


CLERK OF THE COURT

30611HAR

HARRIS VOL. III

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

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

-oOo-

STATE OF NEVADA,

Plaintiff,

vs.

FREDERICK HAROLD HARRIS, JR.,

Defendant.

Case No. 13F02924X

VOLUME III

REPORTER'S TRANSCRIPT

OF

PRELIMINARY HEARING

BEFORE THE HON. JANIECE MARSHALL
JUSTICE OF THE PEACE

TUESDAY, JUNE 11, 2013
12:17 p.m.

APPEARANCES:

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

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1 LAS VEGAS, CLARK COUNTY, NV, TUESDAY, JUNE 11, 2013
12:17 p.m.
2 -ooo-

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

4 THE COURT: Who is in the courtroom?

5 So everybody is going to be out of the courtroom.

6 MS. ALLEN: Your Honor, my request for
7 the courtroom was just clear the in-custodies.

8 THE COURT: I understand.

9

10 VICTORIA DUKE,
11 having been first duly sworn to testify to the
12 truth, the whole truth and nothing but the truth,
13 was examined and testified as follows:

14

15 THE CLERK: Please have a seat.
16 Please state your first and last name and spell it
17 for the record.

18 THE WITNESS: Victoria Duke,

19 V-I-C-T-O-R-A (sic) D-U-K-E.

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20 THE COURT: Is it I-A, Victoria?
21 THE WITNESS: Yes.
22 THE COURT: Thank you. Go ahead.
23 MS. ALLEN: Thank you.
24 / / /
25 / / /

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1 CROSS-EXAMINATION
2 BY MS. ALLEN:
3 Q. Good afternoon, Victoria.
4 A. Good afternoon.
5 Q. Okay. So I'm probably going to end up
6 asking you a lot of questions that seem repetitive
7 but it's been a while since you were here the last
8 time so I'm trying to remember some stuff. Okay?
9 So just bear with me.
10 A. Okay.
11 Q. Okay. So you're 20 years old; is that
12 right?
13 A. Yes.

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14 Q. Okay. And your birthday is 7/31/92.

15 A. Yes.

16 Q. And where were you born?

17 A. Columbus, Ohio.

18 Q. Okay. At some point you moved to

19 Louisiana; is that right?

20 A. Yes.

21 Q. Okay. How long did you live in

22 Louisiana?

23 A. A year.

24 Q. Okay. And then you moved to Las

25 Vegas; is that correct?

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1 A. Yes.

2 Q. Okay. When you were living in

3 Louisiana, you lived with your mother; is that

4 right?

5 A. Yes.

6 Q. And all your siblings.

7 A. Yes.

8 Q. One brother and three sisters.

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- 9 A. Yes.
- 10 Q. Do you remember or recall at any point
- 11 meeting Fred in Louisiana?
- 12 A. No.
- 13 Q. Okay. And when you moved out to Las
- 14 Vegas -- well, let me ask you this.
- 15 Your mom came out to Las Vegas before
- 16 you; isn't that correct?
- 17 A. Yes.
- 18 Q. From Louisiana.
- 19 A. Yes.
- 20 Q. How long was she here before Fred's
- 21 brother picked you up?
- 22 A. A month.
- 23 Q. So she'd been out in Vegas about a
- 24 month.
- 25 A. I believe so.

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- 1 Q. Okay. Do you recall having contact
- 2 with her while she was out here?

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3 A. No.

4 Q. Okay. So she's out here for a month.

5 Did you know why she was out here?

6 A. Yes.

7 Q. Okay. And what was your understanding

8 of why she was out here?

9 A. To visit Fred.

10 Q. Okay. But you didn't know who he

11 was --

12 A. No.

13 Q. -- at that time.

14 A. No.

15 Q. Okay. So when you moved out here, did

16 you immediately meet Fred?

17 Did your mom introduce you?

18 A. No.

19 Q. How long was it before you met Fred?

20 A. The day after.

21 Q. Okay. So you were here about a day

22 and then you met him?

23 A. Yes.

24 Q. Okay. When you came to Las Vegas,

25 where did you go immediately?

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1 where is the first place that you
2 went?
3 A. We went to the Trish Lane residence.
4 Q. Okay. And who lived there?
5 A. Miss Ann, her mother, and Shakara.
6 Q. Shakara. who is Shakara?
7 A. Miss Ann's stepdaughter.
8 Q. And that's where you stayed when you
9 came out here.
10 A. Yes.
11 Q. And it was, your mom and all of the
12 kids stayed with Miss Ann; is that right?
13 A. Yes.
14 Q. How long did you stay at the Trish
15 Lane house?
16 A. I can't remember how long.
17 Q. Okay. what year was it that you came
18 out to Las Vegas?
19 A. 2000 -- December 2004.
20 Q. December 2004. Okay. How old were
21 you?
22 A. I cannot remember.
23 Q. Okay. You don't remember how old you
24 were in December of 2004.
25 A. No.

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1 Q. Okay. At what point -- well, okay.
2 You said you stayed in the Trish Lane house for how
3 long?

4 A. Until 2000 -- until May of 2005.

5 Q. So approximately five or six months.

6 A. Yeah.

7 Q. Okay. And you knew Fred. Like you
8 would see him on a regular basis.

9 A. Yes.

10 Q. When was the first incident that you
11 described with Fred? Do you remember when that
12 was?

13 A. No.

14 Q. You don't remember the date.

15 A. No.

16 Q. Okay. Do you remember how old you
17 were?

18 A. No.

19 Q. Do you remember what happened?

20 A. Yes.

21 Q. Okay. Where did it happen?

22 A. At his apartment.

23 Q. Okay. Where was his apartment?

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24 A. I can't remember. I don't remember
25 the street. I just remember it was at his

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1 apartment in his bedroom.

2 Q. Okay. Do you remember how long it was
3 that you'd been in Las Vegas when it happened?

4 A. No.

5 Q. Okay. And this was the incident you
6 previously described that he took your hand and put
7 it on his like on his crotch area; is that right?

8 A. Yes.

9 Q. And his clothes were on; is that
10 correct?

11 A. Yes.

12 Q. And you said he threatened to beat
13 you.

14 A. Yes.

15 Q. And this was when you and all your
16 siblings had been taken to his apartment; is that
17 right?

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18 A. Yes.

19 Q. And all of you went into the bedroom
20 and fell asleep.

21 A. Yes.

22 Q. And then what happened when you woke
23 up?

24 A. They were gone.

25 Q. Okay. So all of your siblings had

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1 gone somewhere else.

2 A. Yes.

3 Q. And your mom was working.

4 A. I believe so.

5 Q. Do you remember where she was working?

6 A. No.

7 Q. Okay. You said that you told Dorothy
8 about this, right?

9 A. Right.

10 Q. And you told -- actually you told
11 Dorothy and Ann; is that correct?

12 A. Yes.

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13 Q. And after you told them, you said that
14 they treated you differently; is that right?

15 A. Yes.

16 Q. They treated you like you were -- they
17 said you were a liar.

18 A. Yes.

19 Q. At some point when you were living
20 with Fred and Miss Ann, you also ran away from
21 home. Do you remember testifying to that?

22 A. Yes.

23 Q. Do you remember where you went when
24 you ran away?

25 A. Across the street from our newer

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1 apartment. It was just across the street.

2 Q. Okay. Did you ever testify that you
3 ran away to Dorothy's house?

4 A. To Dorothy's house?

5 Q. Yes.

6 A. No.

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- 7 Q. So you never remember saying that.
- 8 A. No.
- 9 Q. Did you run away -- did you ever at
- 10 any point run away from home and go to
- 11 Miss Dorothy's house?
- 12 A. No.
- 13 Q. Okay. You said you don't recall how
- 14 old you were when this first incident happened with
- 15 Fred; is that correct?
- 16 A. Yes.
- 17 Q. Do you remember how old your brothers
- 18 and sisters were?
- 19 A. No.
- 20 Q. But you were told they were at the
- 21 apartment; is that right?
- 22 A. Yes.
- 23 Q. Besides Dorothy and Miss Ann, who else
- 24 did you tell about this incident?
- 25 A. I don't remember telling anybody else.

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- 1 Q. You didn't tell your mom.
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2 A. I believe Fred and Ann told my mom and
3 Miss Dorothy told my mom.

4 Q. Okay. So you think Fred and
5 Miss Dorothy told your mother about this.

6 A. Yeah.

7 Q. Do you know if your mother did
8 anything about it?

9 A. No, she did not do nothing about it.

10 Q. Okay. You described being in Fred's
11 bedroom. This is the apartment. You describe
12 being on the bed; is that right?

13 A. Yes.

14 Q. And you said Fred was on the floor.

15 A. Yes.

16 Q. Okay. And what happened while he was
17 on the floor?

18 A. He tried to put his penis in my
19 vagina. He was fingering me.

20 Q. Okay. And how was he sitting on the
21 floor?

22 A. He moved from the bed to the floor.

23 Q. He moved so he was laying on the bed
24 or was he sitting on the bed?

25 A. Sitting.

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1 Q. He was sitting on the bed and he moved
2 to the floor.

3 A. Yes.

4 Q. And how was he sitting on the floor?

5 A. On his knees.

6 Q. And you were at the edge of the bed.

7 A. Yes.

8 Q. Okay. And you say he tried to put his
9 penis in your vagina.

10 A. Yes.

11 Q. And that didn't work.

12 A. No.

13 Q. Were you screaming?

14 A. No.

15 Q. Okay. How long did he attempt to put
16 his penis in your vagina?

17 A. For a short, it was just a short
18 moment. It was just a short moment in time. I
19 don't really remember.

20 Q. You don't remember.

21 A. No.

22 Q. But then you said he put his fingers
23 in you.

24 A. Yes.

25 Q. How long did that go on?

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1 A. I do not remember.
2 Q. You don't remember how long that went
3 on.
4 A. No.
5 Q. Did he do anything else?
6 A. That was it.
7 Q. Okay. He didn't try to like kiss you
8 or --
9 A. No.
10 Q. Okay. He didn't touch you anywhere
11 else.
12 A. No.
13 Q. Okay. Was he saying anything to you
14 while this was going on?
15 A. No. He just told me not to tell
16 nobody.
17 Q. Okay. And you weren't screaming; is
18 that right?
19 A. I can't -- no.
20 Q. You can't what?
21 A. I don't know. I don't remember.

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22 Q. You don't remember.
23 A. No.
24 Q. Had anything like this ever happened
25 to you before?

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1 A. No.
2 Q. So this was the first time anybody had
3 ever touched you like this.
4 A. Yes.
5 Q. You don't remember how long it went
6 on; is that right?
7 A. No.
8 Q. Okay. But after this was all said and
9 done eventually the kids came back; is that right?
10 A. Yes.
11 Q. And who were they with?
12 A. They were by themselves.
13 Q. So the kids went to the park by
14 themselves and they returned by themselves?
15 A. Yes.
16 Q. There wasn't an adult with them at

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17 all.

18 A. No.

19 Q. How far was the park from Fred's
20 apartment?

21 A. It was in the apartment complex.

22 Q. So they just stayed within the
23 complex.

24 A. Yeah.

25 Q. Do you remember if they all came back

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1 together?

2 A. Yes.

3 Q. Did you tell any of your siblings that
4 day what had happened?

5 A. No.

6 Q. At some point you moved to Utah; is
7 that right?

8 A. Yes.

9 Q. Do you remember when you moved to
10 Utah?

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11 A. May of 2005.
12 Q. Okay. So you moved to Vegas in you
13 said December of 2006, is that right, or I'm sorry
14 December of 2004; is that right?
15 A. Yes.
16 Q. And in May of 2005 you guys moved to
17 Utah.
18 A. Yes.
19 Q. And it was your mom, your three
20 sisters, and your brother; is that right?
21 A. Yes.
22 Q. Do you know why your mom moved to
23 Utah?
24 A. To give a baby up for adoption.
25 Q. All right. So was the intent -- do

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1 you know if your mom intended to stay there?
2 MS. LUZAICH: Well, objection,
3 foundation, speculation.
4 MS. ALLEN: I asked if she knew.
5 THE COURT: Overruled.
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6 MS. ALLEN:

7 Q. Do you know if your mom intended to
8 stay there?

9 A. I don't know.

10 Q. Okay. But while there or how long
11 were you there?

12 How long did it take for your mom to
13 give the baby up for adoption?

14 A. She gave the baby up for adoption
15 after it was born so

16 Q. Do you know when the baby was born?

17 A. July 19, 2005.

18 Q. Okay. So you moved in May of 2005 and
19 very shortly thereafter your mom gave birth.

20 A. Yes.

21 Q. And then she gave the baby up for
22 adoption.

23 A. Yes.

24 Q. Was it taken right away do you know?

25 A. Yes.

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1 Q. Okay. Were you coming right back to
2 Las Vegas after the baby was given up for adoption?

3 A. I did not know at the moment.

4 Q. Did your mom get an apartment while
5 she was there?

6 A. Yes.

7 Q. So you guys lived there for a little
8 while; is that correct?

9 A. Yes.

10 Q. And you went to school there?

11 A. Yes.

12 Q. About how long after you moved to Utah
13 did your mom come back to Las Vegas?

14 A. A year, a couple -- probably like two
15 years.

16 Q. Okay. So May -- so maybe May of
17 2007. Does that sound about right?

18 A. We stayed there so it's from -- we
19 stayed there until we moved to -- we moved to that
20 place or we moved to Utah in May of 2005. We left
21 August 2007 so --

22 Q. So a little over two years.

23 A. Yeah.

24 Q. But when did your mom -- your mom came
25 back to Vegas at some point and left you and your

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1 brothers and sisters in Utah; is that right?

2 A. Yes.

3 Q. When did your mom come back to Vegas?

4 A. December 2005.

5 Q. December of 2005. So you moved there
6 in May of 2005 and in December of 2005 your mom
7 left you guys and came to Vegas; is that right?

8 A. Yes.

9 Q. And she left all of you there; is that
10 right?

11 A. Yes.

12 Q. And eventually you got taken into CPS
13 custody, state custody.

14 A. Yes.

15 Q. Okay. How long after your mom left
16 did you get taken into CPS custody?

17 A. A week.

18 Q. Okay. So your mom was gone a week.

19 A. Yes.

20 Q. Was anybody with you while your mom
21 was gone?

22 A. Yes.

23 Q. Who was?

24 A. Someone named Miss Heather.

25 Q. Miss Heather. Do you know her last

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1 name?

2 A. No.

3 Q. Do you know anything about her?

4 A. She has kids too. She lived next door
5 to us. That's it.

6 Q. Do you remember where you lived in
7 Utah?

8 A. No.

9 Q. You don't remember the address?

10 A. No.

11 Q. The street.

12 A. No.

13 Q. Was it an apartment or a house?

14 A. It was in a fourplex.

15 Q. Okay. And was -- do you remember what
16 city you were in or town?

17 A. Orem.

18 Q. Orem, Utah.

19 A. Yes.

20 Q. Okay. And her name was Ms. Heather;
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21 is that right?

22 A. Yes.

23 Q. Do you know why your mom -- if you
24 know, do you know why your mom came back to Las
25 Vegas?

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1 A. To see Fred.

2 Q. And that made you angry?

3 A. Yes.

4 Q. Okay. This would have been the second
5 time that your mom left you to come see Fred.

6 A. Yes.

7 Q. Were you taken into CPS custody in
8 Louisiana when your mom left?

9 A. No.

10 Q. Okay. After your mom left to come
11 back here to see Fred, how long were you in foster
12 care?

13 A. Six months.

14 Q. Six months.

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- 15 A. Six and a half months.
16 Q. Were you and your sisters and brothers
17 separated?
18 A. Yes.
19 Q. So you didn't all live together.
20 A. We lived, two lived together, about
21 two in a different home, two in a different home,
22 one by himself.
23 Q. Shabazz was by himself.
24 A. Yes.
25 Q. Who were you living with?

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- 1 A. Mahlica.
2 Q. And who did you live with in Utah?
3 MS. LUZAICH: well, objection,
4 irrelevant. This isn't discovery in a probable
5 cause hearing.
6 THE COURT: I do remember you asking
7 about that.
8 MS. LUZAICH: I did not.
9 THE COURT: You asked if they lived in
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10 Utah.

11 MS. LUZAICH: Right. Did you live in
12 Utah and did you come back is what I asked. That's
13 all. I mean this is a fishing expedition.

14 THE COURT: So you're objecting to her
15 asking.

16 MS. LUZAICH: None of it. Who she
17 lived with, she's already said Miss Heather.

18 THE COURT: So when she was taken into
19 foster care --

20 MS. ALLEN: I asked who she lived with
21 in foster care.

22 THE COURT: She was in foster care in
23 Utah or Las Vegas?

24 MS. ALLEN: Utah.

25 THE COURT: So what is the relevance?

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1 MS. ALLEN: I believe it goes to her
2 motivation. The mom consistently leaves these kids
3 and they end up getting picked up by CPS and so it

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4 goes to her motivation to lie.

5 MS. LUZAICH: Right. So there's
6 evidence she was in foster care. She was
7 separated. Anything else was not relevant.

8 MS. ALLEN: Any portion of anything
9 that happened during the last five years what the
10 State is alleging I think is relevant for the
11 purposes of prelim.

12 MS. LUZAICH: Who the foster was is
13 not relevant. It's privileged information through
14 the state of Utah's CPS. If she wants that
15 information, she can get it from them.

16 THE COURT: If you don't have any
17 basis for trying to establish some motivation to
18 not -- I don't see why it would be important at
19 this point.

20 MS. ALLEN: Okay.

21 Q. So you said you were in foster care
22 for six months; is that right?

23 A. Yes.

24 Q. And at some point you come back to
25 Vegas; is that right?

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1 A. Yes.

2 Q. August of 2007 I think is what you
3 said.

4 A. Yes.

5 Q. During the time you lived in Utah, did
6 you talk to your mom about what had happened with
7 Fred?

8 A. I did.

9 Q. You did tell her.

10 A. Yes.

11 Q. Okay. Do you know if your mom did
12 anything at that point?

13 A. She didn't do nothing.

14 Q. Okay. At any point in time while you
15 were living in Utah or let's say from when it
16 happened to before you came back to Vegas, at any
17 point in time did you call the police and report
18 this?

19 A. In between living in Utah and living
20 here?

21 Q. Okay. Let me clarify. So when you
22 left Las Vegas in May of 2005 until August of 2007
23 when you came -- that's when you left Utah; is that
24 right? So that two-year period.

25 A. Yes.

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1 Q. Did you ever call the police and
2 report what happened with Fred?

3 A. No.

4 Q. Okay.

5 THE COURT: So I understand the first
6 incident that you referenced that happened with
7 Fred happened in Fred's apartment. That's in Las
8 Vegas, right? And that's before she moved back to
9 Utah or moved to Utah.

10 MS. ALLEN: What I'm understanding is
11 sometime between December of 2004 and May of 2005.

12 THE COURT: Is that what your
13 testimony is that first instance that you testified
14 to earlier today that that occurred between
15 December 2004 and May of 2005.

16 THE WITNESS: Yes.

17 THE COURT: Thank you. Go ahead.

18 MS. ALLEN: Thank you.

19 Q. So at some point I think you testified
20 previously you were living in Utah, woke up in the
21 middle of the night; is that right?

22 A. Yes.

23 Q. And Fred was there; is that correct?

24 A. Yes.

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25 Q. Okay. And you guys moved back to Las

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1 Vegas; is that correct?

2 A. Yes.

3 Q. Did you know at that time that you
4 were coming back to Las Vegas?

5 A. No. My mom kept saying we was going
6 to someplace in Utah.

7 Q. Okay. So she told you guys that you
8 were moving.

9 A. Yes.

10 Q. But she said it was in Utah.

11 A. Yes.

12 Q. Okay. Do you -- do you recall --
13 during that two-year period that you lived in Utah,
14 do you know if your mom -- did she ever talk to
15 Fred?

16 A. I believe that she was. She just
17 didn't say nothing because it was the way she was
18 acting.

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19 Q. How was she acting?

20 A. Just different. I can't really

21 describe how she was acting. She was just acting

22 different like she was up to something and when

23 we asked her where she was moving, she didn't

24 make it a straight answer. She didn't make it --

25 it didn't -- you know, it just didn't feel right

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HARRIS VOL. III

27

1 so

2 Q. So when you say you asked her where

3 you were moving, had you guys been packing?

4 A. Yes.

5 Q. Okay. You'd been packing up boxes.

6 A. Yes.

7 Q. And like everything you had you were

8 getting ready to take it somewhere at least?

9 A. Yes.

10 Q. Okay. But your understanding was

11 somewhere in Utah.

12 A. Yes.

13 Q. Okay. So you're woke up in the middle

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30611HAR

14 of the night; is that right?

15 A. Yes.

16 Q. And you realize that Fred's there; is
17 that right?

18 A. Yes. Well, I didn't realize it was
19 him until later.

20 Q. Okay. So you didn't see him.

21 A. I haven't seen him in two and a half
22 years. I didn't even remember who he was. Like I
23 knew who he was but I didn't remember what he
24 looked like. He was wearing glasses. It was dark
25 with tinted windows. We was in the back seat.

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HARRIS VOL. III

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1 They was rushing us. I had to hold bags and stuff.

2 Q. You say you didn't really remember
3 what he looked like; is that right?

4 A. No, I didn't. I turned to the side
5 like facing. I was in the back seat.

6 Q. Okay. So you guys drive back from
7 Orem to Las Vegas; is that right?

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- 8 A. Yes.
- 9 Q. And where do you go at this point?
- 10 A. We dropped Tahara, Taquanda, 'Bazz,
- 11 and Mahlica back, and me and my mom goes to Miss
- 12 Dorothy's house.
- 13 Q. And the other four kids go where?
- 14 A. To Miss Ann's house.
- 15 Q. Is there a reason or do you know why
- 16 you and your mom went to Miss Ann's house?
- 17 A. They didn't want me to go around the
- 18 other four kids.
- 19 Q. They didn't want you around Mahlica,
- 20 Shabazz, Tahara, and Taquanda?
- 21 A. Yes.
- 22 Q. Who didn't want you around them?
- 23 A. Fred and my mom.
- 24 Q. So your mom was trying to keep you
- 25 away from the other four kids?

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HARRIS VOL. III

29

- 1 A. Yes.
- 2 Q. Had you been giving your mother
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3 problems in Utah when you were living in Utah?

4 A. I refuse to answer the question.

5 THE COURT: You're refusing to answer
6 her question.

7 THE WITNESS: 'Cuz I don't like
8 understand why she would need that 'cause like I
9 feel -- I feel uncomfortable like answering that
10 question.

11 THE COURT: All right. So you have to
12 answer the questions that the attorneys ask unless
13 there's an objection and I sustain it.

14 MS. LUZAICH: All right. Objection,
15 relevance.

16 MS. ALLEN: well, she's saying that
17 Fred and her mom wanted to keep her away from the
18 other kids. Clearly there must be a reason behind
19 that. This has been the one who is saying all
20 along she's been accusing my client then all of a
21 sudden her younger sister says, oh, by the way, he
22 touched me too.

23 MS. LUZAICH: Well, that's not in any,
24 way, shape, or form how that happened.

25 MS. ALLEN: Anyway I think it's

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1 relevant.

2 THE COURT: Okay. I understand it's
3 uncomfortable to talk about these things but you do
4 need to answer the question. So if -- do you want
5 some water? Do you need a minute? I know it's
6 uncomfortable to talk about your mom. Everybody
7 wants to have good memories with their mom but you
8 do need to answer these questions. All right?
9 Thank you. Go ahead.

10 MS. ALLEN: Okay.

11 Q. So I think the last question I asked
12 you was what kind of problems were you giving your
13 mom or did you give your mom problems?

14 A. The only problem I have with my mom is
15 that she never listened to me when I said he
16 touched me. She was so in love and blind and in
17 love with him that she would not believe or even
18 look at the fact that I was hurt by him. She just
19 always wanted him, him, him, him. That's all she
20 talked about.

21 Q. Okay.

22 A. She didn't believe me. She didn't
23 believe my hurt. She didn't care about my hurt.
24 She didn't hear me but when it came to her hurt and
25 her pain, I cried for her many times and loved my

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HARRIS VOL. III

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1 mom many times. When it came to me it was never
2 important. Okay?

3 Q. So that's the problem that you have
4 with your mom.

5 A. I would try to listen to her and be a
6 good daughter and she'll turn around and do
7 something else.

8 Q. Okay. So are you saying that you
9 tried to tell your mom what she should be doing and
10 she never listened to you?

11 A. No. I'm trying to tell my mom, I'm
12 just -- we're uncomfortable. We're uncomfortable
13 with certain decisions that she's making. We're
14 scared. We feel like we are not going to be safe
15 if she makes certain decisions. We are asking her
16 and pleading her about things.

17 Q. When you say "we," who do you mean?

18 A. Me, my sisters and my brother. We
19 didn't feel comfortable coming back to Vegas and
20 now look at us now. We're in court and I'm late
21 once again. It's the fact that we're asking mom
22 let's just be us and be a family. We don't need to

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23 have everybody involved and they want to say I was
24 being bad. Being bad how? You're scared.
25 Q. When you say "they," who do you mean

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HARRIS VOL. III

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1 by they?
2 A. Fred, Ann, Miss Dorothy.
3 Q. And did your mom agree with them that
4 you were being bad?
5 A. She wanted to agree because she didn't
6 want to agree with the right thing to do.
7 Q. Okay. So going back to my question I
8 said were you giving your mom problems in Utah, you
9 and your mom had conflict over her having a
10 relationship with Fred; is that right? Is that
11 what you're telling me your problem was?
12 A. Yes. We was worried about our safety,
13 and I was worried about my safety and my family, my
14 sisters' safety most of all.
15 Q. Okay. So you come back in 2000,
16 August of 2007 and you and your mom live separate
17 from the other kids; is that right?

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18 A. Yes.

19 Q. How long did you live separate from
20 the other kids?

21 A. A year.

22 Q. One year. Okay. Is this when you and
23 your mom lived on Walnut?

24 A. It was Walnut, Miss Dorothy's house.

25 Q. Okay. So you came back and lived in

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HARRIS VOL. III

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1 Miss Dorothy's house, right, you and your mom?

2 A. Yes.

3 Q. How long did you stay in

4 Miss Dorothy's house?

5 A. About a month. I'm not -- I can't
6 remember.

7 Q. Okay. And did you see Fred while you
8 were living in Miss Dorothy's house?

9 A. Yes.

10 Q. Okay. And did anything happen with
11 you and Fred while you were living in

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12 Miss Dorothy's house?

13 A. Like inside Miss Dorothy's house?

14 Q. Yes.

15 A. No.

16 Q. Did something happen outside of

17 Miss Dorothy's house?

18 A. Yes.

19 Q. Can you please tell me what happened

20 outside of Miss Dorothy's house.

21 A. Fred, my mom and me take a ride.

22 Q. Okay. This was the car --

23 A. Yes.

24 Q. Okay. Let's talk about that. I

25 didn't know if maybe something happened in the

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HARRIS VOL. III

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1 yard. So you and your mom and Fred take a ride in

2 the car; is that right?

3 A. Yes.

4 Q. And you drove around for three hours;

5 is that right?

6 A. I cannot remember the time.

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7 Q. Okay. Well, let me ask you this. So
8 this happened -- this must have happened in
9 September of 2007; is that right?

10 A. The incident in the car.

11 Q. Yeah.

12 A. It happened in August 2007.

13 Q. August what?

14 A. August the 24th.

15 Q. August 24th of 2007. Okay. And you
16 said you were -- you guys were driving around,
17 right?

18 A. Yes.

19 Q. And you said you drove around for a
20 few years; is that right?

21 A. What I can remember, yes.

22 Q. Okay. And what car were you in?

23 A. It was a dark -- it was a dark small
24 car.

25 Q. Dark small car. Do you know who the

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1 car belonged to?

2 A. I later on found out it was
3 Miss Ann's.

4 Q. Okay. Do you remember, two door, four
5 door?

6 A. No.

7 Q. And you were in the back seat; is that
8 right?

9 A. Yes.

10 Q. And someone had given you like alcohol
11 or some wine coolers.

12 A. Fred brought the alcohol and me and my
13 mom and him was drinking the alcohol.

14 Q. Okay. Do you remember what you were
15 drinking?

16 A. No.

17 Q. Do you remember where you got it or
18 where he got it?

19 A. No.

20 Q. Okay. Had you been told what was
21 going to happen?

22 A. Yes.

23 Q. Okay. And what were you told?

24 A. I was told that I would be losing my
25 virginity that night.

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HARRIS VOL. III

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1 Q. Okay. And do you remember how old you
2 were August 24th of 2007?

3 A. 15.

4 Q. You were 15 years old. All right.
5 You said it was a dark small car.

6 A. Yes.

7 Q. Okay. So at some point after driving
8 around for a couple hours or however long it was
9 Fred parked somewhere; is that right?

10 A. Yes.

11 Q. Do you remember where it was that you
12 guys ended up parking?

13 A. On top of this hill where you could
14 see all of Las Vegas and there's a road sign and we
15 were like close to the mountains.

16 Q. Okay. And just pulled off on the side
17 of the road.

18 A. Yes.

19 Q. Okay. And you said Fred climbed in
20 the back seat; is that right?

21 A. Yes.

22 Q. And this is when he had sex with you;
23 is that correct?

24 A. Yes.

25 Q. And your mom thought it was cute; is

30611HAR

- 22 A. No.
- 23 Q. Even if you had called the police.
- 24 A. Yes.
- 25 Q. Did you tell anybody at school?

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HARRIS VOL. III

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- 1 A. No.
- 2 Q. All right. Did you ever disclose to
- 3 anybody at any school that you went to that this
- 4 abuse was going on?
- 5 A. Later on I did.
- 6 Q. Okay. And what school would that have
- 7 been?
- 8 A. Canyon Springs.
- 9 Q. So when you were in high school. Was
- 10 that a high school?
- 11 A. Yes.
- 12 Q. Who did you tell at Canyon Springs?
- 13 A. I told two teachers. That's
- 14 practically it.
- 15 Q. Do you remember which teachers you

30611HAR

16 told?

17 A. Coach Coop (phonetic) and

18 Ms. Bywaters.

19 Q. Coach Coop and who?

20 A. Ms. Bywaters.

21 THE COURT: By, B-Y-W-A-T-E-R-S.

22 MS. ALLEN: Okay.

23 THE COURT: Was that yes?

24 THE WITNESS: Yes.

25 / / /

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HARRIS VOL. III

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1 MS. ALLEN:

2 Q. Do you know if either one of them
3 contacted the police?

4 A. No, I don't know.

5 Q. Do you remember when you told them
6 approximately like what year you would have told
7 them?

8 A. No, I don't remember.

9 Q. You just remember it was at Canyon
10 Springs.

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30611HAR

- 11 A. Yes.
- 12 Q. And you can't remember how old you
13 were?
- 14 A. I just turned I was like probably 17.
- 15 Q. 17 years old.
- 16 A. Yes.
- 17 Q. And did you tell them on the same day
18 or different days?
- 19 A. Just different days. I can't
20 remember. Like I can't remember what day or month.
- 21 Q. Okay. But you didn't tell them on the
22 same exact day, did you?
- 23 A. No.
- 24 Q. Okay. It would have been two
25 different days.

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HARRIS VOL. III

40

- 1 A. Yes.
- 2 Q. Did they ever take you to the office
3 and have you talk to a counselor?
- 4 A. No. They asked me if I wanted to. I

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30611HAR

5 was scared. I didn't want us to be in foster care
6 again. I didn't think it was going to help so I
7 just asked them not to.

8 Q. When you say you told them, do you
9 remember what you told them?

10 A. I just told them what happened.

11 Q. Okay. When you say what happened,
12 what do you mean?

13 What did you tell them?

14 What did you relay to them?

15 Did you relay the car incident with
16 them or what happened before you went to Utah?

17 What did you relay?

18 What information did you relay to
19 them?

20 A. A small portion of both. I don't
21 remember how I had it in detail or anything like
22 that.

23 Q. Okay. But you told them that Fred had
24 had sex with you in the car with your mom
25 watching.

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- 1 A. Yes.
- 2 Q. And you told them about the very first
- 3 incident back in 2005 before you left Utah --
- 4 A. Yes.
- 5 Q. -- in Fred's apartment.
- 6 A. Yes.
- 7 Q. Did you rely anything else to them?
- 8 A. Just I was being abused.
- 9 Q. Okay. Did you relay to them the
- 10 number of times that Fred had had sex with you?
- 11 A. No.
- 12 Q. Okay. 'Cuz I believe according to
- 13 your previous testimony he had had sex with you
- 14 quite a bit; isn't that right?
- 15 A. Yes.
- 16 Q. I think when you lived on walnut you
- 17 said it was happening a couple of times a week.
- 18 A. Yes.
- 19 Q. But you didn't tell them any of that.
- 20 A. I cannot remember.
- 21 Q. Okay. So after you leave Miss
- 22 Dorothy's house, that month that you lived there
- 23 you moved into Walnut; isn't that right?
- 24 A. Yes.
- 25 Q. And again it's just you and your mom?

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HARRIS VOL. III

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- 1 A. Yes.
- 2 Q. And the other four kids are still
- 3 living with Fred; isn't that right?
- 4 A. Yes.
- 5 Q. And you said he would come over three
- 6 times a week. Fred would come over three times a
- 7 week; is that right?
- 8 A. Yes.
- 9 Q. And have sex with you.
- 10 A. Yes.
- 11 Q. And your mom.
- 12 A. Yes.
- 13 Q. And he would always bring alcohol; is
- 14 that correct?
- 15 A. Yes.
- 16 Q. And sex toys; is that correct?
- 17 A. Yes.
- 18 Q. How long did you live on walnut, the
- 19 house on walnut?
- 20 A. I cannot remember.
- 21 Q. Okay. Was it more than a couple of
- 22 months?
- 23 A. It was -- I believe it was a year.
- 24 Q. Okay. So it was more than a couple of
- 25 months at least?

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HARRIS VOL. III

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1 A. Yes.

2 Q. And you said every week three times a
3 week he was coming over and having sex with you; is
4 that right?

5 A. Yes.

6 Q. Okay. And was your mom always there
7 with you?

8 A. No.

9 Q. Okay. So sometimes it was just you.

10 A. Yes.

11 Q. Okay. At any point in time during
12 this time that you lived on Walnut did you contact
13 the police?

14 A. No.

15 Q. And while you were there, did you tell
16 anybody what was going on?

17 A. Just my sisters and brothers.

18 Q. Okay. So you were talking to them?

19 A. Yes.

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- 20 Q. How were you talking to them?
21 A. How was I talking to them?
22 Q. Was it on the phone, in person?
23 A. In person.
24 Q. Would Fred bring the kids over to see
25 you guys?

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HARRIS VOL. III

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- 1 A. Later on almost at the end of the year
2 or after.
3 Q. Okay. Was your mom and Fred still
4 trying to keep you from the other four kids?
5 A. Yes.
6 Q. Okay. So at what point then or does
7 Mahlica and Shabazz at some point move in with you
8 guys on walnut?
9 A. No.
10 Q. Okay. They moved in with you guys
11 when you lived in the apartment; isn't that right?
12 A. Yes.
13 Q. Okay. Do you recall your mom working
14 at Bally's?

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- 15 A. Yes.
- 16 Q. How long did she work there?
- 17 A. She worked there until 2007 until
- 18 about 2011.
- 19 Q. Okay. Like three or four years; is
- 20 that right?
- 21 A. Yes.
- 22 Q. Do you remember her schedule at all
- 23 during that time?
- 24 A. It was very busy at the beginning.
- 25 Q. Do you remember what she did?

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HARRIS VOL. III

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- 1 A. She was a maid.
- 2 Q. So she worked in housekeeping.
- 3 A. Yes.
- 4 Q. Okay. After you moved out of the
- 5 house on walnut, you moved into an apartment
- 6 complex; is that right?
- 7 A. No.
- 8 Q. Where did you move after Walnut?

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((

9 A. 30611HAR
 To the 966 Blankenship address.

10 Q. Okay. So you and your mom moved from

11 walnut to Blankenship.

12 A. Yes.

13 Q. Do you know or why did you leave the

14 house on Walnut?

15 A. I'm not sure exactly why.

16 Q. You don't remember?

17 A. No.

18 Q. I don't remember if I asked you this.

19 what was the exact address on Walnut, do you

20 remember?

21 A. No, I just remember where it is. I

22 can't say what the -- I can't remember what the

23 address is.

24 Q. But that was a house; is that right?

25 A. Yes. It was an apartment.

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HARRIS VOL. III

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1 Q. It was an apartment on Walnut.

2 A. Yes.

3 Q. And Fred had helped you guys move into

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4 that apartment; is that right?

5 A. No.

6 Q. You don't remember.

7 A. They didn't tell me much. I really
8 don't remember about everything that was going on
9 or how we got the apartment.

10 Q. So at some point after that
11 approximately a year you guys moved into the
12 Blankenship house; is that right?

13 A. Yes.

14 Q. And how long did you and your mom live
15 in Blankenship?

16 A. We stayed there until 2010.

17 Q. 2010.

18 A. Yes.

19 Q. And where did you move from
20 Blankenship. You went Blankenship to where?

21 A. To Commerce and Craig in the
22 St. Andrews apartment.

23 Q. Okay. And did Fred help you guys move
24 out?

25 A. He helped us move out.

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1 Q. And when you say "we," who moved out
2 of the Blankenship house at that point?

3 A. Shabazz, Mahlica, and mom, and me.

4 Q. Okay. So the four of you moved to
5 this apartment.

6 A. Yes.

7 Q. Do you know why you all moved to this
8 apartment?

9 A. Yes.

10 Q. Okay. What was your understanding of
11 why you moved?

12 A. Mom was tired of the abuse and what
13 was going on and she decided to like leave.

14 Q. Your mom was tired of the abuse.

15 A. We was all tired of the abuse.

16 Q. Okay. And when you say abuse, what do
17 you mean?

18 A. Just beatings for something, beatings
19 for nothing, beatings just for stuff, being beat,
20 tired of being drug down the hallway, getting
21 punched in the face, Mahlica being held by her neck
22 on the wall.

23 Q. Okay. And this all happened while you
24 guys were living, all of you were living together
25 on Blankenship; is that right?

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HARRIS VOL. III

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1 A. Yes.

2 Q. Okay. And again I'm sorry if I asked
3 this but how long did you live on Blankenship
4 before you moved out?

5 A. We lived on Blankenship for about the
6 four, about four years, about three or four 'cuz we
7 moved to the Blankenship. They moved to the
8 Blankenship in '07. Me and my mom moved to the
9 Blankenship in '08.

10 Q. So in '08 is when you moved into the
11 Blankenship.

12 A. Yes.

13 Q. And you moved out to the St. Andrews
14 apartment what year?

15 A. 2010 so I think that was three years
16 so me and my mom was there for three years.

17 Q. And this whole time your mom is
18 employed; is that right?

19 A. Yes.

20 Q. With Bally's.

21 A. Yes.

22 Q. So she's working full time; is that
23 right?

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24 A. Yes.

25 Q. And all of you were in school; is that

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HARRIS VOL. III

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1 right?

2 A. Yes.

3 Q. And what kind of grades were all of
4 you getting or what kind of grades were you
5 getting? I should ask that.

6 A. I can't even remember what my grades
7 was.

8 Q. Okay. You don't remember if you were
9 getting good grades or bad grades?

10 A. I remember at one point I was getting
11 good grades and it was an up and down thing.

12 Q. But you had to go to school; is that
13 right? That was part of living there.

14 A. Yes.

15 Q. So the two years you were living there
16 you said there's a lot of abuse going on, people
17 were getting punched in the face and held up
18 against the wall; is that right?

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- 19 A. Yes.
20 Q. Were these things happening to you as
21 well?
22 A. Yes.
23 Q. You were getting punched in the face.
24 A. Yes.
25 Q. And held up against the wall.

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HARRIS VOL. III

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- 1 A. Yes.
2 Q. And beaten.
3 A. Yes.
4 Q. Were they leaving marks on you?
5 A. It wasn't bad enough to leave any
6 marks.
7 Q. So you were punched in the face but it
8 didn't leave any marks.
9 A. No.
10 Q. During this time you were living in
11 Blankenship did you tell anybody what's going on
12 outside the house?

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- 8 Q. How many times would you estimate you
9 called the police?
- 10 A. I can't remember how many times.
- 11 Q. But it's been definitely over one; is
12 that right?
- 13 A. Yes.
- 14 Q. Is it more than two or three?
- 15 A. Maybe.
- 16 Q. Okay. And you actually I think
17 testified at some point that you filled out a
18 report about it.
- 19 A. Yes.
- 20 Q. Like was it a handwritten report?
- 21 A. Yes.
- 22 Q. Do you remember where you filled that
23 out?
- 24 A. In Henderson.
- 25 Q. Okay. So in Henderson you filled out

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♀

HARRIS VOL. III

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1 a handwritten statement.

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30611HAR

2 A. Yes.

3 Q. And do you remember when you did that?

4 A. No.

5 Q. Okay. How long -- well, how long have
6 you lived in Henderson?

7 A. About two, about almost two years.

8 Q. Okay. So would it have been within
9 the last two years that you filled that out?

10 A. Yes.

11 Q. Did you fill it out at your house or
12 like a police station?

13 A. At the police station.

14 Q. And when you went to the police
15 station, who were you with?

16 A. I was with this lady named Miss Rose I
17 was living with at the moment.

18 Q. Had you run away from the home?

19 A. No. I didn't run away. I decided to
20 move out.

21 Q. And you moved in with Miss Rose?

22 A. Yes.

23 Q. And you told Ms. Rose what was going
24 on.

25 A. Yes.

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HARRIS VOL. III

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1 Q. And Miss Rose had you go down to the
2 police station.

3 A. Yes.

4 Q. Prior to that when you filled out the
5 incident report, had you called the police prior to
6 that?

7 A. Like before that?

8 Q. Yes.

9 A. No.

10 Q. You hadn't called the police at any
11 time prior to filling out that police report?

12 A. You said before.

13 Q. Yes.

14 A. No.

15 Q. Did you call up child protective
16 services?

17 A. No.

18 Q. You've never made contact with child
19 protective services regarding the abuse that you
20 and your sisters and brother --

21 A. During the abuse?

22 Q. At any time.

23 A. When I was living with them no, I did
24 not call the police. When we moved, when I moved
25 out, I called the police.

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8

HARRIS VOL. III

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1 Q. To St. Andrews.

2 A. No.

3 Q. Okay. When you moved out and moved
4 where?

5 A. When I moved out with Miss Rose and
6 Miss Rose took me to the police station a little
7 after that.

8 Q. Okay. So when did you move out and
9 move in with Miss Ross?

10 A. I moved in with Miss Rose around
11 November. I moved out of Miss Rose's in February.

12 Q. November of what year?

13 A. Of 2011.

14 Q. Okay. So November of 2011 to February
15 of 2012 you were living with Miss Rose?

16 A. Yes.

17 Q. Okay. And this is when you told her
18 about what had happened with Fred and Miss Ann and
19 all the things that had happened at Blankenship.

20 A. Yes.

21 Q. And she took you to the police
22 station; is that right?

30611HAR

23 A. Yes.

24 Q. And they had you fill out something
25 that you actually wrote with your own hand; is that

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HARRIS VOL. III

55

1 right?

2 A. Yes.

3 Q. And that was the very first time any
4 contact was made with law enforcement regarding
5 this.

6 A. Yes.

7 Q. Okay. After that did you make any
8 calls to the police department regarding that?

9 A. No. I told -- I called -- after that
10 event, I had called CPS because I knew that things
11 was going down at the house.

12 Q. At Blankenship?

13 A. Yes.

14 Q. Okay. So you contacted CPS.

15 A. Yes.

16 Q. Called them on the phone.

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0000717

30611HAR

17 A. Yes.

18 Q. Like their hotline.

19 A. Yes.

20 Q. And did anybody come out and talk to
21 you from CPS?

22 A. No.

23 Q. Did anybody ever make contact with you
24 regarding that phone call?

25 A. No.

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HARRIS VOL. III

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1 Q. Okay. Do you remember what grade you
2 were in when you moved to St. Andrews?

3 A. I was about to start 12th.

4 Q. About to start the 12th grade.

5 A. Yes.

6 Q. Do you recall the month or year that
7 you moved there?

8 A. 2010, August of 2010.

9 Q. Is the month and year you moved to
10 St. Andrews?

11 A. Yes.

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0000718

30611HAR

12 Q. How long did you live at St. Andrews?

13 A. We lived at St. Andrews until 2000 --
14 until October 2011.

15 Q. Until October 2011.

16 A. Yes.

17 Q. Do you know why you moved?

18 A. We didn't have funds to keep the
19 place.

20 Q. Okay. So your mom couldn't pay the
21 rent.

22 A. No.

23 Q. Was she still working?

24 A. She lost her job and gained a job that
25 was less paying.

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HARRIS VOL. III

57

1 Q. She lost her job at Bally's.

2 A. Yes.

3 Q. And she ended up with a different
4 job.

5 A. Yes.

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0000719

30611HAR

6 Q. Okay. Do you know where the new job
7 was or what she was doing?

8 A. It was Sbarro's Pizza.

9 Q. So she got a job where she wasn't
10 making as much money?

11 A. Yes.

12 Q. Okay. So in October 2011 you guys
13 moved to is it Henderson?

14 A. Yes.

15 Q. Okay. And where did you guys move in
16 Henderson?

17 A. We moved on 1100 Center Street.

18 Q. Okay. Is that an apartment?

19 A. Yes.

20 Q. And you lived there for how long?

21 A. We lived there from 2011 -- October
22 2011 to recent.

23 Q. You don't live there anymore?

24 A. We still live there.

25 Q. You still live there.

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30611HAR

- 1 A. Yes.
- 2 Q. And you said Center Street.
- 3 A. Yes.
- 4 Q. When you were 17, what grade were you
- 5 in, do you remember?
- 6 A. It was 11th grade.
- 7 Q. So you were a junior in high school.
- 8 A. Yes.
- 9 Q. So that would you have been
- 10 approximately when you told those teachers what was
- 11 going on.
- 12 A. Yes.
- 13 Q. Okay. And so you would have been
- 14 living in the St. Andrews apartment.
- 15 A. No.
- 16 Q. No? Okay. When you moved from
- 17 St. Andrews to Henderson, did Fred help you guys
- 18 move?
- 19 A. Yes.
- 20 Q. Okay. So he came over and helped you
- 21 pack up.
- 22 A. Yes.
- 23 Q. And helped you drive all your stuff
- 24 over to Henderson.
- 25 A. No. He did not help us move to

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HARRIS VOL. III

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1 Henderson. He helped us move from Blankenship to
2 1100 Center Street.

3 Q. So you went from st. Andrews back to
4 Blankenship; is that right?

5 A. No. We moved to -- we went from 966
6 Blankenship to Commerce and Craig.

7 Q. The St. Andrews apartment?

8 A. Yes.

9 Q. Okay.

10 A. And we moved to the Center Street
11 apartment. We moved to the Center Street apartment
12 by ourselves.

13 Q. Okay. So he didn't help you guys move
14 from St. Andrews to Center Street.

15 A. No.

16 Q. But you also had contact with Fred; is
17 that right?

18 A. Yes.

19 Q. And your mom also had contact with
20 Fred.

21 A. Yes.

22 Q. Miss Rose was a friend of your mom's;
23 is that correct?

24 A. Yes.

25 Q. And do you know how your mom knew her?

‡

HARRIS VOL. III

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- 1 A. They helped us get furniture into the
2 Commerce and Craig residence.
3 Q. Did she live there as well?
4 A. Did Miss Rose live --
5 Q. Yes.
6 A. No.
7 Q. Okay. Where did Miss Rose live?
8 A. She lived on Alexander.
9 Q. Did she have a house or an apartment?
10 A. She had a house.
11 Q. Do you know Rose's last name?
12 A. I cannot remember her last name.
13 Q. And you were the only one that lived
14 with Miss Rose; is that right?
15 A. Yes.
16 Q. Your brothers and sisters never moved
17 in with her?
18 A. No.
19 Q. Do you know Fred's family?
20 A. I just, I know, yes, some, not all.

30611HAR

21 Q. Okay. who do you know in his family?

22 A. Miss Dorothy, Chris, John. I don't
23 speak to those people, I don't speak to the people
24 often or know them know them, just met them off and
25 on. I do know Miss Dorothy.

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HARRIS VOL. III

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1 Q. And do you know if Fred has a
2 daughter?

3 A. Yes.

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

5 A. I forgot.

6 Q. Okay. Do you know his daughter?

7 A. No.

8 Q. You don't know her.

9 A. I never met her.

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

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

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

15 A. Yes.

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30611HAR

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

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

19 (Whereupon there were words
20 being said in the courtroom.)

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

25 MS. GREEN: She's lying.

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HARRIS VOL. III

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

4 MS. GREEN: Watch.

5 THE COURT: Marshal, put her in cuffs
6 right now.

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

9 MS. LUZAICH: Can we take a break.

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30611HAR
(whereupon a recess was
taken at 1:18 p.m. and
the proceedings resumed
at 1:31 p.m.)
THE COURT: How do you want to
proceed?
MS ALLEN: Are we back on the record?
THE COURT: Yes.
MS. ALLEN: Okay. Well, I mean
obviously we want to finish the prelim. I would
request -- I understand she was disruptive, very
upset. She clearly loves her father. I would ask
the Court to give her an opportunity to just leave
and maybe you can set a contempt hearing 30 days
out.
I understand how awful it would be to

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HARRIS VOL. III

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1 hear something like that and so I understand the
2 Court's concern, but I think she should just
3 leave. Her mom would take her and she would go. I
4 would just ask not to keep her in custody.

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30611HAR

5 THE COURT: The problem was there was
6 intimidation of the witness which obviously you
7 couldn't see but I could see which is the reason
8 why -- the look she was giving to this witness
9 which is why I directed her to leave the courtroom
10 and then it's her continued comments and her
11 continued look when she left the courtroom.

12 MS. ALLEN: I understand but then I'll
13 leave it alone. I can understand how emotional and
14 how horrible that would be to hear and I would
15 hate, you know, I would hate to hear something like
16 that being said about my father. I would hope I
17 would handle it a little bit better, but I will
18 direct her to leave and I will direct her not to
19 come back for the prelim. It's just an emotional
20 thing. That's very emotional.

21 THE COURT: I understand.

22 MS. LUZAICH: I absolutely understand
23 the emotional aspect to it and I understand
24 although I disagree with her giving dirty looks. I
25 would ask the Court to describe the looks that the

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1 Court saw her make.

2 THE COURT: Yeah. Well, I won't be
3 the judge holding the contempt hearing. I'll have
4 another judge do it because I did see the look when
5 she was sitting there which is the reason why I
6 directed her to refrain from any further comments
7 or she would be excluded from court and in response
8 she was looking directly at the witness making eye
9 contact, and I would construe it as a threatening
10 or intimidating look and then when she continued to
11 make eye contact with the witness, then when she
12 walked when I had her removed from the courtroom,
13 she made comments which I don't know if the court
14 reporter was able to take down but she continued to
15 look in a threatening and intimidating manner at
16 the witness when she was being removed from the
17 court.

18 MS. LUZAICH: Your Honor, she actually
19 threatened the witness.

20 THE COURT: Yes. I don't remember
21 exactly what she said. The look I took to be a
22 threat based on not only her look but her actions
23 which is why I ordered her remanded for a contempt
24 of court proceeding because obviously she
25 interrupted court.

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HARRIS VOL. III

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1 Obviously she didn't comply with the
2 Court's directions to refrain from making any
3 comments, and because it proceeded so fast from
4 that point, I mean I do perceive that her actions
5 were more than just an outbreak of emotion and
6 concern about allegations being made against her
7 father. They were more of an attempt from what I
8 witnessed to intimidate the witness from further
9 testifying.

10 So with that record being made, I need
11 to appoint counsel to represent her because she is
12 being remanded into custody and I'll find another
13 Court to hold the contempt proceeding. So we're
14 going to need counsel.

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

19 MS. ALLEN: Honestly I believe her
20 name is Shaday (phonetic) but I don't know her
21 name.

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

25 30611HAR
THE COURT: Okay. So is your witness

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7 HARRIS VOL. III

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1 prepared to continue or --

2 MR. LUZAICH: I assume she is because
3 this was going on and I didn't know what the Court
4 was going to do. I purposely didn't speak to her
5 while the Court was not in session.

6 THE COURT: Do you want to talk with
7 her and see if she's all right to go on? I don't
8 know if you have another witness that you want to
9 proceed with.

10 MS. LUZAICH: I would like to finish
11 with Victoria.

12 THE COURT: She isn't the one that had
13 the anxiety attack last time.

14 MS. LUZAICH: No, she's not.

15 THE COURT: If you want to talk to her
16 and see if she wants to continue. As soon as we
17 have a public defender we'll break the proceedings
18 to have a public defender. If you want to talk to
19 her to see if she can go.

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0000730

30611HAR

20 Are you all right to continue?
21 THE WITNESS: Yes.
22 THE COURT: Okay. Proceed. So you
23 understand you're still under oath.
24 THE WITNESS: Yes.
25 THE COURT: And if you need anything,

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HARRIS VOL. III

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1 you'll let me know. Do you want some water?
2 THE WITNESS: Is it cold?
3 THE COURT: Do you want cold water?
4 Go get her cold water.
5 MS. ALLEN: Can I proceed.
6 THE COURT: Yes.
7 MS. ALLEN: Okay.
8 Q. I'd asked you questions about -- the
9 last questions I asked you was about he told you
10 that he had had sex with his daughter; is that
11 right?
12 A. Yes.
13 Q. And he had done it many times; is that

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0000731

30611HAR

14 right?

15 A. Yes. I never wanted to hear those
16 stories but every time I would look at him or treat
17 him a certain way or tell him that's not right he
18 would tell me this happened and he said it happened
19 to me. He said it happened to his daughter and it
20 happened to other people.

21 Q. Oh, other people.

22 A. I'm not saying names. He said that's
23 the norm.

24 Q. That's the norm.

25 A. People have been molested by their

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HARRIS VOL. III

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1 family members. That's the norm. You're just
2 going through what everybody else is going through.

3 Q. Okay. He told you this was normal.

4 A. Yes.

5 Q. Okay.

6 A. It's not something I wanted to know or
7 ever asked about.

8 Q. Hold on. I haven't asked a question.
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30611HAR

9 Okay. So I had previously asked you if you had
10 called the police and you had indicated that it was
11 just the one time, right, when Miss Rose took you
12 to the police station; is that correct?

13 A. Yes.

14 Q. Okay. Do you remember actually making
15 two separate voluntary statements, making two
16 statements to the police that they recorded? Do
17 you recall that?

18 A. Vaguely.

19 Q. Vaguely. Okay. Do you remember
20 talking to a Detective Madsen (phonetic)?

21 A. Yes.

22 Q. Okay. And do you remember when you
23 talked to Detective Madsen?

24 A. No.

25 (Sotto voce conversation between

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HARRIS VOL. III

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1 Ms. Luzaich and Ms. Allen.)
2 THE COURT: With respect to the other

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30611HAR

3 people that were in the courtroom, I don't know if
4 they're still out or you want to exclude them or
5 are they voluntarily out.

6 MS. ALLEN: I think the door was
7 locked.

8 THE COURT: Everyone else is
9 appropriately in the courtroom if they want to be
10 in the courtroom. I didn't clear the courtroom.

11 MS. ALLEN: I would ask you let them
12 back in.

13 THE MARSHAL: The reason I did that,
14 Judge, we have traffic pretrials at 1:30.

15 THE COURT: But the witnesses (sic)
16 that were in here have a right to be in here
17 because we have not excluded them. Go ahead.

18 MS. ALLEN: Thank you.

19 Q. Okay. So let me just backtrack. You
20 made at least as far as I can tell you made two
21 separate statements to either the police or CPS; is
22 that correct?

23 A. Correct.

24 Q. Okay. Do you recall -- did
25 Ms. Luzaich show you a copy of the statement that

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HARRIS VOL. III

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1 you made? It was transcribed on paper.
 2 A. Yes.
 3 Q. She did show it to you.
 4 A. Yes.
 5 Q. Okay. Did she show you two of them?
 6 A. No.
 7 Q. Okay. If I told you that there's two
 8 voluntary statements, one says Victoria Duke No. 1
 9 and Victoria Duke No. 2, would you have any reason
 10 not to believe that you had made these two
 11 statements?
 12 A. No.
 13 Q. No? Okay. You talked to people about
 14 this; isn't that right?
 15 A. Yes.
 16 Q. Okay.
 17 (Sotto voce conversation between
 18 Ms. Allen and Ms. Luzaich.)
 19 MS. ALLEN: Okay.
 20 Q. I had previously asked you I think if
 21 you had ever contacted CPS and you said you had
 22 called them once but that was after you had written
 23 out that incident report for Henderson; isn't that
 24 right?
 25 A. Yes.

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HARRIS VOL. III

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1 Q. Do you recall telling whoever it is
2 you talked to on this day that you called, you must
3 have called CPS like three times.

4 Do you remember that?

5 A. I think so.

6 Q. Okay. So you called them more than
7 once.

8 A. Yes.

9 Q. Okay. And did you -- every time you
10 called them did you identify yourself by name?

11 A. Yes.

12 Q. And you identified Fred by name.

13 A. Yes.

14 Q. And did you identify the address where
15 they lived?

16 A. Yes.

17 Q. which would have been the Blankenship
18 home; is that right?

19 A. Yes.

20 Q. Do you recall in the same statement
21 saying that the kids were being severely beaten?

22 A. Yes.

23 Q. How would you characterize severely
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30611HAR

24 beaten?

25 A. I can't remember how I characterized

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HARRIS VOL. III

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1 their beatings.

2 Q. You characterized in your statement
3 severely beaten. I'm asking you today how would
4 you characterize severely beaten?

5 THE COURT: what do you mean by
6 "severely"?

7 THE WITNESS: Like punching, beating
8 until the kid can't -- or just off the wall stuff
9 that he shouldn't do to kids.

10 MS. ALLEN:

11 Q. But none of it leaving marks; is that
12 right?

13 A. No.

14 Q. Okay. Do you recall telling whoever
15 again whoever it is you talked to in this that
16 you've called the police so many times. Do you
17 remember that?

30611HAR

18 A. Yes.

19 Q. Okay. So have you called a number of
20 times then?

21 A. Yes.

22 Q. Okay. So your testimony is you had
23 only done it one time because of Miss Rose. That's
24 incorrect.

25 A. I didn't know whether you meant the

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HARRIS VOL. III

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1 CPS or the police because I cannot remember. At
2 the moment I'm not being able to remember which.

3 Q. Which is which.

4 A. Yes.

5 Q. Do you recall the questions I asked
6 you about CPS and calling the hotline; is that
7 right?

8 A. Yes. I called them several times. I
9 do not remember calling the police a lot of times.
10 I remember calling CPS.

11 Q. Okay.

12 THE COURT: Okay. I guess we'll take
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30611HAR

13 a few minute break so we have some attorneys that
14 just showed up. Do you want the witness to step
15 out.

16 MS. LUZAICH: For the contempt
17 hearing.

18 THE COURT: Yes.
19 (whereupon a recess was
20 taken at 1:28 p.m. and
21 the proceedings resumed
22 at 1:43 p.m.)

23 THE COURT: All right. So, ma'am,
24 your name is Shrday Green.

25 MS. GREEN: Yes.

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HARRIS VOL. III

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1 THE COURT: So I've appointed counsel
2 to represent you at this point in time because of
3 your disruption and your behavior in the courtroom
4 and your disregard of my direct orders to you on
5 how to behave in the courtroom. I'm ordering that
6 you return tomorrow for contempt of court

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30611HAR

2 tomorrow. So I'm going to release you from custody
3 but you'll be back tomorrow at 1:30. If you're not
4 back at 1:30, I'll issue a bench warrant. You'll
5 be in the Clark County Detention Center until your
6 case is called.

7 You understand for each act of
8 contempt of court you can spend up to 25 days in
9 the Clark County Detention Center. If you don't
10 show up tomorrow for court proceedings and you
11 don't have exigent circumstances of why you're not
12 here at 1:30, that could be another act of contempt
13 of court. Each time you disregard the order of the
14 Court that could constitute an act of contempt of
15 court. You understand that.

16 MS. GREEN: Yes.

17 THE COURT: You're to have no contact
18 with any members of the Duke family. No contact.
19 Don't write, don't call, don't text, don't e-mail,
20 don't communicate with a third party and have them
21 speak to anyone in the Duke family. Do you
22 understand that?

23 MS. GREEN: Yes.

24 THE COURT: All right. I will see you
25 tomorrow. Make sure you talk to your attorney and

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HARRIS VOL. III

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1 understand the proceedings. Okay.

2 Victoria, you know you're still under
3 oath, correct?

4 THE WITNESS: Yes.

5 THE COURT: Proceed.

6 MS. ALLEN: Thank you.

7 THE COURT: You were asking about the
8 definition of severe beating, what her definition
9 was and calling the police.

10 MS. ALLEN: Okay.

11 Q. So I think I'd asked you some
12 questions about calling the police and you said you
13 didn't understand the difference between the police
14 and CPS; is that right?

15 A. I didn't know if you was asking the
16 question on how many times I called the police or
17 the CPS.

18 Q. Okay. Do you remember telling someone
19 from CPS when you talked to someone about this, you
20 had given a long statement. Ms. Luzaich cleared it
21 up for me. I believe you may have been pregnant
22 when you did this.

23 A. Yes.

24 Q. Then they talked to you for quite a
25 while and you may have used the bathroom and came

♀

HARRIS VOL. III

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1 back.
2 A. Yes.
3 Q. Is that accurate?
4 A. Yes.
5 Q. Do you remember them tape-recording
6 it?
7 A. Yes.
8 Q. Do you remember telling the individual
9 you talked to that Fred would beat Tahara and
10 Taquanda, beat them --
11 MS. LUZAICH: What page?
12 MS. ALLEN: I'm sorry. Page 27 of
13 No. 1.
14 Q. You said that Fred and Ann beat Tahara
15 and Taquanda.
16 A. Yes.
17 Q. Did Miss Ann also beat on all of you?
18 A. Yes.
19 Q. So Miss Ann actually hit you; is that
20 right?
21 A. I got hit a couple times not as much

30611HAR

22 as Fred would beat everybody but just once or
23 twice. It wasn't something that was always.
24 Q. Okay. And you said Fred would hit you
25 in the face; isn't that right?

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HARRIS VOL. III

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1 A. Yes.
2 Q. Punch you in the face.
3 A. Yes.
4 Q. Can you demonstrate how he would punch
5 you in the face.
6 A. I can't even remember how he would
7 punch me in the face.
8 Q. Well, did he use an open hand or
9 closed hand?
10 A. Closed hand.
11 Q. So he made a fist.
12 A. Yes.
13 Q. Did he pull his arm all the way back?
14 A. Not all the way back.
15 Q. Halfway. Yes?
16 A. Yes.

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30611HAR

- 17 Q. And where would he hit you in the
18 face?
19 A. In the face.
20 Q. Like where, eyes, mouth?
21 A. Just the jaw.
22 Q. The jaw. Did he ever bloody your lip?
23 A. Once.
24 Q. He bloodied your lip.
25 A. Once.

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WITHOUT PAYMENT TO CHERYL GARDNER, CCR 230

♀

HARRIS VOL. III

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- 1 Q. And did you go to school the next day?
2 A. It was not during the school.
3 Q. Okay. So there wouldn't have been
4 anybody to tell at the school about that.
5 A. No.
6 Q. Okay. Do you recall telling this
7 individual from CPS that you talked to a therapist
8 in Utah?
9 A. Yes.
10 Q. Did you actually talk to a therapist

30611HAR

11 in Utah?

12 A. Yes.

13 Q. Do you remember the person's name you
14 talked to?

15 MS. LUZAICH: Objection, relevance.

16 MS. ALLEN: Just information she
17 said. This is in her statement. She said she
18 talked with a therapist in Utah regarding all of
19 this.

20 THE COURT: When she reported it.

21 MS. ALLEN: Yeah, when she reported it
22 in Utah.

23 THE COURT: Do you remember the name
24 of the therapist in Utah?

25 Do you remember anything about the

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♀

HARRIS VOL. III

80

1 person?

2 THE WITNESS: She was tall, skinny.

3 THE COURT: So it was a woman.

4 THE WITNESS: Yes.

5 THE COURT: And what year would it
Page 93

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30611HAR

6 have been?

7 THE WITNESS: 2006.

8 THE COURT: And do you remember what
9 street it was on or what building?

10 THE WITNESS: No. I went to go see
11 her.

12 THE COURT: How many times did you go
13 see the therapist?

14 THE WITNESS: I can't remember how
15 many times.

16 THE COURT: More than once?

17 THE WITNESS: Yes.

18 THE COURT: More than twice?

19 THE WITNESS: Yes.

20 THE COURT: And did you go once a
21 week, once a month, how often?

22 THE WITNESS: Probably once or twice a
23 month.

24 THE COURT: For a couple months?

25 THE WITNESS: Yes, until 2007.

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

1 THE COURT: And you went starting 2006
2 until 2007.

3 THE WITNESS: Yes.

4 THE COURT: Thank you.

5 MS. ALLEN:

6 Q. This was while you were in foster care
7 that you saw the therapist.

8 A. No.

9 Q. This is while you were living with
10 your mom.

11 A. You said while. While I was in foster
12 care.

13 Q. Were you seeing the therapist while
14 you were in foster care in Utah?

15 A. Yeah.

16 Q. So it wasn't while you were living
17 with your mom?

18 A. While I was living with my mom.

19 Q. Did you report to the therapist what
20 had happened with Fred?

21 A. Yes.

22 Q. You told the therapist in Utah.

23 A. Yes.

24 Q. Do you recall exactly what you told
25 the therapist in Utah?

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HARRIS VOL. III

82

- 1 A. No.
- 2 Q. But you told him that Fred had at
- 3 least attempted to have sex with you; is that
- 4 correct?
- 5 A. Yes.
- 6 Q. And he stuck his fingers in your
- 7 vagina; is that right?
- 8 A. Yes.
- 9 Q. Did you tell the therapist in Utah
- 10 about the car incident?
- 11 A. No. Before when we was in Utah
- 12 talking to the therapist that did not happen like
- 13 the event with the car did not happen. It happened
- 14 after Utah.
- 15 Q. Okay. All right. When the car
- 16 incident happened, were there other cars around at
- 17 the same time?
- 18 A. Yes.
- 19 Q. How many other cars?
- 20 A. A couple. I can't remember how many.
- 21 Q. Can you describe what you saw
- 22 happening with these other cars.
- 23 A. The other cars I really cannot
- 24 remember what was going on with them.
- 25 Q. Okay. Was it parked outside when this

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HARRIS VOL. III

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1 happened?

2 A. Yes.

3 Q. Can you remember what time of day it
4 was?

5 A. At night.

6 Q. Late, like 12:00 o'clock, 1:00 o'clock
7 in the morning.

8 A. I think it was like 12:00 or later.

9 Q. Midnight you mean?

10 A. Yes, midnight as far as I know. The
11 exact time I do not know.

12 Q. Okay. And you recall telling the
13 police that Fred always used a condom with you; is
14 that right?

15 A. Yes.

16 Q. So to your knowledge he always used a
17 condom every time?

18 A. To my knowledge.

19 Q. Okay. Do you have any recollection of
20 what actually happened in the back seat?

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30611HAR

- 21 A. No.
- 22 Q. Okay. You don't have any recollection
- 23 at all.
- 24 A. No.
- 25 Q. Okay. So you don't know if he

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HARRIS VOL. III

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- 1 actually had sex with you.
- 2 A. I know because I woke up the next day
- 3 and I was still bleeding and it was not my period
- 4 and I was hurting in that area.
- 5 Q. So you have no recollection of Fred
- 6 actually putting his penis in your vagina in the
- 7 back seat of the car.
- 8 A. No.
- 9 Q. You said at times that Fred used toys
- 10 with you and your mom; is that right?
- 11 A. Yes.
- 12 Q. And this was just at the walnut
- 13 address; is that right?
- 14 A. Yes.

30611HAR

- 15 Q. Never anywhere else.
16 A. Yes.
17 Q. Never at Blankenship.
18 A. Yes.
19 Q. Never in Henderson.
20 A. Yes.
21 Q. And what had -- do you know what
22 happened with these toys after you guys moved out
23 of walnut?
24 A. I left them. I don't know. My mom
25 has some and I have one. I left it.

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HARRIS VOL. III

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- 1 Q. You left it there?
2 A. Yes. I was tired of looking at it.
3 It was irritating me.
4 Q. So you kept it in your room with you.
5 A. That's where he said to keep it.
6 MS. ALLEN: Okay. I apologize, Your
7 Honor.
8 Q. I asked you some questions earlier
9 about you running away. Do you remember that?

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- 10 A. Yes.
- 11 Q. You said you ran away to someone's
- 12 house across the street.
- 13 A. Yes.
- 14 Q. But you couldn't remember their name;
- 15 is that right?
- 16 A. No.
- 17 Q. Okay. Do you recall on May 21st you
- 18 testified in another preliminary hearing, Miss
- 19 Ann's preliminary hearing?
- 20 A. Yes.
- 21 Q. It was in a different courtroom.
- 22 A. Yes.
- 23 Q. With a different judge.
- 24 A. Yes.
- 25 Q. And the lady behind me was asking you

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HARRIS VOL. III

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- 1 questions. Do you recall that?
- 2 A. Yes.
- 3 Q. Do you remember her asking you if when

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4 you ran away you went to Miss Dorothy's house. Do
5 you remember what your response was?

6 A. No.

7 Q. Okay. would it refresh your
8 recollection to read the transcript?

9 A. Yes.

10 THE COURT: She's going to give you
11 the transcript to look at. Take a minute and read
12 it to yourself and then she'll ask you questions.
13 She'll take it away and then she'll ask you some
14 questions.

15 MS. ALLEN:

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

17 A. I did.

18 Q. Okay. Do you recall answering
19 Ms. McNeill's questions and she asked you
20 specifically if you ran away to Miss Dorothy's
21 house and you said yes?

22 MS. LUZAICH: That's not what she
23 asked and that's not what she said.

24 MS. ALLEN: I'll read it into the
25 record, Your Honor.

PURSUANT TO NRS 239.053 AND 3.370.6, ILLEGAL TO COPY
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1 Q. Question.

2 THE COURT: Okay. Wait. So you've
3 given her an opportunity to review it. You don't
4 remember what you testified to after you reviewed
5 it.

6 THE WITNESS: I do not recall saying
7 that I ran away to Miss Dorothy's house. I ran
8 away. I was on my way to Miss Dorothy's house. I
9 ran away from there because I did not want to be
10 there.

11 MS. LUZAICH: That's what she
12 testified to.

13 THE COURT: You ran away from
14 Miss Dorothy's house.

15 THE WITNESS: Yes.

16 MS. ALLEN:

17 Q. So the question was from Ms. McNeill I
18 mean when you ran away your answer was yes.

19 Do you remember that?

20 A. Yes.

21 Q. And the question you were staying with
22 someone else and the answer was yes.

23 Do you remember that?

24 A. Yes.

25 Q. And that was with Dorothy and your

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7

HARRIS VOL. III

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1 answer was yes.

2 Do you remember that?

3 A. No.

4 Q. Okay. That's what -- you read the
5 transcript and that's what it said; isn't that
6 correct?

7 MS. LUZAICH: That's not what it says.

8 MS. ALLEN: I'm reading directly from
9 the transcript.

10 THE COURT: Could I read it.

11 MS. ALLEN: Yes.

12 THE COURT: She is saying that she was
13 living with Miss Dorothy at the time.

14 MS. LUZAICH: And she ran away from
15 Miss Dorothy's not to Miss Dorothy's. Ms. Allen is
16 trying to say that she ran away to Miss Dorothy's
17 and that's not what she said.

18 THE COURT: Yeah, that's not what
19 she's saying. You were living at Miss Dorothy's at
20 the time that you ran away, correct?

21 THE WITNESS: Yes.

22 THE COURT: And you ran away to
23 someplace else other than Miss Dorothy's house,
24 correct?

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25

THE WITNESS: Yes.

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HARRIS VOL. III

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1 THE COURT: And where did you run away
2 to?

3 THE WITNESS: A friend's house.

4 THE COURT: Do you remember the name
5 of the friend?

6 THE WITNESS: It was -- I can't -- it
7 was -- I can't really remember right now. I can't.

8 THE COURT: Was it a school friend?

9 THE WITNESS: It was a school friend.

10 THE COURT: You don't remember that
11 person's name.

12 THE WITNESS: No, because I didn't
13 have classes with them and it was a long time ago.
14 They told me if I ever needed help with anything --

15 THE COURT: Do you remember what
16 street it was on?

17 THE WITNESS: It was on the walnut
18 address.

30611HAR

19 THE COURT: At the lived in the walnut
20 apartment complex.
21 THE WITNESS: They lived in an
22 apartment complex next to it.
23 THE COURT: Okay. Go ahead.
24 MS. ALLEN:
25 Q. You said -- I believe you testified

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HARRIS VOL. III

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1 previously that your mom didn't believe you; is
2 that right?
3 A. Right.
4 Q. Okay. How long would you say this
5 went on that your mom didn't believe you?
6 A. Until the car accident happened.
7 Q. Okay. When was that?
8 A. Until the August 24, 2007, happened.
9 After that it was not talked about no more.
10 Q. Okay. Did you say car accident?
11 A. I said car accident but I actually
12 meant with the event with the car on top of the
13 hill seeing all of Las Vegas.

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30611HAR

14 Q. With other cars around; is that
15 right?

16 A. Yes.

17 Q. Okay. That's when your mom started to
18 believe what was going on.

19 A. She knew. She didn't say she
20 believed. She already knew.

21 Q. Okay. And this is when your mom
22 started participating in sex with you and Fred.

23 A. Yes.

24 Q. Okay. You lived apart from Fred and
25 Ann quite a bit during all this time; isn't that

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HARRIS VOL. III

91

1 correct?

2 You lived in walnut for a year; is
3 that right?

4 A. Yes.

5 Q. And you lived at St. Andrews for a
6 while.

7 A. Yes.

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30611HAR

- 8 Q. And then you moved to the house in
9 Henderson; is that correct?
- 10 A. Yes.
- 11 Q. And you weren't living with Fred.
12 Fred wasn't there; is that right?
- 13 A. Like in the house?
- 14 Q. He didn't live there.
- 15 A. Inside the house with Tahara and
16 Taquanda or inside the house with me, Mahlica, and
17 Shabazz?
- 18 Q. He lived totally apart from you.
- 19 A. Yes.
- 20 Q. And you had a telephone at the time.
- 21 A. Yes.
- 22 Q. And you all went to school; isn't that
23 correct?
- 24 A. Yes.
- 25 Q. Do you recognize the name Ms. House?

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HARRIS VOL. III

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- 1 A. Ms. House? No.
- 2 Q. Okay. Do you recall in your statement
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30611HAR

3 saying the summer of 2009 was the worse summer?

4 A. It was.

5 Q. And why was that?

6 A. Because that was the summer when a
7 whole bunch of violent messed up things happened.

8 Q. I'm sorry. When what?

9 A. It was the messed up summer because a
10 lot of violent things happened, a lot of bad things
11 happened during that year, and Fred was very angry
12 during that year.

13 Q. Do you know why he was angry?

14 A. I had no clue. I later found out
15 because he had back problems and a bunch of other
16 things.

17 Q. Back problems.

18 A. Back problems and a bunch of other
19 things that I don't remember at this time.

20 Q. Okay. Do you recall telling the CPS
21 worker that he was beating everybody?

22 A. He was.

23 Q. Is that your understanding of why he
24 was so angry?

25 A. Half the time.

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♀

HARRIS VOL. III

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- 1 Q. Okay. Do you remember telling the CPS
- 2 worker that Fred would beat them, "them" meaning
- 3 your brothers and sisters, for weeks and days for
- 4 nothing?
- 5 A. Yes.
- 6 Q. Do you recall saying that he would
- 7 leave marks on them?
- 8 A. He left -- that year he left marks.
- 9 Q. Okay. So there were marks in 2009.
- 10 A. Yes.
- 11 Q. What kind of marks, do you remember?
- 12 A. Scratches, welts.
- 13 Q. Bruises?
- 14 A. Yes.
- 15 Q. Do you recall saying he would beat
- 16 them, strip them naked and beat them?
- 17 A. Yes.
- 18 Q. And all that is accurate; is that
- 19 right?
- 20 A. Yes.
- 21 Q. Your brother -- I'm sorry. Your two
- 22 younger sisters lived there until when, do you
- 23 remember?
- 24 A. In the Blankenship house?
- 25 Q. Yes.

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HARRIS VOL. III

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1 A. They lived there all the way until
2 last year, until October of last year. They've
3 been there ever since but during the summer of 2012
4 they got to stay at 1100 Center Street address.

5 Q. So in the summer of 2012 Taquanda and
6 Tahara mainly lived with your mom?

7 A. Yes.

8 Q. They were there the whole time.

9 A. Not the whole time. I don't think
10 they were there in June. They were there in July.

11 Q. So at least two months of the summer.

12 A. Yes.

13 Q. Were they there into August do you
14 remember?

15 A. Yes.

16 Q. And so you were all a family again for
17 that summer?

18 A. Just for the summer.

19 Q. But you liked that, right? That's
20 what you wanted. You wanted the kids back, right?

21 A. Yeah.

22 Q. Do you remember in 2007 you said you

30611HAR
23 had stayed with someone and you told them about
24 what was going on with Fred?
25 A. In 2007?

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HARRIS VOL. III

95

1 Q. Correct.
2 A. Yes.
3 Q. Okay. Do you remember it was some
4 male with children?
5 A. Yes.
6 Q. It may have been a friend or someone
7 who lived in the neighborhood.
8 A. Yes.
9 Q. And you told him what was going on
10 with Fred.
11 A. Yes.
12 Q. And you said that he believed you?
13 A. Yes.
14 Q. And told you that you didn't have to
15 go back; is that right?
16 A. Yes.
17 Q. But you went back?

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30611HAR

18 A. For my sisters and brothers I went
19 back.

20 Q. You could have called the police while
21 you were there; isn't that right?

22 A. I wasn't going to call the police 'cuz
23 they had the police and they were looking for me.

24 Q. The police were looking for you 'cuz
25 you were a runaway.

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♀

HARRIS VOL. III

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1 A. Yes.

2 Q. So you were worried you were going to
3 get arrested.

4 A. Not arrested but taken back to the
5 house.

6 Q. Okay. Do you remember making some
7 handwritten notes about like incidents that
8 happened with you and Fred? Do you remember any of
9 that?

10 A. No.

11 Q. Did anybody ever ask you to write

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12 down -- aside from the Henderson Police Department,
13 did anybody ever ask you to write down what had
14 happened, like a timeline, dates, things that
15 happened?

16 A. I can't remember.

17 Q. Did you keep any sort of diary or
18 notes over the last five or six years on all this?

19 A. No.

20 Q. Okay. Did you ever -- do you recall
21 while you were living in Utah if Fred ever visited
22 your mom there?

23 A. I do not remember him visiting.

24 Q. Okay. So you don't ever remember
25 seeing him.

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1 A. No.

2 Q. Were there nights maybe your mom left
3 for the evening or something and she could have
4 been with him?

5 A. Probably. I don't know.

6 Q. Was she working there in Utah?

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7 A. Yeah, she was working.

8 Q. Okay. So the only time you were
9 seeing Fred in Utah is when he came to get you in
10 the middle of the night; is that right?

11 A. Yes.

12 MS. ALLEN: I think I'll pass the
13 witness.

14 (Whereupon Ms. Allen concluded
15 this portion of her examination
16 at 2:10 p.m.)

17 MS. LUZAICH: May I?

18 THE COURT: Yes.

19 MS. LUZAICH: Thank you.

20

21 REDIRECT EXAMINATION

22 BY MS. LUZAICH:

23 Q. Victoria, you remember Ms. Allen asked
24 you, you testified at Miss Ann's preliminary
25 hearing just last month.

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30611HAR

1 A. Yes.

2 Q. Okay. So did your sisters and your
3 mom.

4 A. Yes.

5 Q. When Ms. Allen was just asking you
6 about the incident that happened in Fred's
7 apartment before you went to Utah so between
8 December of 2004 and May of 2005 so that's what I
9 want to ask you about right now, when she asked you
10 about that and you had said he tried to put his
11 penis in my vagina and he did finger me, when you
12 say he tried to put his penis in, did any of his
13 penis go through the lips of the vagina?

14 A. Through the lips like the first or --

15 Q. Just a little bit as opposed to all
16 the way in.

17 A. Yes.

18 Q. So just passed in a little bit.

19 A. Yes.

20 Q. And when you say he fingered you, you
21 meant his finger actually went inside your vagina.

22 A. Yes.

23 Q. Just so we're clear.

24 So when you went to Utah, you were
25 there you described from May of 2005 until August

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HARRIS VOL. III

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1 of 2007, right? Just so we're on the same page.

2 A. Yeah.

3 Q. There was a period of time you were in
4 foster care so CPS had taken you from mom, right?

5 A. Yes.

6 Q. And I'm sorry. I think you said it
7 was January of 2007.

8 A. The date they took us away?

9 Q. Yes.

10 A. They took us away December 2005 to --

11 Q. Until?

12 A. Until 2000 -- until August -- until
13 June of 2006.

14 Q. Okay. I'm sorry. I didn't mean to
15 misspeak a minute ago. So you were in foster care
16 for six months.

17 A. Yes.

18 Q. And they gave you back to your mom.

19 A. Yes.

20 Q. So you lived with your mom in Utah
21 until June of 2006 until you came back a year
22 later; is that right?

23 A. Yeah.

24 Q. Okay. And during that time did your
25 mom work?

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HARRIS VOL. III

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1 A. Yes.

2 Q. Okay. Then you came back here. And
3 you had said when you came back here in August of
4 2007 Fred and mom dropped the other kids at
5 Blankenship and you and mom went to Miss Dorothy's,
6 right? Just so we're talking about the same time
7 frame. And Ms. Allen asked you while you were at
8 Miss Dorothy's was there a time that Fred did
9 something. You described the incident in the car.

10 A. Yeah.

11 Q. You said that was August 24th of
12 2007. Do you know why you know that date?

13 A. 'Cuz it was a very messed up day.

14 Q. It was significant in your life?

15 A. Yes.

16 Q. Okay. You had described that you had
17 been given alcohol and you didn't really remember
18 what had occurred in the car. Did Fred later tell
19 you what had occurred in the car?

20 A. Yes.

21 Q. What did Fred tell you occurred in the
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22 car?

23 A. That he had took my virginity and that
24 we had sex.

25 Q. Okay. And when he said take your

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HARRIS VOL. III

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1 virginity and had sex, that means what to you?

2 A. That means that I'm no longer a virgin
3 and that I had intercourse.

4 Q. Okay. which means putting a part of
5 his body into a part of your body.

6 A. Yes.

7 Q. which part of his body into --

8 A. His penis into my part of my body.

9 Q. Your vagina?

10 A. Yes.

11 Q. You had described the next morning you
12 woke up. You were bleeding.

13 A. Yes.

14 Q. But you were not on your period you
15 said earlier.

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16 A. Yes.

17 Q. How did your vaginal area feel?

18 A. Sore, hurt.

19 Q. Consistent with having had sex the
20 night before.

21 A. Yes.

22 Q. Ms. Allen also asked you questions
23 about Fred helping you guys move out from the
24 Blankenship house to St. Andrews. When you say
25 that he helped you move out, what do you mean by

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HARRIS VOL. III

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1 that? Like specifically what did he do to help you
2 move out?

3 A. Like everybody took bags and stuff
4 plus Fred and packed everything into Miss Ann's car
5 and drove to the Commerce and Craig residence.

6 Q. Okay. So when you say that he helped
7 you move out, he physically helped you. You don't
8 mean he went and looked all over town and found you
9 an apartment or something like that.

10 A. No.

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11 Q. Okay. When Ms. Allen asked you about
12 Fred using toys, sex toys, you said that it was
13 only at the Walnut address, correct, not the
14 others?

15 A. Correct.

16 Q. And she asked you something about
17 where it was kept and you said Fred said to keep it
18 in your room, the one you had.

19 A. Correct.

20 Q. Did you used to always do what Fred
21 said to do?

22 A. No, I didn't always do what he said to
23 do. I just kept it there because he asked for it
24 to be put in and when we moved, I left it 'cuz I
25 didn't want to have nothing to do with it.

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HARRIS VOL. III

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1 Q. If you didn't do what Fred told you to
2 do, what would happen?

3 A. There would be some type of
4 consequence or he'll be talking to mom.

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30611HAR

5 Q. What type of consequence would there
6 be if you didn't do what Fred told you to do?

7 A. Something would happen to me or Tahara
8 and Taquanda. If we did go see Tahara and
9 Taquanda, they would report that something happened
10 to them. Tahara and Taquanda would report
11 something happened to them.

12 MS. LUZAICH: Thank you. I would pass
13 the witness.

14 (Whereupon Ms. Luzaich concluded
15 her examination at 2:16 p.m.)

16 THE COURT: Anything further?
17

18 RECROSS-EXAMINATION

19 BY MS. ALLEN:

20 Q. Do you recall that I had asked you a
21 number of questions about calling the police or
22 calling CPS? Do you recall those questions?

23 A. I recall those questions.

24 Q. Okay. And Fred had told you not to
25 tell anybody; isn't that right?

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- 1 A. Yes.
- 2 Q. But you called the police anyway;
- 3 isn't that correct?
- 4 A. Yes.
- 5 Q. And you called CPS anyway; isn't that
- 6 right?
- 7 A. Yes.
- 8 Q. And you told people about all these
- 9 things that had been happening in the house; is
- 10 that right?
- 11 A. Yes.
- 12 Q. Which is contrary to what Fred told
- 13 you to do.
- 14 A. I don't understand the last.
- 15 Q. It was against. Calling all those
- 16 people was against what Fred told you to do; isn't
- 17 that right?
- 18 A. Yes.
- 19 Q. And I think you had previously
- 20 testified you even called 9-1-1 at some point about
- 21 it; isn't that right?
- 22 A. Yes.
- 23 Q. But the only report you ever filled
- 24 out was the one in Henderson.
- 25 A. Yes.

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HARRIS VOL. III

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1 Q. Never did any other written report,
2 right? Never wrote anything else out about it.

3 A. No.

4 Q. You said you recall the August 24th
5 date because it was so traumatic, right?

6 A. Yes.

7 Q. In 2005 before you left for Utah you
8 said something else had happened with Fred; is that
9 right?

10 A. Yes.

11 Q. You don't recall the date on that
12 though, do you?

13 A. No.

14 Q. You have no recollection of where or
15 when or you knew where but when it happened; isn't
16 that right?

17 A. Yes.

18 Q. You don't remember the day of the
19 week.

20 A. No.

21 Q. And that was pretty traumatic, wasn't
22 it?

23 A. Yes.

24 Q. Do you have any other independent
25 recollection of that day other than what you've

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HARRIS VOL. III

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1 already testified to?

2 A. No.

3 MS. ALLEN: Thank you.

4 (Whereupon Ms. Allen concluded

5 her examination at 2:18 p.m.)

6 THE COURT: Anything further?

7 MS. LUZAICH: No.

8 THE COURT: Thank you. You're

9 excused.

10 (Whereupon Victoria Duke

11 was excused from the witness

12 stand at 2:18 p.m.)

13 THE COURT: All right. So any other

14 witness today?

15 MS. LUZAICH: Tina's here. She's just

16 upstairs.

17 THE COURT: Do you want to start?

18 What time do you have to go for your pretrial?

19 MS. LUZAICH: I would rather start if

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20 we can. Can I just have a couple minutes to get
21 her here.

22 THE COURT: Sure.

23 (Whereupon a recess was
24 taken at 2:18 p.m. and
25 the proceedings resumed

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HARRIS VOL. III

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1 at 2:25 p.m.)

2 THE COURT: All right. Next witness.

3 MS. LUZAICH: The State calls Tina
4 Duke.

5

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

10

11 THE CLERK: Please be seated. Please
12 state your full name and spell the last name for
13 the record.

14 THE WITNESS: Tina Rene Duke, D-U-K-E.
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15 THE COURT: Proceed.

16

17 DIRECT EXAMINATION

18 BY MS. LUZAICH:

19 Q. Hi, Tina. Do you have kids?

20 A. Yes.

21 Q. How many kid do you have?

22 A. Five.

23 Q. Can you tell me their names and their
24 dates of birth.

25 A. Victoria, she was born July the 31st,

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HARRIS VOL. III

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1 '92; Mahlica, 9/11/92, excuse me, '93; Shabazz, he
2 was born January the 21st, '95; Tahara, she was
3 born the 10/9/99; Taquanda, she was born the 10,
4 the 3rd, 2000.

5 Q. Okay. And did there come a time that
6 you and your children moved to Las Vegas, Nevada?

7 A. Yes.

8 Q. Did you move here from Louisiana?

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9 A. Yes.
10 Q. When did you move to Las Vegas from
11 Louisiana?
12 A. '04.
13 Q. Was that December of 2004-ish?
14 A. Yeah.
15 THE COURT: I'm sorry to interrupt.
16 Didn't we appoint counsel to represent Ms. Duke?
17 Wasn't that Mr. Sanft?
18 MS. LUZAICH: Yes.
19 THE COURT: Does he need to be here?
20 I don't know if he discussed --
21 MS. LUZAICH: I know he has spoken to
22 her.
23 THE COURT: I know he's in a trial but
24 I'm concerned about proceeding with any of her
25 testimony.

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1 MS. LUZAICH: Okay.
2 (Discussion off the record.)
3 THE COURT: Did you talk to Mr. Sanft
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4 today, ma'am?

5 THE WITNESS: No, I haven't.

6 THE COURT: He did talk to you before,
7 right?

8 THE WITNESS: Yes.

9 THE COURT: And did he advise you
10 about giving testimony and what your rights were?
11 I'm not asking what he told you. I need to know
12 that he talked to you about it.

13 THE WITNESS: He briefly talked to me
14 about it.

15 THE COURT: Did he tell you the next
16 time that you testified --

17 THE WITNESS: He would be here for me.

18 THE COURT: Okay. So we need to call
19 Mr. Sanft.

20 MS. LUZAICH: Okay. Sorry.

21 (Pause in proceedings.)

22 THE COURT: All right. So we don't
23 have Mr. Sanft so I don't think we can proceed
24 without counsel.

25 MS. LUZAICH: The Court's pleasure.

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1 THE COURT: It wouldn't be my
2 pleasure.

3 MS. LUZAICH: Whatever the Court wants
4 I mean.

5 THE COURT: So how much time are you
6 going to need with this witness? Now since we're
7 all going to be here tomorrow, can we complete this
8 tomorrow if Mr. Sanft or Mr. Parris is available in
9 Mr. Sanft's stead? Are you available tomorrow?

10 THE WITNESS: I'm available tomorrow.

11 THE COURT: Can you call Mr. Parris.

12 THE MARSHAL: I did. No answer.

13 THE COURT: On his cell phone. Well,
14 we're here tomorrow at 1:30 so if we can continue
15 it tomorrow, can you do that?

16 MS. LUZAICH: Technically, yes. It's
17 just a matter of getting here all the way from
18 Henderson. So I mean I would just like to know
19 that Mr. Sanft is available. I'll contact him
20 later and if he is unavailable, I'll contact
21 chambers. How is that? And Ms. Allen of course.

22 THE COURT: I mean obviously if
23 Mr. Sanft is not available, we won't be proceeding
24 tomorrow since we have the contempt of court
25 proceeding tomorrow.

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1 MS. ALLEN: So 1:30.

2 THE COURT: 1:30.

3 THE COURT: I'm sorry, ma'am. I want
4 to make sure you're protected rather than proceed
5 today without your attorney being present. We'll
6 continue it tomorrow. Thank you.

7 THE WITNESS: Thank you. I appreciate
8 it.

9 (Whereupon the proceedings
10 adjourned at 2:32 p.m.)
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AFFIRMATION

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Pursuant to NRS 239B.030:

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

Dated this 14th day of June, 2013.

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

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1 REPORTER'S CERTIFICATE

2
3

4 STATE OF NEVADA }
5 COUNTY OF CLARK } ss

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

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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 14th day of June,
17 2013.

18
19
20
21
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23
24
25

/s/ Cheryl Gardner
CHERYL GARDNER, RMR-RPR, CCR 230

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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

Electronically Filed
Jun 16 2016 04:50 p.m.
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 VI  
~~~~~

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IN THE SUPREME COURT OF NEVADA

FREDERICK HARRIS,

CASE NO. 69093

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

OPENING BRIEF APPENDIX

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court 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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Chief Deputy District Attorney

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BY:

/s/ Jessie Folkestad
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