

1 have to answer out loud, please.

2 A. Yes.

3 Q. And what would he do?

4 A. Excuse me.

5 THE COURT: That's okay.

6 MR. LUZAICH: That's okay. Take your
7 time.

8 THE COURT: Do you want some water?

9 THE WITNESS: I want --

10 THE COURT: Do you need a minute? Do
11 you want to use the rest room?

12 THE WITNESS: Yes.

13 THE COURT: Okay. Do you want the
14 advocate to go with you?

15 THE WITNESS: Yes.

16 (Whereupon a recess was
17 taken at 1:56 p.m. and
18 the proceedings resumed
19 at 2:05 p.m.)

20 THE COURT: The record will reflect
21 we're back in session. Counsel and the defendant
22 are present. Proceed.

23 MR. LUZAICH: Thank you.

24 Q. All right. So when you're living in
25 the Walnut apartment, the defendant would come

1 over. What would he do?
 2 A. He would bring drinks. He would bring
 3 alcohol.
 4 Q. Would he bring anything else with him?
 5 A. He would bring toys.
 6 Q. What are toys?
 7 A. Like sexual toys.
 8 Q. For example?
 9 A. A vibrator, a dildo.
 10 Q. When he would bring those toys, would
 11 they be used?
 12 A. Yes.
 13 Q. How would they be used?
 14 A. Either on my mom or on me or he would
 15 use them.
 16 Q. Did there come a time -- well, when --
 17 after that first time that it happened when you
 18 moved into the apartment, did it start out that he
 19 would do things with just you, just him and you and
 20 nothing else?
 21 A. Yes.
 22 Q. When it was him and you and nothing
 23 else, what would he do?
 24 A. He would just -- he would use the toys
 25 on me or he would either just have sex or --

1 Q. What part of his body touched what
 2 part of your body?
 3 A. Yes.
 4 Q. What part of his body?
 5 A. His penis.
 6 Q. And where would he put his penis?
 7 A. In my vagina.
 8 Q. Did he put it anywhere else?
 9 A. No.
 10 Q. In the beginning nowhere else?
 11 A. No.
 12 Q. Okay. Did that change as time went
 13 by?
 14 You're nodding your head. I'm sorry,,
 15 honey. You've got to speak out loud.
 16 A. Yes.
 17 Q. As time went by and that changed,
 18 where else would he put his penis?
 19 A. In my anus. That's it.
 20 Q. Okay. Did he do that one time or more
 21 than one time?
 22 A. More than one time.
 23 Q. The first time that he did that, where
 24 were you?
 25 A. At the Walnut location.

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

1 Q. Oh, I'm sorry. Where in the apartment
 2 were you?
 3 A. In my room.
 4 Q. Okay. Was there anywhere else in the
 5 Walnut apartment that he put his penis in your
 6 anus?
 7 A. In my mom's room, in my room, that's
 8 practically it.
 9 Q. In the Walnut apartment when he was
 10 doing these things, did he put his penis anywhere
 11 else, your vagina, your anus, anywhere else?
 12 A. No.
 13 Q. You said that there came a time that
 14 he started bringing toys that you describe as
 15 vibrators or dildos. Who would use the toys?
 16 A. He would.
 17 Q. You had earlier mentioned there were
 18 times with you, there were times with your mom.
 19 Before we get to your mom, when he did it with you,
 20 where would you be?
 21 A. In my room.
 22 Q. Was it only in your room that he used
 23 toys with just you?
 24 A. My mom's room.
 25 Q. Okay. And your mom's room. Where

1 would he put the toys?
 2 A. In my vagina.
 3 Q. Did he always put it in the vagina or
 4 were there times that he didn't and just did
 5 something else with it?
 6 A. It was either in my vagina or my
 7 clitoris.
 8 Q. Okay. So when he did that, was it
 9 just a rubbing as opposed to inserting it?
 10 A. Yes.
 11 Q. Did you want him to do any of those
 12 things?
 13 A. No.
 14 Q. Would he always bring alcohol with him
 15 when he came?
 16 A. Yes.
 17 Q. Did you always drink when he came and
 18 this would happen?
 19 A. Yes.
 20 Q. And I'm sorry. When I say would you
 21 always drink, would you always drink the alcohol?
 22 A. Yes.
 23 Q. While you were -- well, you said that
 24 there also came a time that your mom was involved.
 25 How did that happen?

1 with you and then he was with your mom on the same
 2 night?
 3 A. Yes.
 4 Q. Did that cause something else to
 5 happen that related to your mom?
 6 A. He had my mom -- he had my mom try to
 7 have sex with me and him.
 8 Q. Tell me about the very first time that
 9 that happened. Where were you guys?
 10 A. We were in -- we were in a motel.
 11 Q. In a motel before you lived in the
 12 Walnut apartment or during the time that you lived
 13 in the Walnut apartment?
 14 A. Before.
 15 Q. Okay. Tell me what happened.
 16 A. He always like he wanted us to always
 17 do stuff together or he would try to get her to use
 18 the dildo or the vibrator on me or he always wanted
 19 us to do something together.
 20 Q. Okay. Tell me what he would say that
 21 caused that to happen.
 22 A. He would like go to your daughter and
 23 put the, fuck her with the dildo or use the
 24 vibrator on her or just different things like that.
 25 Q. Did you ever see him do anything to

1 A. When my mom was off work.
 2 Q. And I apologize to go back one
 3 second. From the time that you moved into the
 4 Walnut apartment, did your mom work?
 5 A. Yes.
 6 Q. What did she do?
 7 A. She was a maid at Bally's.
 8 Q. Were there times when he would come
 9 over while your mom was at work?
 10 A. Yes.
 11 Q. And were those things we just talked
 12 about was that while your mom was at work?
 13 A. Yes.
 14 Q. While your mom was not at work were
 15 there times he would come over?
 16 A. Yes.
 17 Q. Were there times when he would see
 18 your mom and not see you?
 19 A. No.
 20 Q. So when your mom was home and he would
 21 come over, what would happen?
 22 A. He would either see me and then her or
 23 he would go into my mom's room and then see me or
 24 he wouldn't see my mom.
 25 Q. Okay. Were there times that he was

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

1 MS. LUZAICH: Okay.

2 Q. Earlier did you say that when you came
3 back in August of 2007 that you lived at Miss
4 Dorothy's for a month?

5 A. Yes.

6 Q. And that you went from Miss Dorothy's
7 to a hotel?

8 A. Yes.

9 Q. How long were you at the hotel?

10 A. From September to October.

11 Q. Of 2007?

12 A. Yes.

13 Q. Okay. And that was the first time
14 that the defendant had your mom use his dildo or
15 vibrator with you?

16 A. Yes.

17 Q. Was that the first time that the
18 defendant had your mom do anything sexual with you?

19 A. Yes.

20 Q. The very first time it happened, I
21 mean specifically what did he say that caused it to
22 happen?

23 A. He told my mom to get the vibrator and
24 use it on me.

25 Q. Okay. So the very first time it did

1 Q. Why would you do what he would tell
2 you to do?

3 A. Because they told me in the car when
4 we first got here in August, that if I did not
5 listen to them, I would get in trouble. They would
6 send me to Child Haven or they would try to kill me
7 or get rid of me, and they told me I would never
8 see my sisters and brothers ever again.

9 Q. Did you believe Fred when he said any
10 of that?

11 A. Yes.

12 Q. After you left the -- well, at the
13 hotel did he cause your mom to do anything other
14 than rub the -- what was it, a dildo or vibrator?
15 Sorry.

16 A. Vibrator.

17 Q. Rub the vibrator on you.

18 A. He told her to be by me and use the
19 dildo on me.

20 Q. Did he direct her how to do that?

21 A. Yes.

22 Q. What did he tell her to do?

23 A. He told her to stick the dildo in her
24 and then go towards me.

25 Q. Can you describe the dildo that you're

1 involve a vibrator.

2 A. Yes.

3 Q. And at his direction did she get a
4 vibrator?

5 A. Yes.

6 Q. And at his direction did she use it?

7 A. Yes.

8 Q. How did she use it?

9 A. She used it on my clitoris.

10 Q. Was he directing her and telling her
11 what to do?

12 A. Yes.

13 Q. Did she follow his directions?

14 A. Yes.

15 Q. That very first time was your mom
16 dressed or undressed?

17 A. Undressed.

18 Q. Were you dressed or undressed?

19 A. Undressed.

20 Q. What caused your mom to become
21 undressed?

22 A. He told her to get undressed.

23 Q. Okay. What caused you to be
24 undressed?

25 A. They told me to get undressed.

1 talking about?

2 A. Long brown two headed.

3 Q. Okay. And did she do what she told
4 her?

5 A. Yes.

6 Q. Did you want that to happen?

7 A. No.

8 Q. Did it appear that she wanted it to
9 happen?

10 A. I don't know.

11 MS. ALLEN: Objection, Judge.

12 THE COURT: Overruled.

13 MS. LUZAICH: I said did it appear
14 that she wanted that to happen.

15 Q. Could you tell did she appear. If you
16 couldn't tell, that's fine.

17 A. I couldn't tell.

18 Q. Did that happen more than one time at
19 the motel?

20 A. Yes.

21 Q. Did that continue to happen when you
22 moved into the Walnut apartment?

23 A. Yes.

24 Q. Did you ever hear whether or not the
25 defendant made any threats to your mom?

1 A. He would always beat her so I never
2 really heard the threats but my -- I never really
3 knew what was going on.
4 Q. Okay. Did this continue to happen the
5 whole time that you lived at the Walnut apartment?
6 A. Yes.
7 Q. Did there come a time that you guys
8 left the Walnut apartment? I'm sorry. Before I
9 even get there.
10 Did you and your mom live in the
11 Walnut apartment together the whole time that you
12 were there?
13 A. We did until the summer. During the
14 summer --
15 Q. What happened in the summer?
16 A. Well, I was angry and I didn't want to
17 do any of that stuff no more so I wound up at
18 Miss Dorothy's for the summer.
19 Q. How did you wind up at Miss Dorothy's
20 for the summer?
21 A. They -- I was just angry and I didn't
22 want to listen. I didn't want to do anything.
23 Q. No. Physically how did you get to
24 Miss Dorothy's?
25 A. They would take me. I would take the

1 THE COURT: Go ahead.
2 MS. LUZAICH:
3 Q. Did you start tenth grade? Did you go
4 to tenth grade?
5 A. Yes.
6 Q. Where did you go to tenth grade?
7 A. Canyon Springs.
8 Q. And that's a different school than
9 ninth grade; is that correct?
10 A. Yes.
11 Q. Did you go to a different school
12 because you moved?
13 A. Yes.
14 Q. Where did you move to?
15 A. To Ann and Fred's house.
16 Q. Where was Ann's and Fred's house?
17 A. 966 Blankenship.
18 Q. Who moved to 966 Blankenship at that
19 point?
20 A. First it was my mom and then later on
21 it was me.
22 Q. When did you go?
23 A. A couple of days like a week before my
24 birthday.
25 Q. Okay. And your birthday is July 31st,

1 bus or they would take me to Miss Dorothy's.
2 MS. ALLEN: Can I have clarification
3 on who "they" is.
4 THE COURT: What do you mean by they?
5 THE WITNESS: My mom and Fred.
6 MS. LUZAICH:
7 Q. How much of the time did you spend at
8 Miss Dorothy's in the summer?
9 A. During the summer it was every day
10 during the summer and it kind of stopped where I
11 was only there for the weekend by the end of the
12 summer.
13 Q. During the week where would you go?
14 A. I would go back to my mom's house.
15 Q. Which was where?
16 A. Walnut.
17 Q. So mom continued to live in the
18 apartment on Walnut over that summer and is that
19 the summer in between your ninth and tenth grade.
20 You're nodding your head.
21 A. Sorry. It was, yes, it was between
22 ninth and tenth grade.
23 THE COURT: So is this 2007, 2008,
24 what year would that be?
25 THE WITNESS: It is 2008.

1 right? You're nodding your head.
2 A. Sorry. Yes.
3 Q. So a little bit before your 16th
4 birthday?
5 A. Yes.
6 Q. Did these things continue to happen
7 while you were living at Blankenship?
8 A. No.
9 Q. Did they ever happen during the time
10 that you lived at Blankenship?
11 A. After 2008.
12 Q. Okay. For how long a period of time
13 did nothing happen?
14 A. All the way from 2008 to about May of
15 2009.
16 Q. Okay. So you turned 16 July of 2008
17 and then in August you started tenth grade,
18 correct?
19 A. Yes.
20 Q. And then by May of 2009 was the end of
21 tenth grade.
22 A. Yes.
23 Q. So for that time during tenth grade
24 when you live at Blankenship it doesn't happen.
25 How did Fred treat you otherwise?

1 A. Just different. It wasn't -- it was a
2 very hard year. Like a lot of stuff happened.
3 Someone's always getting beat.
4 Q. When you say someone's always getting
5 beat, by who?
6 A. Fred.
7 Q. And who was someone?
8 A. Tahara, Taquanda, Shabazz, mom, me.
9 Q. Okay. So one of you guys, the Dukes?
10 A. Yes.
11 Q. Did you ever see him beat Miss Ann?
12 A. No.
13 Q. Did you ever see him beat Shakira?
14 A. No.
15 Q. Shakira, is that Miss Ann's daughter.
16 Is that what you said earlier?
17 A. Yes.
18 Q. Was she living there sometimes at the
19 Blankenship house?
20 A. Sometimes, not all the time.
21 Q. What happened in May of 2009 to change
22 that? I'm sorry. You said that nothing had
23 happened from when you moved into the Blankenship
24 house until May of 2009. What happens in May of
25 2009?

1 A. I was washing the dishes and he came
2 and touched my behind.
3 Q. Is this in the Blankenship house?
4 A. Yes.
5 Q. Okay. Was anybody else around?
6 A. No.
7 Q. Did he say anything when he did that?
8 A. No.
9 Q. And then what happened?
10 A. He just looked, like he just looked at
11 me.
12 Q. Okay. And then?
13 A. He just went to his room.
14 Q. And did anything else happen after
15 that?
16 A. Like after that day?
17 Q. Yes.
18 A. No. Just after that day nothing
19 happened but the following week.
20 Q. What happened the following week?
21 A. He was telling me to come to his room.
22 Q. Is this in the house on Blankenship?
23 A. Yes.
24 Q. And then what?
25 Did you go to his room?

1 A. Yeah.
2 Q. Was anybody else home?
3 A. No.
4 Q. What time of day was it?
5 A. It was in the daytime.
6 Q. Okay. What happened?
7 A. He wanted me to have sex with him.
8 Q. How do you know that?
9 A. He told me.
10 Q. What did he tell you?
11 A. He told me that he missed me. He
12 wanted me to be with him.
13 Q. Did you want to be with him?
14 A. No.
15 Q. What happened?
16 A. He took my pants off. He had sex.
17 Q. When you say he had sex, what did he
18 do?
19 A. He put his vagina, I mean, what the
20 heck.
21 Q. That's okay. Take your time.
22 A. He put his penis in my vagina. Do you
23 want me to describe it?
24 Q. No, not yet. Did you say it was his
25 room?

1 A. It was him and Miss Ann's room.
2 Q. Okay. Was that all he -- sorry. That
3 sounds like a mean question, but was that all he
4 did that day?
5 A. Yes.
6 Q. He didn't put his penis anywhere else?
7 A. No.
8 Q. What happened after?
9 A. He would act different. Like he
10 wouldn't beat anybody that much. He wouldn't be
11 all that mean to anybody afterwards.
12 Q. Did it continue to happen again after
13 that day?
14 A. Once in a while like.
15 Q. Not as often as before?
16 A. No.
17 Q. By the end of your tenth grade year,
18 were you doing anything different?
19 A. By the end --
20 Q. I mean this was the end of your tenth
21 grade, correct?
22 A. Yes.
23 Q. May, June 2009 -- '10 -- '09. Were
24 you doing anything different like on a daily basis?
25 A. Besides -- I'm sorry. I don't

1 I understand your question.

2 Q. That's okay. There's nothing wrong
3 with that. Is mom continuing to work?

4 A. Yes.

5 Q. Are you hanging out with the kids,
6 your brother and sisters? Is anything different or
7 is it pretty much the same?

8 A. It's a little different kind of the
9 same, you know. They still don't trust me. I
10 still can't do anything. I have to be careful what
11 I say and do around my sisters and brothers.

12 Q. Okay. Did you then start 11th grade?

13 A. Yes.

14 Q. What school did you start 11th grade
15 at?

16 A. Canyon Springs.

17 Q. And did you continue to live at the
18 Blankenship house?

19 A. Yes.

20 Q. Now, in the 11th grade did it continue
21 to happen what Fred would do to you?

22 A. Yes.

23 Q. While you lived at the Blankenship
24 house did he ever use a toy?

25 A. No.

1 Q. While you lived at the Blankenship
2 house, did he ever cause you and your mom to be
3 together?

4 A. No.

5 Q. While you lived at the Blankenship
6 house, did he ever have sex or any kind of sexual
7 act with you outside of the Blankenship house or
8 would it only be at the house?

9 MS. ALLEN: Your Honor, I'd object as
10 leading.

11 MS. LUZAICH: Well, I'm just trying to
12 lay a foundation. You asked where it happened.

13 THE COURT: Overruled. Go ahead.

14 MS. LUZAICH:

15 Q. Do you understand my question?

16 A. I don't know if I should answer the
17 question because she objected and she said
18 overruled.

19 Q. Overruled means you can answer. Sorry
20 about that.

21 A. Okay. Can you repeat the question.

22 Q. During the 11th grade when you lived
23 at the Blankenship house you said a minute ago he
24 continued to do or do sex acts. Were the sex acts
25 only inside the Blankenship house that year or did

1 it ever happen at another location?

2 A. It was only at the Blankenship house.

3 Q. Okay. Did there come a time that you
4 moved out of the Blankenship house?

5 A. We moved out 2009 in August, I mean in
6 2010 in August.

7 Q. Okay. After your tenth grade year,
8 11th grade, after your 11th grade year was done?

9 A. Yes.

10 Q. And when you moved out in August of
11 2010, where did you go?

12 A. We moved to St. Andrews on Commerce
13 and Craig.

14 Q. What kind of location was it?

15 A. It was an apartment.

16 Q. Okay. When you say we moved there,
17 who is "we"?

18 A. My mom, my sister Mahlica, and me and
19 my brother 'Bazz.

20 Q. Okay. So where did Taquanda and
21 Tahara go?

22 A. They stayed at the 966 Blankenship
23 house.

24 Q. Okay. With Ann and Fred?

25 A. Yes.

1 Q. When you moved to the St. Andrews
2 apartment, did you continue to go to school?

3 A. Yes.

4 Q. What school did you go to?

5 A. Canyon Springs.

6 Q. Okay. And the St. Andrews apartments,
7 are they in North Las Vegas?

8 A. Yes.

9 Q. Did Fred continue to see you while you
10 were living at the St. Andrews apartments?

11 A. Off and on.

12 THE COURT: Okay. I have to take a
13 quick break for the meeting I have to go to so
14 we'll be back in no more than a half hour.

15 MS. LUZAICH: We'll be nearby.

16 (Whereupon a recess was
17 taken at 2:30 p.m. and
18 the proceedings resumed
19 at 3:15 p.m.)

20 MS. LUZAICH: Can I recall Mahlica and
21 finish her.

22 THE COURT: All right. So the record
23 will reflect we're back in session with the
24 presence of the defendant and all counsel and we
25 are resuming with the prior testimony of Mahlica

1 Duke.
 2 THE COURT: Proceed.
 3 MS. LUZAICH: Thank you.
 4
 5 MAHLICA DUKE,
 6 having previously affirmed to tell the truth under
 7 the pain and penalty of perjury, was examined and
 8 testified as follows:
 9
 10 DIRECT EXAMINATION (continuing).
 11 Q. Are you okay, Mahlica?
 12 A. Yes.
 13 Q. Okay. The judge had asked you if you
 14 wanted to take a break and go to the bathroom and
 15 you did, right?
 16 A. Yes.
 17 Q. Did you have a hard time while you
 18 were in the bathroom?
 19 What was wrong?
 20 A. I was having difficulty breathing.
 21 Q. Okay. Did medical come and try and
 22 help you?
 23 A. Yes.
 24 Q. Okay. Are you feeling a little better
 25 now?

1 A. Yes.
 2 Q. And your birthday is in September.
 3 A. Yes.
 4 Q. You said I think that you attended
 5 West Prep for eighth grade; is that right?
 6 A. Yes.
 7 Q. And you went to Canyon Springs for
 8 ninth, tenth and 11th?
 9 A. Yes.
 10 Q. And then you started 12th grade at
 11 Basic?
 12 A. Yes.
 13 Q. But you said you only went a couple of
 14 days; is that right?
 15 A. Yes.
 16 Q. Why did you quit school?
 17 A. Because of my anxiety disorder.
 18 Q. Okay. So you were having anxiety back
 19 in 12th grade; is that right?
 20 A. Yes.
 21 Q. Okay. But you went for two days and
 22 then you decided not to go back?
 23 A. Yes.
 24 Q. Did you obtain like a GED or did you
 25 finish school online?

1 A. Yes.
 2 Q. Okay. Are you ready to go forward?
 3 A. Yes.
 4 Q. If you need to take a break, you tell
 5 us. Okay?
 6 A. Okay.
 7 MS. LUZAICH: All right. Thank you,
 8 Mahlica. I'm going to pass the witness.
 9 (Whereupon Ms. Luzaich concluded
 10 this portion of her examination
 11 at 3:15 p.m.)
 12
 13 CROSS-EXAMINATION
 14 BY MS. ALLEN:
 15 Q. Good afternoon, Mahlica. How are you?
 16 A. I'm good.
 17 Q. As Ms. Luzaich said, if you need a
 18 break or you don't understand my questions,
 19 whatever you need, just let me know. Okay?
 20 A. Okay.
 21 Q. My name is Betsy and I'm going to ask
 22 you some follow-up questions. Okay?
 23 A. All right.
 24 Q. You said you were 19 years old; is
 25 that right?

1 A. I'm trying to finish school online
 2 right now.
 3 Q. Okay. So you're in school now then?
 4 A. Yes.
 5 Q. Okay. When you were in -- well, let's
 6 go back.
 7 You live -- you moved from Louisiana
 8 out here to Las Vegas; is that right?
 9 A. Yes.
 10 Q. And do you remember what year that
 11 was?
 12 A. 2004.
 13 Q. You believe it was around 2004.
 14 Okay. And when you guys moved out here, was it
 15 your whole family, your mom and all your siblings?
 16 A. Yes.
 17 Q. And who moved you out here, do you
 18 remember?
 19 A. No, I don't.
 20 Q. Do you remember if it was Fred's
 21 brother?
 22 A. Yes.
 23 Q. Do you remember that?
 24 A. Yes.
 25 Q. Okay. Your mom had come out to Vegas,

1 isn't that right, and left you guys in Louisiana?

2 A. Yes.

3 Q. And did CPS at that point take custody
4 of you guys in Louisiana?

5 A. No.

6 Q. Okay. Were you staying with someone
7 you knew in Louisiana?

8 A. Yes.

9 Q. And how long was mom gone before
10 Fred's brother moved you?

11 A. I'm not sure.

12 Q. Okay. You don't remember how long
13 your mom was gone.

14 A. No.

15 Q. Were all of you in school in
16 Louisiana?

17 A. Yes.

18 Q. And then you moved out here and where
19 did you move when you came out to Las Vegas? Where
20 is the first place you lived?

21 A. Like a friend of my mom's.

22 Q. With a friend of your mom's?

23 A. Yes.

24 Q. And what friend is that?

25 A. Ann Cook.

1 Q. Okay. So you moved in with Miss Ann.

2 A. Yes.

3 Q. Okay. Was that at the Blankenship
4 address?

5 A. No. This was a different house.

6 Q. It was a different house. Okay. So
7 immediately when you came from Louisiana you
8 immediately moved in with Miss Ann; is that right?

9 A. Yes.

10 Q. Do you remember who lived with you
11 when you first moved from Louisiana?

12 A. Just Ann and Shakira.

13 Q. Okay. Just Ann and Shakira and your
14 family?

15 A. Yes.

16 Q. Which would be Victoria, you, Shabazz,
17 Taquanda, and Tahara, and your mom; is that right?

18 A. Yes.

19 Q. And then at some point you met Fred;
20 is that right?

21 A. Yes.

22 Q. Do you remember if you met Fred in
23 Louisiana?

24 A. No.

25 Q. You never remember meeting him in

1 Louisiana?

2 A. No.

3 Q. The first time you met Fred is in Las
4 Vegas.

5 A. Yes.

6 Q. And do you remember the first time you
7 met him was at Miss Ann's house?

8 A. Yes.

9 Q. Okay. Did he come over there to see
10 Miss Ann?

11 A. Yes.

12 Q. All right. Do you remember how long
13 you lived in that house with Miss Ann?

14 A. I don't know.

15 Q. You don't remember. Okay. And you
16 don't remember the address, right?

17 A. No.

18 Q. Was it a house or was it an apartment?

19 A. It was a house.

20 Q. It was a house. Okay. And then at
21 some point your mom decided to move to Utah; is
22 that right?

23 A. Yes.

24 Q. And you all went with her to Utah; is
25 that correct?

1 A. Yes.

2 Q. And when I say you all, it's all of
3 your siblings; is that right?

4 A. Yes.

5 Q. How long were you in Utah again?

6 A. Two years.

7 Q. Two years?

8 A. Yes.

9 Q. Okay. And at some point your mom came
10 back to Las Vegas without you; is that right?

11 A. Yes.

12 Q. She left you in Utah with someone.

13 A. Yes.

14 Q. Okay. And she came to Las Vegas; is
15 that right?

16 A. Yes.

17 Q. And did she come to see Fred?

18 A. Yes.

19 Q. Okay. Do you remember the occasion as
20 to why she came to see Fred? Do you remember why,
21 if you know?

22 A. No, I don't remember.

23 Q. Okay. And then at some point you were
24 placed in CPS's care in Utah; is that right?

25 A. Yes.

1 Q. Because mom had sort of left you guys
2 alone?
3 A. Yes.
4 Q. Was Victoria looking after you guys?
5 A. Yes.
6 Q. In Utah?
7 A. Yes.
8 Q. Does Victoria sort of act like the
9 mother to all of you?
10 A. Yes.
11 Q. Does she sometimes make decisions for
12 the family?
13 A. Yes.
14 Q. And your mom let her do that?
15 A. Yeah, sometimes.
16 Q. Your mom let Victoria sort of run the
17 household?
18 A. Yes.
19 Q. Okay. So when you come back to Las
20 Vegas, you moved back in with Fred and Ann; is that
21 right?
22 A. Yes.
23 Q. And mom and Victoria go to an
24 apartment. They don't move in; is that correct?
25 A. Yes.

1 of your grades in school?
2 A. Yes.
3 Q. Were grades really important to him?
4 A. Yes.
5 Q. Fred wanted you to do well in school;
6 isn't that right?
7 A. Yes. I guess so.
8 Q. He wanted all of you to do well in
9 school.
10 A. Yes.
11 Q. Do you recall instances where you got
12 in trouble because of your grades?
13 A. Yes.
14 Q. You do? Okay. You said that he
15 sometimes made you guys do push-ups; is that right?
16 A. Yes.
17 Q. And sit-ups?
18 A. Yes.
19 Q. Did he do this as a form of
20 punishment?
21 A. Yes.
22 Q. Okay. And did he usually make you do
23 the push-ups or the sit-ups prior to the point
24 where he would hit you?
25 A. Yes.

1 Q. Were you having problems in school
2 back then, Mahtica?
3 A. When?
4 Q. Right when you moved back in with Fred
5 and Ann in 2007 and 2008. Were you having problems
6 in school?
7 A. What do you mean?
8 Q. Were you having discipline problems?
9 Were you getting in trouble at school?
10 A. No.
11 Q. Okay. At some point in time did you
12 start getting in trouble at school?
13 A. No.
14 Q. No? Okay. You said that you -- that
15 Fred treated you okay; is that right?
16 A. Sometimes, yes.
17 Q. Sometimes he yelled.
18 A. I said sometimes, yes.
19 Q. But sometimes he yelled at you; is
20 that right?
21 A. Yes.
22 Q. Did he yell at you because of your
23 grades?
24 A. Sometimes.
25 Q. Okay. Did you have problems with some

1 Q. Didn't he have sort of a three-step
2 process to it? First you were grounded and then if
3 something happened again, then he made you do
4 push-ups. Do you remember that?
5 A. Yes.
6 Q. Okay. The first time he hit you with
7 a belt you said he hit you on your butt; is that
8 right?
9 A. Yes.
10 Q. Do you remember when that was
11 specifically?
12 A. No.
13 Q. You don't remember the month or the
14 year?
15 A. No.
16 Q. Okay. Do you remember the occasion
17 for which he hit you, why he hit you?
18 A. No, I don't.
19 Q. You don't remember. Okay. You can't
20 recall why you may or may not have been in trouble,
21 right? You don't have any recollection.
22 A. I just don't remember really what it
23 was about.
24 Q. Okay. And you don't recall even the
25 year that it happened; is that right?

1 A. Yes.
 2 Q. Okay. Do you recall what you were
 3 wearing at the time?
 4 A. No.
 5 Q. Okay. Do you recall in what room it
 6 happened in?
 7 A. No.
 8 Q. Okay. Do you remember how many times
 9 he hit you with the belt?
 10 A. It was around a couple of times. I
 11 don't remember.
 12 Q. So two?
 13 A. Yeah.
 14 Q. Okay. And you said that it left some
 15 marks; is that right?
 16 A. Yes.
 17 Q. Okay. And did you -- the next day was
 18 there bruising or were there marks the next day?
 19 A. There was bruising.
 20 Q. Okay. And do you recall if this
 21 happened during the week or was it on a weekend?
 22 A. During the week I think.
 23 Q. Okay. And so you went to school the
 24 next day; is that right?
 25 A. Yes.

1 Q. So you were in the kitchen.
 2 A. Yes.
 3 Q. Who else was in the kitchen with you?
 4 A. There was nobody else.
 5 Q. Who else was in the house?
 6 A. My other siblings were in their
 7 rooms. They were getting ready for bed.
 8 Q. Okay. When you say other siblings, do
 9 you mean all of them, Victoria, Shabazz, Taquanda
 10 and that?
 11 A. Yes.
 12 Q. Okay. Do you remember the month and
 13 year that this happened?
 14 A. No, not really.
 15 Q. Okay. Had you ever been choked
 16 before?
 17 A. Yes.
 18 Q. So someone else has choked you besides
 19 Fred?
 20 A. Oh, no.
 21 Q. Okay. So it was a little startling to
 22 have it happen. Am I correct?
 23 A. Yes.
 24 Q. You have no recollection of when it
 25 happened?

1 Q. Did you tell anybody about it at
 2 school?
 3 A. No.
 4 Q. The next time that it happened do you
 5 recall when it was, month or year?
 6 A. No.
 7 Q. Do you recall how many times he hit
 8 you?
 9 A. I don't really remember how many
 10 times.
 11 Q. Okay. Did it leave marks the second
 12 time?
 13 A. Yes.
 14 Q. Did it leave a bruise?
 15 A. Yes.
 16 Q. Did you tell anybody at school about
 17 it?
 18 A. No.
 19 Q. What about when -- what about you
 20 testified that Fred had put his hands around your
 21 neck. Do you recall that?
 22 A. Yes.
 23 Q. Okay. And you said that you were
 24 doing dishes; is that right?
 25 A. Yes.

1 A. No.
 2 Q. Okay. Did it leave marks on your
 3 neck?
 4 A. No.
 5 Q. Okay. Did you tell anybody about it
 6 at school?
 7 A. No.
 8 Q. Did you tell your mom about it?
 9 A. Yes.
 10 Q. So you told your mom. Did you tell
 11 her that night or did you tell her a different day?
 12 A. I told her a different day.
 13 Q. All right. How long after this
 14 happened did you tell your mom?
 15 A. Like it was probably like the next
 16 day.
 17 Q. You told her the next day?
 18 A. Yes.
 19 Q. Was she living in the house?
 20 A. Yes.
 21 Q. Okay. At some point you moved out of
 22 the house; is that right?
 23 A. Yes.
 24 Q. Okay. And before you moved out of the
 25 house -- well, let me ask you this.

1 When did you permanently move out of
 2 the Blankenship house?
 3 A. It was sometime during the summer of
 4 2010.
 5 Q. The summer of 2010 is when you believe
 6 you permanently moved out. You never went back.
 7 Is that right?
 8 A. Yes.
 9 Q. So prior to moving out, how many times
 10 would you say that Fred had hit you?
 11 A. He didn't hit me anymore after that.
 12 Q. No. Prior to moving out. Before you
 13 moved out of the Blankenship house, how many times
 14 would you say that he hit you?
 15 A. I don't really remember how many
 16 times.
 17 Q. Okay. Well, was it more than two
 18 times, more than ten times?
 19 A. Yes, somewhere around there.
 20 Q. Around ten?
 21 A. Yes.
 22 Q. Okay. And was it always with a belt?
 23 A. No, it wasn't always -- most of the
 24 time it was with a belt but sometimes he would hit
 25 me with his hand.

1 A. Yes.
 2 Q. Things were tape-recorded, correct?
 3 A. Yes.
 4 Q. And then have you had a chance to look
 5 at your voluntary statement since then?
 6 A. No.
 7 Q. So you haven't read anything before
 8 you came to court today?
 9 A. No.
 10 Q. Have you talked to your sister Vickie
 11 a lot about this case or about what's going on?
 12 A. No.
 13 Q. You didn't talk to your sister at all
 14 about any of this?
 15 A. What do you mean?
 16 Q. Well, about coming to court, what
 17 other kind of things that you're going to testify
 18 to.
 19 A. Sometimes but --
 20 Q. When is the last time you had a
 21 conversation with your sister about it, Vickie?
 22 A. A week ago.
 23 Q. A week ago you guys talked about
 24 coming in here?
 25 A. Yeah.

1 Q. Okay. So he would hit you with his
 2 hand sometimes too?
 3 A. Yes.
 4 Q. Okay. And you can't remember any of
 5 the ten times this happened, you can't remember any
 6 reason why he would have hit you; is that right?
 7 A. Yes.
 8 Q. Okay. Did he generally just walk up
 9 and start hitting you?
 10 A. No.
 11 Q. You recall that you have given two
 12 statements in this case or you've talked to a
 13 couple people about it. Do you recall?
 14 A. Yes.
 15 Q. Okay. Do you recall giving one back
 16 in 2012 like October of 2012? Do you remember
 17 that?
 18 A. Yes.
 19 Q. Okay. And then do you recall giving
 20 one in December of 2011?
 21 A. Yes.
 22 Q. Okay. When you were talking to
 23 various individuals when you made these two
 24 statements, do you recall that they had a
 25 tape-recorder?

1 Q. Okay. Have you guys, have you
 2 personally talked to Taquanda or Tahara about
 3 coming in here and testifying?
 4 A. No, not really.
 5 Q. Not really. Okay. Do you remember in
 6 2012 telling a detective that Fred had wanted to
 7 take pictures of you?
 8 A. Yes.
 9 Q. Okay. Something with Vickie, I guess
 10 you and Vickie in bikinis or something like that.
 11 Do you remember that?
 12 A. Yes.
 13 Q. And then you recall when you made the
 14 statement in 2011 you were specifically asked if
 15 Fred had ever been inappropriate towards you, you
 16 said no. Do you remember that?
 17 A. Yes.
 18 Q. You were out of the house in 2011,
 19 were you not?
 20 A. Yes.
 21 Q. You weren't living in Blankenship
 22 anymore; isn't that correct?
 23 A. Yes.
 24 Q. And you'd been out of the house for
 25 about a year?

1 A. Yes.
 2 Q. Okay. You said you have conversations
 3 with your sister a lot, Vickie; is that right?
 4 A. Yes.
 5 Q. You guys are close?
 6 A. Yes.
 7 Q. Do you recall describing Fred as nice
 8 in 2011?
 9 A. I don't remember that.
 10 Q. Would it refresh your recollection to
 11 look at the statement? Would it help if you looked
 12 at the transcribed statement that you made to the
 13 detective in 2011?
 14 Let me ask you this. Can you read?
 15 Are you okay reading?
 16 A. Yes.
 17 MS. ALLEN: Okay. May I approach.
 18 THE COURT: Yes. She's going to give
 19 you a typewritten statement that you already gave.
 20 It's a recorded statement and she's just asking you
 21 to look at it and ask you if it helps you
 22 remember. You can look at as much of it as you
 23 need.
 24 MS. ALLEN:
 25 Q. Did you read that?

1 A. Uh-huh.
 2 Q. Okay. Do you remember saying that to
 3 the detective who interviewed you in 2011?
 4 A. Yeah, now I do.
 5 Q. And again this is a year after you
 6 moved out; isn't that right?
 7 A. Yes.
 8 Q. You didn't have a lot of contact with
 9 Fred after you moved out, did you?
 10 A. No.
 11 Q. I'm sorry. Pardon me?
 12 A. I said no.
 13 Q. Have you ever been present when your
 14 sister Victoria called the police?
 15 A. No.
 16 MS. ALLEN: I pass the witness.
 17 (Whereupon Ms. Allen concluded
 18 her examination at 3:36 p.m.)
 19
 20 REDIRECT EXAMINATION
 21 BY MS. LUZAICH:
 22 Q. When you talked to that detective in
 23 2011, you told him that Fred hit you with a belt,
 24 didn't you?
 25 A. Yes.

1 Q. You told him that sometimes Fred was
 2 nice and sometimes he was mean, right?
 3 A. Yes.
 4 Q. I'm not sure if I understood your
 5 answer which is why I'm going to ask again. When
 6 Ms. Allen earlier was asking you about did Fred hit
 7 you because of bad grades, you said you didn't know
 8 or you didn't remember that. Do you have any idea
 9 why Fred would beat you with a belt? I mean would
 10 he say something to you before he beat you with a
 11 belt?
 12 A. Yes.
 13 Q. Do you remember what he would say or
 14 are you just not remembering?
 15 A. I'm not remembering.
 16 Q. Okay. Do you believe that you agreed
 17 with reasons at the time if he said, well, you
 18 shouldn't have done this, did you agree with him
 19 when he was beating you with a belt? If you don't
 20 understand my question, I'll ask it better.
 21 A. I don't understand.
 22 Q. Okay. Did he accuse you of doing
 23 things wrong potentially and then beat you with a
 24 belt?
 25 A. Yes.

1 Q. Okay. Did you always think that you
 2 actually did the things wrong that he said you did?
 3 A. Sometimes.
 4 Q. Okay. But not always?
 5 A. Yes.
 6 Q. Ms. Allen also asked you about whether
 7 it was a three-step process before he beat you with
 8 a belt and you hesitated a really really long time
 9 before you answered. Do you remember that?
 10 A. Yes.
 11 Q. Can you tell me why you hesitated.
 12 Were you trying to remember?
 13 A. I was trying to remember.
 14 Q. Are you doing the best you can here
 15 today trying to remember things?
 16 A. Yes.
 17 Q. Is some of this just hard to remember?
 18 A. Yes.
 19 MS. LUZAICH: Thank you, Mahlica. I
 20 have nothing further.
 21 (Whereupon Ms. Luzaich concluded
 22 her examination at 3:38 p.m.)
 23 THE COURT: Anything further?
 24 MS. ALLEN: No.
 25 THE COURT: Thank you, Mahlica.

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

1 and then we need to figure out another session when
 2 we both would be available. I don't know.
 3 (Off-the-record discussion
 4 among counsel, the clerk, and
 5 the Court.)
 6 THE COURT: You're still under oath.
 7
 8 VICTORIA DUKE,
 9 having previously affirmed to tell the truth under
 10 the pain and penalty of perjury, was examined and
 11 testified as follows:
 12
 13 DIRECT EXAMINATION (continuing)
 14 MS. LUZAICH:
 15 Q. Are you okay, Victoria?
 16 A. Yes.
 17 Q. Okay. I think when we stopped we had
 18 talked about moving to St. Andrews. Is that pretty
 19 much where we stopped or were we further?
 20 A. I think we were at the St. Andrews.
 21 Q. Okay. You and mom and Mahlica and
 22 Shabazz moved out of Blankenship into St. Andrews
 23 apartments; is that right?
 24 A. Yes.
 25 Q. And you went -- no. Didn't we get to

1 Henderson?
 2 THE COURT: Yes. Do you want the
 3 court reporter to --
 4 MS. LUZAICH: That's okay.
 5 THE COURT: I can give you my notes.
 6 You had gone to the Walnut apartment, you talked
 7 about the sex toys, and you were having sex at the
 8 Walnut apartment then you talked about the hotel
 9 room August 2007, then you were talking about 2008
 10 the summer between ninth and tenth grade, then you
 11 moved onto -- you were talking about in May of
 12 2009.
 13 There was testimony about she was
 14 washing dishes, her behind was touched and the next
 15 week Fred told her to come to her room -- and this
 16 is just her testimony -- and then there was
 17 additional instances of sex that she testified to
 18 at Blankenship.
 19 MS. LUZAICH: Okay. I know we got to
 20 St. Andrews. I thought we finished. I'm just
 21 going to go back to St. Andrews.
 22 Q. So you moved out of the Blankenship
 23 house to St. Andrews. You said it was August of
 24 2010, correct?
 25 A. Yes.

1 Q. You started Canyon Springs 11th grade?
 2 A. Yes.
 3 Q. So while you were living at
 4 St. Andrews, did you live there for all the 11th
 5 grade?
 6 A. For all, we started there, yes.
 7 Q. And during -- and you moved to
 8 Henderson before you started 12th grade. Was that
 9 what it was? I asked you that in the very
 10 beginning. That's when we talked about Henderson.
 11 A. No. I started 12th grade at the
 12 Andrews.
 13 Q. Oh, you did. Okay. Did you finish
 14 12th grade in Henderson?
 15 A. No.
 16 THE COURT: Is the Andrews apartment
 17 in Henderson?
 18 MS. LUZAICH: No. The Andrews
 19 apartment is in North Las Vegas.
 20 Q. Right?
 21 A. Yes.
 22 Q. Did you go to Basic High School for
 23 12th grade?
 24 A. No.
 25 Q. That's Mahlica. I'm sorry. Never

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1 mind. So while you were living at the St. Andrews
 2 apartment, 11th grade, did you also go to 12th
 3 grade at Canyon Springs?
 4 A. Yes.
 5 Q. When you finished 12th grade, were you
 6 still living at the St. Andrews apartment?
 7 A. Yes.
 8 Q. Okay. So during the time you were at
 9 the St. Andrews apartment, did Fred continue to
 10 come over there?
 11 A. He couldn't because I always had
 12 people over there or I was always gone.
 13 Q. Let me rephrase that. Did Fred ever
 14 come over to the St. Andrews apartment while you
 15 lived there?
 16 A. Yes.
 17 Q. Did Fred do things of a sexual nature
 18 to you while you were living at the St. Andrews
 19 apartment?
 20 A. Yes.
 21 Q. How often did that happen?
 22 A. Once in a while, once, maybe like once
 23 or twice every other month.
 24 Q. Okay. So even less than at the
 25 Blankenship house.

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1 A. Yes.
 2 Q. And why is that?
 3 A. You said the Blankenship house.
 4 Q. I know I did.
 5 A. The Blankenship?
 6 Q. You said -- didn't you testify earlier
 7 while you were at the Blankenship house that it
 8 started happening less --
 9 A. Yes.
 10 Q. -- than when you were living at the
 11 Walnut place?
 12 A. Right.
 13 Q. When --
 14 A. Yes.
 15 Q. When you were at the St. Andrews
 16 apartment, did it happen even less than it did
 17 while you were at the Blankenship house?
 18 A. Yes.
 19 Q. What did you do differently while you
 20 were living at the St. Andrews apartment that
 21 enabled it to happen fewer times?
 22 A. I was barely even home.
 23 Q. What did you do that caused you to be
 24 barely home?
 25 A. We lived right up the street from

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1 friends at the school so we always had people to
 2 hang out with.
 3 Q. So you hung out with friends more?
 4 A. Yes.
 5 Q. Did you guys, your family, meet
 6 somebody that you became very close to, an older
 7 lady?
 8 A. Miss Rose.
 9 Q. And how did you meet Miss Rose?
 10 A. Through my mom.
 11 Q. But was she somebody that you met that
 12 had something to do with St. Andrews apartments or
 13 school or a grocery store?
 14 A. She helped my mom bring in furniture
 15 so I helped with the furniture.
 16 Q. Okay. And that's how you met?
 17 A. Yeah.
 18 Q. And did you become friendly with her
 19 as well?
 20 A. Yes.
 21 Q. Did you continue to be friendly with
 22 her even after moving out of the St. Andrews
 23 apartment?
 24 A. A little less, but yeah.
 25 Q. Okay. So while you lived in the

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

1 A. Yes.
 2 Q. This is happening while you were
 3 living at St. Andrews apartments?
 4 A. Yes.
 5 Q. Are Mahlica or Shabazz home at the
 6 time?
 7 A. Mahlica was asleep in her room.
 8 Q. How many bedrooms were in the
 9 St. Andrews apartment?
 10 A. There's two.
 11 Q. Who had bedrooms?
 12 A. Me and my sister had a bedroom --
 13 there's three. Me and my sister had a bedroom and
 14 'Bazz had a bedroom and mom had her own room.
 15 Q. Okay. So what you're talking about
 16 right now, where did that occur, where in the
 17 apartment?
 18 A. In my mom's room.
 19 Q. Okay. Fred came over that day?
 20 A. Yeah. I was supposed to -- I was
 21 trying to get a ride to the welfare office because
 22 I was trying to move out of my mom's house and take
 23 care of things by myself and go to school, like
 24 further my education and stuff.
 25 Q. Okay. So you wanted to go to the

1 appointment at the welfare office?
 2 A. Yes.
 3 Q. Okay. You knocked on the door and
 4 what happened?
 5 A. They asked me to come inside and I was
 6 like, are we going to go to the appointment, and
 7 I'm standing there. Like I got an appointment in
 8 like 30 minutes or more or less, you know, and time
 9 is ticking away and stuff and I got to go to the
 10 appointment.
 11 Q. Okay. Did you open the door?
 12 A. Yeah. Well, they opened the door
 13 because the door was locked.
 14 Q. When they opened the door, where were
 15 they?
 16 A. They were standing by the bathroom.
 17 Q. Both of them?
 18 A. Well, my mom was on the floor.
 19 Q. Was she dressed?
 20 A. No.
 21 Q. Okay. What about Fred?
 22 A. He just had his penis out.
 23 Q. Okay. And then what?
 24 A. Well, they wanted me to join and I
 25 didn't want to join. I was dressed and I was

1 welfare office. Was mom home?
 2 A. Mom was home.
 3 Q. And Fred came over?
 4 A. Yes.
 5 Q. And what happens when Fred gets there?
 6 A. He goes straight to mom's room.
 7 Q. Okay. Was mom in her room when he
 8 went straight into her room?
 9 A. Yes.
 10 Q. Where were you when he got there and
 11 went into her room?
 12 A. I was waiting to be taken to the
 13 welfare office.
 14 Q. Was somebody coming to get you?
 15 A. No. He was supposed to take me.
 16 Q. Oh. Okay. Sorry. So he goes into
 17 mom's room and then what?
 18 A. I'm waiting.
 19 Q. Where are you waiting?
 20 A. I'm waiting in the livingroom.
 21 Q. Okay. And then what?
 22 A. And then I'm waiting and I go and
 23 knock on the door to see what's going on because I
 24 had an appointment.
 25 Q. What happened when -- oh, you had an

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

1 Q. Okay. Did he try to get you to do
2 something?
3 A. He tried to get me to suck his penis
4 and I didn't do it. I had to snatch myself away
5 from him like.
6 Q. And then what happened?
7 A. I just walked out the house and left
8 and then that night I came back home and then my
9 dog was gone.
10 Q. At the time you had a dog?
11 A. Yes.
12 Q. Where did you get the dog from?
13 A. It was a birthday gift from some
14 friend from Cali.
15 Q. How long had you had it?
16 A. I had had it for three nights.
17 Q. And you left the apartment and went
18 somewhere with somebody else?
19 A. I went to go get a ride from somebody
20 else to see if they was going to give me a ride
21 somebody that had the same appointment like at the
22 same place.
23 Q. How long were you gone?
24 A. I was gone most of the day and I came
25 back at night.

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

1 family members. That's how he knows he can get me.
2 Q. Did you ever confront him?
3 A. I called him and I left a message on
4 his phone and I told him I know you took my dog.
5 Q. Did there come a time after that that
6 he came over to the St. Andrews apartment and there
7 were sexual acts that occurred?
8 A. No.
9 Q. So no more after that?
10 A. No.
11 Q. Did there come a time that you guys
12 left the state Andrews apartment and moved
13 someplace else?
14 A. Yes.
15 Q. Where did you move to?
16 A. We moved to the Henderson address.
17 Q. When was that?
18 A. That was October 2012, October the
19 26th. We moved there the 26th of October.
20 Q. 2012 or 2011?
21 A. 2012.
22 Q. Did there come a time that you told
23 somebody what Fred had been doing?
24 A. Yes.
25 Q. Who was that?

1 A. I told Miss Rose.
2 Q. Where were you living when you told
3 Miss Rose?
4 A. I was living with my mom but I was
5 staying over at Miss Rose's.
6 Q. Right. But where were you and mom
7 living when you told Miss Rose?
8 A. In the Henderson apartment.
9 Q. Okay. Now, could you have told
10 Miss Rose in December of 2011?
11 A. No.
12 Q. Are you sure?
13 A. Yeah.
14 Q. When -- well, how did it come about
15 that you told Miss Rose?
16 A. Well, I was sitting there and I
17 just -- like I just didn't feel good. Like I just
18 felt like I was trapped and no matter what I would
19 do I'd always have to go through like this and I
20 had a friend, a guy friend and stuff and he was all
21 like, he asked me, he's like, you know, he's like
22 the first major friend, guy friend that I'm going
23 out with.
24 Q. I'm going to stop you for one second.
25 You had said a second ago that you were living with

1 mom but you had been staying at Miss Rose's.

2 A. Yes.

3 Q. For how long were you staying at

4 Ms. Rose's?

5 A. That first time?

6 Q. The time that you told Miss Rose what
7 was going on.

8 A. I was supposed to be only being there
9 for the weekend because I was helping her clean her
10 place but after I told her she's lying, like I just
11 don't feel safe. I was like I don't feel safe
12 being back at my, you know, apartment and she was
13 like, "Oh, you can stay with me."

14 Q. So you told Miss Rose what Fred was
15 doing. I'm sorry. You said you were living at the
16 apartment in Henderson at the time.

17 A. Yes.

18 Q. Did Fred ever come to the Henderson
19 apartment?

20 A. Yes.

21 Q. Did that happen one time or more than
22 one time?

23 A. More than one time.

24 Q. The sexual act occurred at the
25 Henderson apartment?

1 Q. Did he ever hurt you again?

2 A. No.

3 Q. Did you ever see him again after you
4 told Miss Rose?

5 A. No.

6 Q. When you told Miss Rose, did she
7 contact anyone and tell them?

8 A. Yes.

9 Q. Who did she contact?

10 A. She told -- first she told the police,
11 then she told her friend.

12 Q. Okay. But when you say the police,
13 was it the Henderson Police Department?

14 A. Yes, it was the Henderson police.

15 Q. When you talked to the Henderson
16 police detective, were you pregnant?

17 A. No.

18 Q. Where were you -- well, where were you
19 when you told Miss Rose? I mean were you at her
20 house?

21 A. Yes.

22 Q. And she you said contacted the
23 police. How did that happen?

24 Did she call them?

25 Did she take you somewhere?

1 A. Yes.

2 Q. At the Henderson apartment were there
3 any sexual acts that involved toys with Fred?

4 A. No.

5 Q. Were there any sexual acts with Fred
6 that involved your mom at the Henderson apartment?

7 A. No.

8 Q. At the Henderson apartment what did he
9 do sexually?

10 A. It was just sex.

11 Q. Okay. But sex means he put what --

12 A. He put his penis inside my vagina.

13 Q. Did that happen one time or more than
14 one time?

15 A. More than one time.

16 Q. Where in the Henderson apartment was
17 it, like what room in the Henderson apartment?

18 A. In my room.

19 Q. Only in your room?

20 A. Yes.

21 Q. After you told Miss Rose, did it ever
22 happen again?

23 A. No.

24 Q. Did he ever touch you again?

25 A. No.

1 A. She took me to the police.

2 Q. Like to a police station?

3 A. Yes.

4 Q. And did you talk to a detective at
5 that time or on another date?

6 A. At that time.

7 Q. Was there like an interview room that
8 you sat down and talked to a detective?

9 A. Yes.

10 Q. Do you remember who it was?

11 A. No.

12 Q. Does the name Aguilar mean anything?

13 A. A little bit.

14 Q. Do you know did the police talk to
15 other people in your family as well?

16 A. Yes.

17 Q. How is it that you're sure that it was
18 2012 that that happened?

19 A. The sexual acts?

20 Q. No. The talking to the Henderson
21 police.

22 A. 'Cause it was like I told her like in
23 December or November.

24 Q. So this is May of 2013, correct?

25 A. Yes.

1 Q. Did you talk to -- several months
2 later did the Las Vegas police come talk to you?
3 A. No, I don't remember.
4 Q. You don't remember talking to
5 detectives from the Metropolitan Police Department?
6 A. No.
7 Q. Detective Madsen. Did you give two
8 different statements to police?
9 A. Two different?
10 Q. Yes. One in December and then one
11 after. Well, did there come a time that you found
12 out that something happened with your sisters?
13 A. Yes.
14 Q. Or one of your sisters.
15 A. Yes.
16 Q. Was that months after you told the
17 Henderson police?
18 A. Yes.
19 Q. And then did you give the police a
20 second statement after you found out what happened
21 to one of your sisters?
22 A. Yes.
23 Q. What sister did you find out something
24 had happened to?
25 A. Tahara.

1 and stop.
2 THE COURT: You're going to be back
3 here May 24th, 9:00 o'clock. We'll start as soon
4 as we're done with the first calendar. Maybe
5 10:00 -- 9:30. So and then you'll start with
6 Victoria and then you'll be calling --
7 MS. LUZAICH: Tina.
8 THE COURT: Tina. Okay.
9 MS. LUZAICH: And that will be it.
10 THE COURT: So you'll be back
11 May 24th, 9:30. You'll be in the courtroom.
12 The D.A. will be in touch with you. All right.
13 So we'll see you back then, and then Mr. Sanft had
14 an opportunity to speak with Ms. Duke, correct?
15 MS. LUZAICH: Yes.
16 THE COURT: And I guess he needs to be
17 here.
18 MS. LUZAICH: We'll inform him of that
19 date.
20
21
22
23
24
25

1 Q. And it pertained to Fred?
2 A. Yes.
3 Q. And you talked to another police
4 officer, correct?
5 A. Yes.
6 Q. Did you give that police officer a
7 statement in September of 2012?
8 A. Yes.
9 Q. Okay. You were pregnant at that time?
10 A. Yes.
11 Q. So if you gave the second police
12 officer the statement in September of 2012, could
13 you have given the Henderson detective the
14 statement in December of 2011?
15 A. Yes, yes, yes.
16 Q. Does that sound more like it?
17 A. Yes.
18 MS. LUZAICH: Okay. I pass the
19 witness. Thank you, Victoria.
20 (Whereupon Ms. Luzaich concluded
21 her examination at 4:04 p.m.).
22 THE COURT: Do you want to start
23 today?
24 MS. ALLEN: I prefer not to actually.
25 I prefer to do it all at one time. I hate to start

1 AFFIRMATION
2
3
4 Pursuant to NRS 239B.030:
5
6 The undersigned does hereby affirm that the
7 preceding preliminary hearing justice court case
8 No. 13F02924X does not contain the social security
9 number of any person.
10

11 Dated this 10th day of May, 2013.
12
13
14
15

16
17 /s/ Cheryl Gardner, CCR 230, RPR, RMR
18
19
20
21
22
23
24
25

1 REPORTER'S CERTIFICATE

2
3 STATE OF NEVADA

} ss

4
5 COUNTY OF CLARK)

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

14 IN WITNESS WHEREOF, I have hereunto
15 set my hand and affixed my signature in the County
16 of Clark, State of Nevada, this 10th day of May,
17 2013.

18
19
20
21
22 /s/ Cheryl Gardner23 CHERYL GARDNER, RMR-RPR, CCR 230
24
25

0000070

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IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

FREDERICK HARRIS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

S.C. CASE NO. 69093

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(JURY TRIAL)
EIGHTH JUDICIAL DISTRICT COURT
THE HONORABLE JUDGE MICHELLE LEAVITT , PRESIDING

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APPELLANT'S APPENDIX TO THE OPENING BRIEF  
VOLUME I  
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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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27			
28	20	RECORDER'S TRANSCRIPT OF PROCEEDINGS JURY TRIAL DAY 12 APRIL 11, 2014 (FILED 12/30/2015)	3124-3255

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

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

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