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<p>Trans CASE NO. 13F02924X DEPT. NO. 3</p> <p>IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP COUNTY OF CLARK, STATE OF NEVADA</p> <p>-000-</p> <p>STATE OF NEVADA, Plaintiff, vs. FREDERICK HAROLD HARRIS, JR., Defendant.</p> <p>VOLUME V REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING BEFORE THE HON. JAMIECE MARSHALL JUSTICE OF THE PEACE THURSDAY, JUNE 20, 2013 1:43 p.m.</p> <p>APPEARANCES:</p> <p>For the State: BLYSSA LUZAICH, ESQ. Chief Deputy District Attorney KRISTINA RHODES, ESQ. Deputy District Attorney</p> <p>For the Defendant: BETSY ALLEN, ESQ.</p> <p>Reported by: CHERYL GARDNER, RMR-RPR CCR No. 230</p>	<p>LAS VEGAS, CLARK COUNTY, NV, THURS., JUNE 20, 2013 1:43 p.m.</p> <p>-oOo-</p> <p>PROCEEDINGS</p> <p>THE COURT: Frederick Harris, 13F02924X. Anybody that's in the courtroom, you will behave appropriately which means if you disagree with any of the testimony, you will have no response, no talking, no communicating, no outburst.</p> <p>If you don't think you can behave yourself based on the testimony that you will hear, I'm giving you a warning now. Step out of court and wait outside until the proceedings are completed. If there are any outbursts in the courtroom that are inappropriate, you could be subject to being held in contempt of Court by the Court so please plan accordingly.</p> <p>All right. The record will reflect the presence of Mr. Harris, his counsel, and the district attorney. Go ahead and call your witness.</p> <p>MS. LUZAICH: Tina Duke. The marshal's getting her. Thank you.</p> <p>TINA RENE DUKE,</p>										
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<p>INDEX</p> <table><thead><tr><th>STATE'S WITNESS</th><th>PAGE</th></tr></thead><tbody><tr><td>TINA RENE DUKE</td><td></td></tr><tr><td>Cross-Examination (continuing) by Ms. Allen</td><td>4</td></tr><tr><td>Redirect Examination by Ms. Luzaich</td><td>31</td></tr><tr><td>Recross-Examination by Ms. Allen</td><td>35</td></tr></tbody></table> <p>13F02924X ATP Transcript of Proceedings 2034089</p> 	STATE'S WITNESS	PAGE	TINA RENE DUKE		Cross-Examination (continuing) by Ms. Allen	4	Redirect Examination by Ms. Luzaich	31	Recross-Examination by Ms. Allen	35	<p>having first duly affirmed to tell the truth under the pain and penalty of perjury, was examined and testified as follows:</p> <p>THE CLERK: You may be seated. Please state your name for the record.</p> <p>THE WITNESS: Tina Rene Duke.</p> <p>THE CLERK: Spell your first and last name, please.</p> <p>THE WITNESS: T-I-N-A, D-U-K-E.</p> <p>THE COURT: Proceed.</p> <p>MS. ALLEN: Thank you. I apologize to everybody involved if I repeat myself. I'm trying to remember where we were last time.</p> <p>THE COURT: Did you receive the transcript?</p> <p>MS. ALLEN: I did just now. I didn't realize that they had been prepared. I probably should have checked. It's my fault. Okay.</p> <p>CROSS-EXAMINATION (continuing)</p> <p>BY MS. ALLEN:</p> <p>Q. So I think looking at some of the questions I was asking you when we left off last it was about Fred and being strict on school and the</p>
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1 kids going to school. Do you have any recollection  
2 of those questions I was asking you?

3 A. Yes.

4 Q. Okay. And Fred had stressed -- you  
5 had told us last time that Fred was very strict on  
6 the kids going to school; isn't that correct?

7 A. Yes.

8 Q. And he was very strict about their  
9 education. He stressed it as being important to  
10 them, did he not?

11 A. Yes, he did.

12 Q. Okay. All right. Victoria had  
13 problems with Fred; isn't that right?

14 She never really liked him; isn't that  
15 right?

16 A. She had some problems with him.

17 Q. Okay.

18 A. Off and on.

19 Q. Was that because of how strict he was  
20 about school and her going to school?

21 A. No. She didn't have a problem about  
22 going to school.

23 Q. She didn't have any problems going to  
24 school.

25 A. She didn't have any problem about

1 going to school.

2 Q. Okay. But they didn't get along; is  
3 that correct?

4 A. Sometimes they got along. Sometimes  
5 they didn't.

6 Q. Sometimes they got along. Sometimes  
7 they didn't. Okay.

8 Do you recall -- okay. We had talked  
9 previously about a statement you gave in December  
10 2011. Do you recall that statement?

11 A. Yes.

12 Q. And I had asked you some questions  
13 about it before; isn't that correct?

14 A. Yes, you did.

15 Q. Okay. And you said -- you recall the  
16 CPS worker I believe it was or maybe it was the  
17 Henderson police department asked you if Victoria  
18 had ever told you about sex with Fred and your  
19 answer was no. Do you recall that?

20 MS. LUZAICH: Well, that wasn't the  
21 question.

22 MS. ALLEN: Okay.

23 Q. Do you recall the detective saying did  
24 he ever say that he was forcing her to have sex  
25 with him? And your answer was no, she didn't tell

1 me that.

2 Do you recall that?

3 THE COURT: So she is specifically  
4 asking you about the question the police detective  
5 asked you and she's asking you specifically about  
6 that question and your answer. You understand  
7 that, correct?

8 THE WITNESS: Yes.

9 THE COURT: Okay. Go ahead.

10 MS. ALLEN:

11 Q. Do you recall giving an answer -- is  
12 this the police department or CPS?

13 MS. LUZAICH: It's the police  
14 department.

15 MS. ALLEN: Thank you. The Henderson  
16 P.D.

17 Q. Do you recall giving an answer to him?

18 A. Yes.

19 Q. And that's significantly different  
20 obviously than what you've testified to the last  
21 couple of times you've been here; isn't that right?

22 MS. LUZAICH: Well, objection. I'm  
23 sorry but the form of the question, the testimony  
24 was not that -- I mean the question was did she  
25 tell you he was forcing her to have sex. There's

1 been no testimony that there was a conversation  
2 about it. There were observations but the  
3 testimony wasn't about conversations so it's not  
4 inconsistent.

5 MS. ALLEN: That's fine. I'll  
6 rephrase it.

7 Q. When he asked you that question, you  
8 had -- according to your testimony, you had already  
9 seen Fred force Victoria to have sex with him;  
10 isn't that right?

11 A. Yes.

12 Q. Okay. But you didn't volunteer that  
13 information to him; isn't that correct?

14 A. No. I didn't say that.

15 Q. Did Victoria tell you before this date  
16 in 2011 -- December 2011 had she come to you and  
17 said that Fred was forcing her to have sex?

18 A. I don't remember her coming to me  
19 telling me anything.

20 Q. Okay. All right. Now, I had asked  
21 you some questions about why they didn't get along,  
22 Victoria and Fred, and you said that she never had  
23 problems going to school; isn't that correct?

24 A. No. She didn't have a problem going  
25 to school. Most of the time she went. When I went

1 to work and we were at Walnut, she was supposed to  
2 go to school. I left at like 5:00, 5:00 o'clock in  
3 the morning I would leave to go to Bally's.

4 Q. Okay. We're getting outside -- the  
5 question I had asked you before was about school  
6 and you said she didn't have problems going to  
7 school; isn't that right?

8 MS. LUZAICH: No, objection, I'm  
9 sorry. Her testimony was she didn't have a problem  
10 with Fred about going to school.

11 MS. ALLEN: No. She actually made the  
12 statement Victoria didn't have a problem going to  
13 school.

14 MS. LUZAICH: No, the question was did  
15 she have problems with Fred. I recognize it's  
16 semantics but it is --

17 THE COURT: What is your specific  
18 question?

19 MS. ALLEN: I'm asking her -- she  
20 testified just a few moments ago that Victoria  
21 didn't have any problems going to school.

22 THE COURT: Did you testify to that?

23 THE WITNESS: No.

24 THE COURT: Do you want it read back?

25 MS. ALLEN: Yeah. Can we have it read

1 A. Yes, I just said that a few minutes  
2 ago.

3 Q. Do you remember in your statement to  
4 the Henderson police in 2011 you were talking to  
5 them about Fred and Victoria fighting and part of  
6 it was that she was disrespecting you or she didn't  
7 go to school? Do you remember telling the  
8 detective that?

9 A. We had some fights sometimes.

10 Q. The question I'm asking you is do you  
11 recall telling the detective that Fred and Victoria  
12 had fights because she was either disrespecting you  
13 or she wasn't going to school?

14 A. She -- they would have fights  
15 sometimes about her school.

16 Q. The question I'm asking you is very  
17 simple. If you recall telling the detective that,

18 THE COURT: Okay. So she's asking you  
19 again very specifically about your statement to the  
20 Henderson police detective so she's taking you back  
21 to when you gave that statement to the Henderson  
22 police detective and she's asking you what did you  
23 tell her with respect to -- so it's not generally  
24 what your recollection is as to did Victoria go to  
25 school or not. It's what did you tell the

1 back.

2 THE COURT: There's a question.  
3 There's an objection. I'm going to have the court  
4 reporter read back what your testimony was with  
5 respect to what you said earlier as to if Victoria  
6 had a problem going to school.

7 So your earlier question prior to the  
8 2011 statement, correct? It was when you first  
9 started with the defendant being strict and strict  
10 about going to school.

11 MS. ALLEN: I had asked some questions  
12 about that, yes.

13 THE COURT: Is that the testimony that  
14 you're talking about.

15 MS. ALLEN: Correct.

16 THE COURT: Okay.

17 (Whereupon page 5, lines 19-22  
18 were read out loud by the  
19 certified court reporter.)

20 MS. ALLEN: Okay.

21 Q. So you previously testified she didn't  
22 have a problem going to school; isn't that correct?

23 A. Correct.

24 Q. Okay. You just said that a few  
25 minutes ago, correct?

1 Henderson police department. That's what she's  
2 asking. So ask the question again.

3 MS. ALLEN: Okay.

4 Q. Do you specifically recall telling the  
5 detective in 2011, December of 2011 when you spoke  
6 to them, that they would bump heads, they were  
7 fighting because she was disrespecting you or she  
8 didn't go to school?

9 A. Correct.

10 Q. Okay. So back then you told the  
11 detective that there were problems between Fred and  
12 Victoria because she was disrespectful toward you;  
13 is that correct?

14 A. At times.

15 Q. And she wouldn't go to school; is that  
16 correct?

17 A. She went to school when she wanted to.

18 Q. Okay.

19 A. Okay. That's all how I can say it.  
20 I'm sorry.

21 Q. There came a point in the statement as  
22 you recall talking about Fred had I believe come  
23 over to your house and you had started seeing  
24 someone else. Do you recall that? I believe he  
25 came over for sex and you said you weren't really

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1 feeling it anymore. Do you remember that? This  
2 was in your 2011 statement. Do you remember that?

3 A. Yes, I do.

4 Q. Okay. Do you remember describing a --

5 MS. LUZAICH: Page?

6 MS. ALLEN: Page 25-ish. It's sort of  
7 all in there.

8 Q. Do you recall describing an incident  
9 where Victoria sort of barged in the room when the  
10 two of you had either started sex or were going to  
11 have sex? Do you recall describing that?

12 A. We were going to --

13 Q. All I'm asking is if you recall  
14 making, talking to the police department about  
15 this. That's all I'm asking. Do you remember  
16 telling him about this?

17 A. Yes, I do.

18 Q. And you told him that she barged in  
19 the room; is that correct?

20 A. Yes.

21 Q. And she wanted -- did she want to have  
22 sex with Fred? Is that what you told the  
23 detective?

24 A. If I remember, I have to think back if  
25 I can remember --

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1 Q. Do you recall saying that she was just  
2 trying to have sex with me and Fred, Victoria was  
3 trying to have sex with you and Fred. Do you  
4 recall that? Do you recall telling --

5 A. Yes, I do.

6 Q. At some point then Victoria barged  
7 into the bedroom where you and Fred were and she  
8 wanted to have sex with both of you; is that  
9 correct?

10 A. Yes, I remember telling him that.

11 Q. Okay. So it did happen.

12 MS. LUZAICH: Where?

13 MS. ALLEN:

14 Q. Is this a correct rendition of facts?  
15 Is that what happened?

16 THE COURT: So now you're asking her  
17 if Victoria actually barged into her bedroom  
18 wanting to have sex with Fred.

19 MS. ALLEN: And her, yes.

20 THE COURT: You're not asking about  
21 the statement. You're asking did that actually  
22 happen at some point.

23 MS. ALLEN:

24 Q. You said that to the detective; is  
25 that correct? Did that happen?

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1 A. No, it didn't happen. He was going to  
2 have sex with him but I changed my mind. It didn't  
3 happen.

4 Q. What I'm asking you did Victoria barge  
5 into the room demanding to have sex with you and  
6 Fred. That's the question I'm asking you.

7 A. No.

8 Q. So what you told the detective in 2011  
9 then was incorrect.

10 MS. LUZAICH: Well, objection. That's  
11 not in here.

12 MS. ALLEN: It actually is. It's on  
13 page 26.

14 MS. LUZAICH: Nowhere does it say  
15 Victoria wanted to have sex.

16 MS. ALLEN: She's referring to  
17 Victoria. She tried to force her way into --  
18 trying to have sex with me and Fred, I said no, no,  
19 that's not going to happen -- in my room. Okay.

20 Q. So that didn't happen; is that  
21 correct?

22 A. That did happen but I didn't  
23 participate. I left. I left the room.

24 Q. Okay. I'm sorry if I'm not clear what  
25 I'm asking you. The only question I'm asking you

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1 did Victoria barge into the room demanding to have  
2 sex with you and Fred? Is that true or not true?

3 A. That's true.

4 Q. Okay. Thank you. Then the detective  
5 back then asked you some questions about had Fred  
6 ever come over and taken money against your will  
7 where -- did you have to give him money that you  
8 didn't want to and do you recall what your answer  
9 was?

10 A. I believe I said yes, he came over  
11 wanting money 'cuz he was -- him and Ann was taking  
12 care of Tahara and Taquanda.

13 Q. Do you recall telling the detective he  
14 didn't, you know, force me to do anything? 34.  
15 Sorry.

16 Do you recall telling the detective  
17 that he didn't force you to do anything? This was  
18 in 2011.

19 A. At times he didn't force me. At times  
20 he did so that's two questions. That's two  
21 answers.

22 Q. My question simply to you is do you  
23 remember telling the detective in 2011 he didn't  
24 force me to do anything. Do you recall telling the  
25 detective that?

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1 A. I recall telling the detective that in  
2 Henderson at the time.  
3 Q. In 2011; is that correct?  
4 A. In 2011 but he still came over and --  
5 Q. That's all I'm asking.  
6 A. -- demanded money.  
7 Q. All I'm asking if you remember.  
8 A. The answer to the question --  
9 Q. Okay.  
10 A. -- to me.  
11 Q. And the detective was asking you -- at  
12 this point in time he was asking you questions  
13 about the prostitution allegation and taking money;  
14 isn't that correct?  
15 A. Yes.  
16 Q. And you didn't volunteer any of that  
17 information to the detective at that time, did you?  
18 A. I didn't volunteer, no. I don't think  
19 that was irrelevant (sic). I don't think that. I  
20 don't think that was important what we were talking  
21 about.  
22 Q. You previously testified that you were  
23 scared; isn't that right?  
24 A. Yes.  
25 Q. You were afraid of Fred.

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1 A. Yes.  
2 Q. And you were afraid he would beat your  
3 children or put them out; isn't that correct?  
4 A. That's right.  
5 Q. So you were just terrified of this  
6 man; isn't that correct?  
7 A. Yes.  
8 Q. And you were in the police station in  
9 Henderson; isn't that correct?  
10 A. No. I wasn't in the police station.  
11 Q. Okay. Where were you when you were  
12 interviewed in 2011?  
13 A. They came to the house.  
14 Q. Okay.  
15 A. They came to not the police station.  
16 He said, well, he came to the house and he said,  
17 well, meet me in my car and we spoke in his car and  
18 I guess a tape-recorder or what have you in his  
19 car.  
20 Q. So you gave this interview in his car;  
21 is that right?  
22 A. Yes.  
23 Q. But you were with a real police  
24 officer, was he not? He showed you a badge.  
25 A. Yes.

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1 Q. And he asked you all of the questions  
2 about the sexual assaults and the prostitution, all  
3 of the things that you've been testifying about;  
4 isn't that correct?  
5 A. Correct.  
6 Q. And throughout this entire statement  
7 you deny all of it; isn't that correct?  
8 A. I'm not denying anything.  
9 Q. In this statement in 2011 you deny all  
10 of that; isn't that correct?  
11 A. No, I did not deny that I was arrested  
12 for prostitution and that he put me out there.  
13 MS. ALLEN: I didn't say anything  
14 about the --  
15 MS. LUZAICH: Yes, you did.  
16 THE COURT: You're asking a new  
17 question and withdrawing your old question.  
18 MS. ALLEN: I'll withdraw the old  
19 question.  
20 Q. You were asked questions by the  
21 detective in 2011. Do you remember that? He asked  
22 you those questions.  
23 A. Yes.  
24 Q. You didn't say anything about Fred  
25 putting you on the streets. You said he didn't

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1 force me to do anything; isn't that right?  
2 A. He did force me.  
3 Q. In 2011 you told the detective he  
4 didn't force me to do anything; isn't that correct?  
5 A. At times he forced me; at times he  
6 didn't.  
7 THE COURT: Let me just explain again  
8 what I need you to focus on. She's specifically  
9 asking what you told the detective when you gave a  
10 statement in 2011. She's not asking -- right now  
11 the question is if the underlying circumstances are  
12 true or not if Fred forced you to do something or  
13 not do  
14 something.  
15 She's asking did you tell the  
16 Henderson police detective in 2011 these certain  
17 things so she is very specific in her question.  
18 What she's asking do you remember if you told the  
19 detective this she's asking about what your  
20 statement is then she may ask you another  
21 question.  
22 Now, did that actually happen? Yes or  
23 no or just like she said. If you would answer her  
24 specific question, we can expedite the process.  
25 Just answer the specific question she's asking at

1 this time. So your question is -- one more time.  
 2 MS. ALLEN:  
 3 Q. So I had asked you about the  
 4 prostitution and the detective asked you about that  
 5 in your statement; isn't that right?  
 6 A. Right.  
 7 Q. And you said Fred didn't force you to  
 8 do anything; isn't that correct?  
 9 A. Correct.  
 10 Q. And in fact you had been out of Fred's  
 11 house for quite some time. You were living in  
 12 Henderson; isn't that correct?  
 13 A. Yes. I was living in Henderson.  
 14 Q. Now, I had asked you previously about  
 15 a conflict between Victoria and Fred and they had a  
 16 conflict; isn't that correct?  
 17 A. Yes.  
 18 Q. In fact, you told the detective that  
 19 she was jealous of you and Fred, isn't that right,  
 20 in 2011? I'm specifically referring to that.  
 21 A. There was words, there was talk about  
 22 Victoria was jealous of me and Fred. There was  
 23 words talked about.  
 24 Q. And do you remember telling the  
 25 detective that she was going to get him?

1 A. Yes.  
 2 Q. Okay. And that so she was going to  
 3 tear the two of you apart. She didn't like the  
 4 fact that you were together; isn't that right?  
 5 A. Yes, that's what I was told.  
 6 Q. Okay. And you said specifically that  
 7 she said I'm going to get him; isn't that right?  
 8 A. Correct.  
 9 Q. Okay. So she said that to you, I'm  
 10 going to get Fred; isn't that right?  
 11 MS. LUZAICH: Asked and answered.  
 12 MS. ALLEN: I know I'm asking if it  
 13 actually happened versus her opinion.  
 14 THE COURT: Overruled.  
 15 MS. ALLEN:  
 16 Q. She actually said that to you; isn't  
 17 that right?  
 18 MS. LUZAICH: Well, no, that's not  
 19 what the statement says.  
 20 MS. ALLEN: I'm not asking --  
 21 THE COURT: So you're asking if  
 22 Victoria said I'm going to get Fred.  
 23 MS. ALLEN: Correct.  
 24 THE COURT: Did Victoria ever say that  
 25 to you?

1 THE DEFENDANT: She said a lot of  
 2 things. I don't remember. I'm sorry.  
 3 MS. ALLEN: Okay.  
 4 Q. But you did tell the detective that,  
 5 though. You volunteered that information to him;  
 6 isn't that right?  
 7 A. Yes.  
 8 Q. I had asked you some questions about  
 9 if you recall there was an incident where you  
 10 brought the police to the Blankenship address. Do  
 11 you remember that?  
 12 A. Yes, I did.  
 13 Q. And you had said that you called them  
 14 from work, from Bally's; is that correct?  
 15 MS. LUZAICH: Well, objection. That's  
 16 not what she said. She said somebody else called  
 17 from Bally's.  
 18 MS. ALLEN: All right.  
 19 Q. The police were called from Bally's.  
 20 A. My boss talked to the police.  
 21 Q. Okay. Your boss called the police. I  
 22 believe you testified that the police said that  
 23 they would meet you at the house and once you went  
 24 in, they would come in; is that correct?  
 25 A. Yes. They asked me to go home, call

1 them when I get about a couple of blocks from the  
 2 house and they put, I got in the car with them and  
 3 we went to the house and knocked on the door. They  
 4 had no idea I had the police with them. They acted  
 5 surprised.  
 6 Q. You said you showed them the bruise on  
 7 your leg; is that correct?  
 8 A. Yes. I was at work. I couldn't  
 9 finish my room.  
 10 Q. Did they take pictures?  
 11 A. They looked at my leg and they filled  
 12 out a pink slip. It's this pink slip with a body  
 13 on it.  
 14 Q. Did they take pictures is what I'm  
 15 asking.  
 16 A. I don't remember if they did.  
 17 Q. At the time did you explain to them  
 18 that you and Fred had a relationship, that you had  
 19 a sexual relationship and that he was your lover or  
 20 boyfriend?  
 21 A. Yes.  
 22 Q. So they knew that you had a  
 23 relationship with this man; is that right?  
 24 A. Yes.  
 25 Q. And you told them that he had beaten

1 you; is that correct?  
 2 A. Yes.  
 3 Q. And no one was arrested; isn't that  
 4 correct?  
 5 A. He wasn't arrested.  
 6 Q. Okay.  
 7 A. They didn't do nothing about it.  
 8 Q. The last time -- I don't know if it  
 9 was the last time but in one of the instances where  
 10 you testified here I believe it was under direct  
 11 examination you made the statement I believe in  
 12 relation to moving to Henderson or -- I can't  
 13 remember which -- but you characterize your  
 14 relationship with Fred as the relationship was  
 15 fading. Do you remember saying that?  
 16 A. Yes, I do.  
 17 Q. What does that mean?  
 18 A. It wasn't like it was before. It  
 19 wasn't the love thing again, you know, leaving,  
 20 leaving, go, just out the door.  
 21 Q. He was out the door.  
 22 A. I mean the relationship, the love  
 23 thing was just fading.  
 24 Q. When did that start to happen?  
 25 A. It progressed. It started happening

1 like in 2007, little odd bunch of crap piled up all  
 2 together.  
 3 Q. When -- do you recall -- I don't  
 4 remember what year it was when you brought the  
 5 police to the Blankenship house?  
 6 A. I believe it was 2000 -- let me think  
 7 back. It was 2000 -- 2009 or 2010.  
 8 Q. Okay. And at this point had Fred  
 9 already had sex with Victoria?  
 10 Had you already watched him have sex  
 11 with Victoria in the car? Had that already  
 12 occurred?  
 13 A. That occurred in 2007.  
 14 Q. That was before that. The sex in the  
 15 car was before the police coming to his house.  
 16 A. Yes.  
 17 Q. And you testified that you had seen  
 18 him have sex with her on a number of occasions;  
 19 isn't that correct?  
 20 A. Correct.  
 21 Q. And you had participated in sex with  
 22 her; isn't that correct?  
 23 A. That was -- that's correct,  
 24 sometimes. Most of the times I was on the  
 25 streets. I was gone either working or in the

1 streets so it wasn't, I wasn't there.  
 2 Q. But you had testified previously you  
 3 had participated in sex with Victoria; isn't that  
 4 right?  
 5 A. Yes.  
 6 Q. And that had all happened before the  
 7 police were brought to his house on Blankenship;  
 8 isn't that right?  
 9 A. That had happened before I brought the  
 10 police to Blankenship.  
 11 Q. And did you volunteer any of that  
 12 information to the police officer on Blankenship?  
 13 A. No. They were talking about the fight  
 14 and me wanting to, I just wanted to go, wanted to  
 15 leave.  
 16 Q. But the question is you didn't  
 17 volunteer any of that information to the police  
 18 officers that day, did you?  
 19 A. No, not on that day.  
 20 Q. And in fact all of your children  
 21 stayed there; isn't that correct?  
 22 A. All of them stayed there except for  
 23 Victoria and I think Shabazz left but then he went  
 24 back home the next day.  
 25 Q. "Home" meaning where?

1 A. Well, 966 Blankenship.  
 2 Q. So basically --  
 3 A. Everybody went to school. That next  
 4 morning we woke up. Everybody went to school. I  
 5 went to work, what have you.  
 6 Q. The children all stayed in the home  
 7 after you and Victoria left that night with the  
 8 police; isn't that correct?  
 9 A. Yes.  
 10 Q. Okay. You currently are working with  
 11 CPS to get your children back; is that correct?  
 12 A. Yes.  
 13 Q. The two young ones.  
 14 A. Yes.  
 15 Q. Taquanda and Tahara. And you have a  
 16 case plan with them; is that correct?  
 17 A. Yes.  
 18 Q. Have they discussed with you  
 19 testifying in this case?  
 20 A. As far as testifying about what? You  
 21 mean did the teachers or the counselors, the people  
 22 that I'm seeing, did they tell me about the  
 23 testimony, tell me about the court or what have  
 24 you?  
 25 Q. Does the CPS case worker that you're

1 dealing with, has she or he talked to you about  
2 cooperating in this case?

3 A. They didn't talk about it. They said  
4 just do what you need to do in court and get your  
5 children back.

6 Q. Okay.

7 A. Go to your classes he said. Our  
8 conversation was just go to your classes, go to  
9 your sessions and be successful about that.

10 Q. Okay. Is it your understanding that  
11 you have to cooperate here in order to get your  
12 kids back? Is that what your understanding of it  
13 is?

14 A. They didn't mention it to me. Well,  
15 they said you have to go to court. You have to go  
16 to court, you know, and do what you're told to do.

17 Q. Okay.

18 A. We didn't talk about court that much.  
19 We talk about our class, me finishing my classes,  
20 how my classes are going, how the sessions are  
21 going, what have you.

22 Q. And you understand that based on some  
23 of your testimony that you could have been charged  
24 with some of these same things that Fred's charged  
25 with. Do you understand that?

1 A. I understand that but I was forced,  
2 threatened.

3 Q. That's not what I'm asking you. I'm  
4 asking if you understand that you could be charged  
5 with some of the same things that Fred is charged  
6 with. Do you understand that?

7 A. I understand.

8 Q. Okay. And it's your understanding  
9 that you're not going to be charged with anything.

10 A. My understanding.

11 Q. Did the detective tell you that?

12 A. No one really told me anything about,  
13 I mean just go to court, testify, what have you and  
14 it's up to the judge, the people that's in the  
15 court. That's my understanding of it.

16 MS. ALLEN: Pass the witness, Your  
17 Honor.

18 (Whereupon Ms. Allen concluded  
19 this portion of her examination  
20 at 2:16 p.m.).

21 THE COURT: Redirect.

22 MS. LUZAICH: Thank you.

23 ///

24 ///

25 ///

1 REDIRECT EXAMINATION

2 BY MS. LUZAICH:

3 Q. Okay. Tina, when she just asked you  
4 about you could be charged, you might be charged,  
5 you might not and she asked you if it was your  
6 understanding that you were or were not going to be  
7 charged, did I specifically tell you that I will  
8 not promise you that you won't be charged?

9 A. Yes. I understand that.

10 Q. And did I also specifically tell you  
11 that I will not and cannot offer you any immunity  
12 for whatever you say in court?

13 A. Correct.

14 Q. And I talked to you about that before  
15 you spoke with Attorney Mike Sanft, correct?

16 A. Yes.

17 Q. And I told you the same thing when  
18 Mike Sanft, your attorney, was present, correct?

19 A. Yes.

20 Q. Okay. Now, you also have to go to  
21 court in family court where you're going through  
22 all of your classes and sessions and stuff; is that  
23 correct?

24 A. Yes.

25 Q. And when you talk to the case worker

1 about court, is that the court that you talk to her  
2 about? You have to go to court.

3 A. I didn't talk to her about this  
4 court. I talked to her, my case worker about what  
5 happened in family court.

6 Q. So you never talk to your case worker  
7 about criminal court?

8 A. Family. They want to know how you're  
9 doing in your classes and what have you.

10 Q. Okay. Now, the -- Ms. Allen was  
11 asking you about the time that you spoke to the  
12 Henderson Police Department that was in December of  
13 2011, correct?

14 A. Yes.

15 Q. And I'm just foundationally --  
16 December 2011 you and Victoria and Mahlica and  
17 Shabazz were living in Henderson at the time; is  
18 that right?

19 A. Yes.

20 Q. In December of 2011. And Tahara and  
21 Taquanda, where are they living in December of 2011  
22 or where were they living?

23 A. They were living at 966 Blankenship.

24 Q. When they were living at 966  
25 Blankenship the day you spoke to the police, were

1 they living with Fred at the time?  
 2 A. Yes, they were.  
 3 Q. So while you're talking with the  
 4 detectives, Tahara and Taquanda are still  
 5 physically at Fred's house.  
 6 A. Right.  
 7 Q. Now, you did not tell the detectives  
 8 in Henderson in 2011 most of what you told the  
 9 judge in this court, correct?  
 10 A. Correct.  
 11 Q. Why? Why did you not tell them that?  
 12 A. Because it's too -- I didn't think  
 13 that it was -- it was not important. I'm thinking  
 14 that it wasn't irrelevant (sic). I was trying to  
 15 answer the questions the best way I can.  
 16 Q. Were you concerned about the welfare  
 17 of Tahara and Taquanda who were still in Fred's  
 18 care?  
 19 MS. ALLEN: Objection, leading.  
 20 THE COURT: Go ahead with your  
 21 question.  
 22 MS. LUZAICH:  
 23 Q. Were you concerned about the welfare  
 24 of Tahara and Taquanda who were still in Fred's  
 25 care?

1 Victoria was jealous of you and Fred, you were  
 2 saying -- you kept saying that's what I was told,  
 3 that's what I was told. In fact did you tell the  
 4 detective that it was Miss Dorothy who told you  
 5 that Victoria was jealous of Fred and you?  
 6 A. Yes, I do recall that. It was  
 7 Miss Dorothy that told me that.  
 8 Q. And who is Miss Dorothy?  
 9 A. She's just jealous of you and Fred.  
 10 Q. Who is Miss Dorothy?  
 11 A. His mother.  
 12 Q. Okay. And that's what you told the  
 13 detective, that Miss Dorothy told you that she was  
 14 jealous?  
 15 A. Yes, her words.  
 16 MS. LUZAICH: I have nothing further.  
 17 (Whereupon Ms. Luzaich concluded  
 18 her examination at 2:22 p.m.)  
 19 MS. ALLEN: Briefly.  
 20  
 21 RE-CROSS-EXAMINATION  
 22 BY MS. ALLEN:  
 23 Q. So in 2011 when you gave that  
 24 statement, you said you didn't say anything because  
 25 you were concerned about your two younger girls;

1 A. Yeah.  
 2 THE COURT: Hold on one second. I'm  
 3 going to overrule that objection. I don't think --  
 4 MS. LUZAICH: That means you can  
 5 answer.  
 6 THE WITNESS: Okay. Yes. I was  
 7 concerned because of what, when the girls would  
 8 come by and talk to me on the phone or come by and,  
 9 you know, and it was, well, either Ann or Fred  
 10 would be tripping or they would get a whipping or I  
 11 got a whipping about this and that.  
 12 MS. ALLEN: Objection.  
 13 THE WITNESS: What have you. That was  
 14 my concern.  
 15 THE COURT: Sustained as to what the  
 16 kids told her.  
 17 MS. LUZAICH: I'm sorry.  
 18 Q. That's not really where I was going.  
 19 I mean were you concerned there could be  
 20 repercussions on Tahara and Taquanda if you told  
 21 the police about what Fred was doing since they  
 22 were still living with him?  
 23 A. Yes, definitely, definitely.  
 24 Q. When Ms. Allen was just asking you at  
 25 the very end about you telling the detective that

1 isn't that right?  
 2 A. Yes.  
 3 Q. Okay. And but they continued to live  
 4 in that house, isn't that correct, up until the  
 5 summer and school got out; isn't that correct?  
 6 A. Until.  
 7 Q. 2012.  
 8 A. Okay. Well, they were already in  
 9 foster care 2012.  
 10 Q. They finished school.  
 11 A. September.  
 12 Q. No, no. They finished school in June  
 13 2012; isn't that correct?  
 14 A. Okay. Yes.  
 15 Q. Still living with Fred and Ann; is  
 16 that correct?  
 17 A. Yes, correct.  
 18 Q. And then they came -- basically they  
 19 came home for the summer; isn't that right? They  
 20 spent most of the summer at your house; isn't that  
 21 correct?  
 22 A. Off and on.  
 23 Q. But they spent more time at your house  
 24 than they did at Fred and Ann's house; isn't that  
 25 right?

1 A. They spent more time at Fred and Ann's  
2 house. They just like came about a week and Ann  
3 would come and get them and then she would bring  
4 them back. They are off and on.

5 Q. And in August school started again,  
6 isn't that correct, and they went back to Fred and  
7 Ann's house to start school again; isn't that  
8 correct?

9 A. Yes.

10 Q. And that one time during that summer  
11 when they were at your house did you call the  
12 police and report all of this abuse, did you --

13 A. No.

14 Q. Not one time. When they were with you  
15 and not with Fred and Ann, right, you didn't call  
16 once?

17 A. No. They told us about -- they told  
18 us about it.

19 Q. Okay. Miss Dorothy, Ms. Luzaich said  
20 Miss Dorothy is the one who told you about the  
21 jealousy between you and Fred, right, or with  
22 Victoria; is that correct?

23 A. Yeah.

24 Q. But you specifically said that  
25 Victoria told you I'm going to get him.

1 Miss Dorothy didn't tell you that, did she?

2 A. No, Miss Dorothy didn't say that.

3 Q. Victoria said that to you; isn't that  
4 correct?

5 A. Miss Dorothy didn't tell me that  
6 Victoria said she's going to get him.

7 Q. Victoria said to you I'm going to get  
8 him referring to Fred, did she not?

9 A. That's referring to Fred.

10 Q. Right. She made that statement to  
11 you, correct?

12 A. Okay. Yes.

13 MS. ALLEN: Thank you.

14 THE WITNESS: But I was concerned  
15 about the children.

16 MS. ALLEN: That's okay. Thank you.

17 (Whereupon Ms. Allen concluded  
18 her examination at 2:24 p.m.)

19 THE COURT: Anything further?

20 MS. LUZAICH: No.

21 THE COURT: Thank you, ma'am. You're  
22 excused.

23 (Whereupon Tina Rene Duke  
24 was excused from the witness  
25 stand.)

1 THE COURT: Do you have any further  
2 witnesses?

3 MS. LUZAICH: No. You know what, with  
4 the exception of amending the Complaint, I'm going  
5 to go through the transcripts and file a proposed  
6 amended Complaint. Generally I don't rest until I  
7 make my amendment so I am not calling any more  
8 witnesses.

9 THE COURT: You're not resting.

10 MS. LUZAICH: Technically when I file  
11 the amended, I'll rest.

12 THE COURT: So we need the transcript  
13 from today's proceeding before the parties are  
14 going to --

15 (Remarks off the record.)

16 THE COURT: That would be June 24th  
17 you would have the transcripts.

18 MS. ALLEN: How about the 27th.

19 MS. LUZAICH: You know what, my only  
20 thing -- I know we set it for the 27th at 1:30.  
21 I'm in class next week.

22 THE COURT: Fine. Just tell me what  
23 date. So if we get the transcripts to you by  
24 Monday the 24th, you would then amend, work on  
25 amending the Complaint based on the transcript and

1 that's going to take you how long? You're in  
2 class.

3 MS. LUZAICH: I'm in class the 25th,  
4 Tuesday through Friday.

5 THE COURT: The next week that's the  
6 4th of July.

7 MS. LUZAICH: I'm in town Monday the  
8 1st.

9 THE COURT: So when do you think --

10 MS. LUZAICH: Is it possible we can do  
11 it Monday the 1st? Is that all right? I'm off but  
12 I'll come in that day. I have to come in for  
13 something else anyway.

14 THE COURT: We have a prelim at 11:00,  
15 or 1:00 o'clock. So if you -- so we have a prelim  
16 that's set at 1:00 o'clock with a codefendant so if  
17 that one guess forward, probably not Monday.

18 MS. LUZAICH: Could we do it before  
19 you start the prelim?

20 THE COURT: Yeah, we could do it say  
21 at -- how long do you think the argument is going  
22 to take?

23 MS. LUZAICH: Because I'm going to  
24 file an amended and I'll send it to the Court and  
25 the defense in advance. What I generally do when

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1 there's this much with these counts give you the  
2 page that I think it's on. There shouldn't be too  
3 much argument.

4 MS. ALLEN: If she does that, I don't  
5 think there would be too much at all.

6 THE COURT: If we set the argument for  
7 maybe, is 12:30 enough time that you would be done  
8 in half an hour?

9 MS. LUZAICH: No, no, I think that's  
10 enough time.

11 THE COURT: So 12:30 on July 1st.  
12  
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## 1 REPORTER'S CERTIFICATE

2

3  
4 STATE OF NEVADA } ss

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 24th day of June,  
17 2013.  
18  
19  
20  
21

22 /s/ Cheryl Gardner

23 CHERYL GARDNER, RMR-RPR, CCR 230  
24  
25

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## 1 AFFIRMATION

2

3

4 Pursuant to NRS 239B.030:

5

6 The undersigned does hereby affirm that the  
7 preceding transcript of preliminary hearing in  
8 district court case No. 13F02928X does not contain  
9 the social security number of any person.  
10

11 Dated this 24th day of June, 2013.  
12  
13  
14  
15  
16

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

JUSTICE COURT, LAS VEGAS TOWNSHIP  
CLARK COUNTY, NEVADA

FILED IN OPEN COURT

JUL 19 2013

*S. Tate*

CLARK

CASE NO: 13F02924X

DEPT NO: 3

SECOND AMENDED

CRIMINAL COMPLAINT

THE STATE OF NEVADA,

Plaintiff,

-VS-

FREDERICK HAROLD HARRIS JR.,  
#0972945,

Defendant.

The Defendant above named having committed the crimes of **CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508), SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366), LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A Felony - NRS 201.230), FIRST DEGREE KIDNAPPING (Category A Felony - NRS 200.310, 200.320), COERCION (SEXUALLY MOTIVATED) (Category B Felony - NRS 207.190), ADMINISTRATION OF A DRUG TO AID IN THE COMMISSION OF A CRIME (Category B Felony - NRS 200.405), 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), BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT (Category A Felony - NRS 200.400), PANDERING (Category C Felony - NRS 201.300), LIVING FROM THE EARNINGS OF A PROSTITUTE (Category D Felony - NRS 201.320) and BATTERY BY STRANGULATION (Category C Felony - NRS 200.481) in the manner following, to-wit: That the said Defendant, on or between December, 2004 and September 26, 2012, at and within the County of Clark, State of Nevada,**

COUNT 1 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

did, on or between August, 2007 and September 26, 2012 willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: TAHARAH DUKE, being approximately 8 to 12 years of age, to suffer unjustifiable physical pain or mental suffering

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1 as a result of abuse or neglect, and/or cause the said TAHARAH DUKE to be placed in a  
2 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
3 result of abuse or neglect, by repeatedly beating the said TAHARAH DUKE with a belt.

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

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

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

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

22 COUNT 4 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

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

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

2 did, on or between October 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 October 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 October 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.

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

27 did on or between October 1, 2010 and September 26, 2012 then and there willfully,  
28 unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child

1 under fourteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his  
2 penis into the genital opening of the said TAHARAH DUKE, against her will, or under  
3 conditions in which Defendant knew, or should have known, that the said TAHARAH  
4 DUKE was mentally or physically incapable of resisting or understanding the nature of  
5 Defendant's conduct.

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

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

14 COUNT 10 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
15 AGE

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

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

25 did on or between October 1, 2010 and September 26, 2012 then and there willfully,  
26 unlawfully, and feloniously sexually assault and subject TAHARAH DUKE, a female child  
27 under fourteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his  
28 penis into the genital opening of the said TAHARAH DUKE, against her will, or under

1 conditions in which Defendant knew, or should have known, that the said TAHARAH  
2 DUKE was mentally or physically incapable of resisting or understanding the nature of  
3 Defendant's conduct.

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

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

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

14 did on or between October 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: digital penetration, by inserting  
17 his finger(s) into the genital opening of the said TAHARAH DUKE, against her will, or  
18 under 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 14 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
22 AGE

23 did on or between October 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: sexual intercourse, by placing his  
26 penis into the genital opening of the said TAHARAH DUKE, against her will, or under  
27 conditions in which Defendant knew, or should have known, that the said TAHARAH  
28 DUKE was mentally or physically incapable of resisting or understanding the nature of

1 Defendant's conduct.

2 COUNT 15 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

3 did, on or between August, 2007 and September 26, 2012 willfully, unlawfully, and  
4 feloniously cause a child under the age of 18 years, to-wit: TAQUANDA DUKE, being  
5 approximately 7 to 11 years of age, to suffer unjustifiable physical pain or mental suffering  
6 as a result of abuse or neglect, and/or cause the said TAQUANDA DUKE to be placed in a  
7 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
8 result of abuse or neglect, by beating the said TAQUANDA DUKE with a belt and/or  
9 threatening her with a knife.

10 COUNT 16 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

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

18 COUNT 17 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

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

26 COUNT 18 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

27 did, on or between January, 2005 and September 26, 2012 willfully, unlawfully, and  
28 feloniously cause a child under the age of 18 years, to-wit: VICTORIA DUKE, being

1 approximately 15-18 years of age, to suffer unjustifiable physical pain or mental suffering as  
2 a result of abuse or neglect, and/or cause the said VICTORIA DUKE to be placed in a  
3 situation where she might have suffered unjustifiable physical pain or mental suffering as a  
4 result of abuse or neglect, by repeatedly beating the said VICTORIA DUKE with a belt.

5 COUNT 19 - FIRST DEGREE KIDNAPPING

6 did, on or between December, 2004 and May, 2005, willfully, unlawfully,  
7 feloniously, and without authority of law, seize, confine, inveigle, entice, decoy, abduct,  
8 conceal, kidnap, or carry away VICTORIA DUKE, a human being, with the intent to hold or  
9 detain the said VICTORIA DUKE against her will, and without her consent, for the purpose  
10 of committing sexual assault and/or lead, take, entice, or carry away or detain VICTORIA  
11 DUKE, a minor, with the intent to keep, imprison, or confine said minor from her parent,  
12 guardian, or any other person having lawful custody of the said minor and/or perpetrate upon  
13 the person of said minor any unlawful act, to wit: sexual assault.

14 COUNT 20 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

15 did on or between December, 2004 and May, 2005 then and there willfully, lewdly,  
16 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any  
17 part or member thereof, a child, to-wit: VICTORIA DUKE, said child being under the age  
18 of fourteen years, by Defendant putting the hand of the said VICTORIA DUKE on his  
19 genital area, with the intent of arousing, appealing to, or gratifying the lust, passions, or  
20 sexual desires of said Defendant, or said child.

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

23 did on or between December, 2004 and May, 2005 then and there willfully,  
24 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child  
25 under fourteen years of age, to sexual penetration, to-wit: digital penetration, by inserting  
26 his finger(s) into the genital opening of the said VICTORIA DUKE, against her will, or  
27 under conditions in which Defendant knew, or should have known, that the said VICTORIA  
28 DUKE was mentally or physically incapable of resisting or understanding the nature of

1 Defendant's conduct.

2 COUNT 22 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF  
3 AGE

4 did on or between December, 2004 and May, 2005 then and there willfully,  
5 unlawfully, and feloniously sexually assault and subject VICTORIA 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 VICTORIA DUKE, against her will, or under  
8 conditions in which Defendant knew, or should have known, that the said VICTORIA  
9 DUKE was mentally or physically incapable of resisting or understanding the nature of  
10 Defendant's conduct.

11 COUNT 23 - COERCION (SEXUALLY MOTIVATED)

12 did December, 2004 and May, 2005 then and there, wilfully, unlawfully and  
13 feloniously use physical force, or the immediate threat of such force, against VICTORIA  
14 DUKE, with intent to compel her to do, or abstain from doing, an act which she had a right  
15 to do, or abstain from doing, by Defendant grabbing the arm of the said VICTORIA DUKE  
16 and telling her not to tell anyone or he would beat her, one of the purposes for which the  
17 Defendant committed the offense was Defendant's sexual gratification.

18 COUNT 24 - ADMINISTRATION OF A DRUG TO AID IN THE COMMISSION OF A  
19 CRIME

20 did on or between August 1, 2007 and August 31, 2007 then and there wilfully,  
21 unlawfully, feloniously, and knowingly administer to VICTORIA DUKE, a controlled  
22 substance, anesthetic, or intoxicating agent, with the intent thereby to enable or assist himself  
23 to commit a felony, to-wit: Sexual Assault with a Minor Under the Age of 16.

24 COUNT 25 - FIRST DEGREE KIDNAPPING

25 did, on or between August 1, 2007 and August 31, 2007, willfully, unlawfully,  
26 feloniously, and without authority of law, seize, confine, inveigle, entice, decoy, abduct,  
27 conceal, kidnap, or carry away VICTORIA DUKE, a human being, with the intent to hold or  
28 detain the said VICTORIA DUKE against her will, and without her consent, for the purpose

1 of committing sexual assault and/or lead, take, entice, or carry away or detain VICTORIA  
2 DUKE, a minor, with the intent to keep, imprison, or confine said minor from her parent,  
3 guardian, or any other person having lawful custody of the said minor and/or perpetrate upon  
4 the person of said minor any unlawful act, to wit: sexual assault.

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

6 did on or between August 1, 2007 and August 31, 2007 then and there willfully,  
7 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child  
8 under sixteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing his  
9 penis into the genital opening of the said VICTORIA DUKE, against her will, or under  
10 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 27 - ADMINISTRATION OF A DRUG TO AID IN THE COMMISSION OF A  
14 CRIME

15 did on or between September 1, 2007 and July 30, 2008 then and there wilfully,  
16 unlawfully, feloniously, and knowingly administer to VICTORIA DUKE, a controlled  
17 substance, anesthetic, or intoxicating agent, with the intent thereby to enable or assist himself  
18 to commit a felony, to-wit: Sexual Assault with a Minor Under the Age of 16.

19 COUNT 28 - FIRST DEGREE KIDNAPPING

20 did, on or between September 1, 2007 and July 30, 2008, willfully, unlawfully,  
21 feloniously, and without authority of law, seize, confine, inveigle, entice, decoy, abduct,  
22 conceal, kidnap, or carry away VICTORIA DUKE, a human being, with the intent to hold or  
23 detain the said VICTORIA DUKE against her will, and without her consent, for the purpose  
24 of committing sexual assault and/or lead, take, entice, or carry away or detain VICTORIA  
25 DUKE, a minor, with the intent to keep, imprison, or confine said minor from her parent,  
26 guardian, or any other person having lawful custody of the said minor and/or perpetrate upon  
27 the person of said minor any unlawful act, to wit: sexual assault.

28 ///

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

2 did on or between September 1, 2007 and July 30, 2008 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 30 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

10 did on or between September 1, 2007 and July 30, 2008 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: anal intercourse, by placing his  
13 penis into the anal 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 31 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

18 did on or between September 1, 2007 and July 30, 2008 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 32 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

26 did on or between September 1, 2007 and July 30, 2008 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: anal intercourse, by placing his

1 penis 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 33 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

6 did on or between September 1, 2007 and July 30, 2008 then and there willfully,  
7 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child  
8 under sixteen years of age, to sexual penetration, to-wit: sexual intercourse, by placing a  
9 dildo and/or vibrator into the genital opening of the said VICTORIA DUKE, against her  
10 will, or under conditions in which Defendant knew, or should have known, that the said  
11 VICTORIA DUKE was mentally or physically incapable of resisting or understanding the  
12 nature of Defendant's conduct.

13 COUNT 34 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

14 did on or between September 1, 2007 and July 30, 2008 then and there willfully,  
15 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female child  
16 under sixteen years of age, to sexual penetration, to-wit: sexual intercourse, by causing  
17 TINA DUKE TO place a dildo into the genital opening of the said VICTORIA DUKE,  
18 against her will, or under conditions in which Defendant knew, or should have known, that  
19 the said VICTORIA DUKE was mentally or physically incapable of resisting or  
20 understanding the nature of Defendant's conduct.

21 COUNT 35 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

22 did on or between September 1, 2007 and July 30, 2008 then and there willfully,  
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 causing  
25 TINA DUKE TO place a dildo into the genital opening of the said VICTORIA DUKE,  
26 against her will, or under conditions in which Defendant knew, or should have known, that  
27 the said VICTORIA DUKE was mentally or physically incapable of resisting or  
28 understanding the nature of Defendant's conduct.

1 COUNT 36 - SEXUAL ASSAULT

2 did on in May, 2009 then and there willfully, unlawfully, and feloniously sexually  
3 assault and subject VICTORIA DUKE, a female person; to sexual penetration, to-wit:  
4 sexual intercourse, by placing his penis into the genital opening of the said VICTORIA  
5 DUKE, against her will, or under conditions in which Defendant knew, or should have  
6 known, that the said VICTORIA DUKE was mentally or physically incapable of resisting or  
7 understanding the nature of Defendant's conduct.

8 COUNT 37 - FIRST DEGREE KIDNAPPING

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

14 COUNT 38 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT

15 did, on or between August 2010 and August 2011, willfully, unlawfully and  
16 feloniously use force or violence upon the person of another, to-wit: VICTORIA DUKE,  
17 with the intent to commit sexual assault, by grabbing the wrist of the said VICTORIA  
18 DUKE and holding it tight while attempting to cause her to perform fellatio on him.

19 COUNT 39 - SEXUAL ASSAULT

20 did on or between August 2010 and August 2011 then and there willfully,  
21 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female  
22 person, to sexual penetration, to-wit: sexual intercourse, by placing his penis into the genital  
23 opening of the said VICTORIA DUKE, against her will, or under conditions in which  
24 Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or  
25 physically incapable of resisting or understanding the nature of Defendant's conduct.

26 COUNT 40 - SEXUAL ASSAULT

27 did on or between August 2010 and August 2011 then and there willfully,  
28 unlawfully, and feloniously sexually assault and subject VICTORIA DUKE, a female

1 person, to sexual penetration, to-wit: sexual intercourse, by placing his penis into the genital  
2 opening of the said VICTORIA DUKE, against her will, or under conditions in which  
3 Defendant knew, or should have known, that the said VICTORIA DUKE was mentally or  
4 physically incapable of resisting or understanding the nature of Defendant's conduct.

5 COUNT 41 - SEXUAL ASSAULT

6 did on or between August 2011 and December 2011 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 42 - PANDERING

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

17 COUNT 43 - SEXUAL ASSAULT

18 did on or between August 2007 and August 2008 then and there willfully,  
19 unlawfully, and feloniously sexually assault and subject TINA DUKE, a female person, to  
20 sexual penetration, to-wit: anal intercourse, by placing his penis into the anal opening of the  
21 said VICTORIA DUKE, against her will.

22 COUNT 44 - LIVING FROM THE EARNINGS OF A PROSTITUTE

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

26 COUNT 45 - BATTERY BY STRANGULATION

27 did on or between August, 2007 and December, 2011 then and there willfully,  
28 unlawfully, and feloniously use force or violence upon the person of another, to-wit: TINA

1 DUKE, by strangulation.

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

5  
6 Kristina Rhoades  
7 7/1/2013

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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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Tracie K. Lindeman  
Clerk of Supreme Court

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

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

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## IN THE SUPREME COURT OF NEVADA

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## OPENING BRIEF APPENDIX

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**CERTIFICATE OF SERVICE**

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

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