

CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
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THE STATE OF NEVADA

Plaintiff

vs.

FREDERICK HARRIS, JR.

Defendant

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CASE NO. C-291374

DEPT. NO. XII

**Transcript of
Proceedings**

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

JURY TRIAL - DAY 4

MONDAY, MARCH 31, 2014

APPEARANCES:

FOR THE STATE:

ELISSA LUZAICH
KRISTINA A. RHOADES
Deputy District Attorneys

FOR THE DEFENDANT:

BETSY ALLEN, ESQ.
JONATHAN MacARTHUR, ESQ.

COURT RECORDER:

KRISTINE CORNELIUS
District Court

TRANSCRIPTION BY:

FLORENCE HOYT
Las Vegas, Nevada 89146

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

1 LAS VEGAS, NEVADA, MONDAY, MARCH 31, 2014, 10:38 A.M.
2 (Court was called to order)
3 (Jury is present)
4 THE COURT: Good morning. Do the parties stipulate
5 to the presence of the jury panel?
6 MS. ALLEN: Yes.
7 MS. LUZAICH: Yes, Your Honor.
8 THE COURT: Okay. You can recall your witness.
9 MS. LUZAICH: State would call Tina Duke.
10 TINA DUKE, STATE'S WITNESS, SWORN
11 THE CLERK: Thank you. Please be seated. Would you
12 please state your full name, spelling your first and last name
13 for the record.
14 THE WITNESS: Tina Rene Duke. T-I-N-A R-E-N-E,
15 Duke, D-U-K-E.
16 THE CLERK: Thank you.
17 CROSS-EXAMINATION (Continued)
18 BY MR. MacARTHUR:
19 Q Good morning, Ms. Duke.
20 A 'Morning.
21 Q How are you this morning?
22 A So-so.
23 Q Okay. We hadn't gotten very far into cross-
24 examination before we left on Friday [sic], and so I've got
25 quite a few questions for you. Are you all right to proceed?

1 A Excuse me?

2 Q Are you all right to proceed?

3 A I'm all right.

4 Q I mean, you seem uncomfortable. I mean, is there

5 anything I can do to make you more comfortable before I start?

6 THE COURT: You can just go ahead and start.

7 THE WITNESS: I'm just not felling too well this

8 morning.

9 THE COURT: Okay. And you'll let me know if you

10 need a break or if there's anything you need; correct?

11 THE WITNESS: Yes, ma'am.

12 THE COURT: Okay. But you're feeling well enough to

13 proceed; correct?

14 THE WITNESS: Yes.

15 THE COURT: Okay. Do you need any water or anything

16 like that?

17 THE WITNESS: I'm okay.

18 THE COURT: Okay. Thank you. And thank you very

19 much for being here.

20 MR. MacARTHUR: Thank you, Your Honor. If it please

21 the Court.

22 BY MR. MacARTHUR:

23 Q Ms. Duke, I'm going to go through my questions

24 chronologically, so I'm going to start back in 2004-2005.

25 Now, we had talked a little bit about the

1 circumstances under which you had left to come to Las Vegas in
2 December of 2004 on a bus. Do you remember that conversation?

3 A Yes.

4 Q Okay. And you had said that you believed that you
5 had left your children in the care of -- I think you had said
6 a church. Is that correct?

7 A I -- in the care of a friend of mine, a lady friend
8 I had met at one of the centers.

9 Q Okay. Would that have been the Riverside Baptist
10 Church, or a different center?

11 A That was a different friend. It's been so long I
12 can't even remember her name.

13 Q Okay. If I say the Riverside Baptist Church, is
14 that located in Louisiana?

15 A Yes. Riverside Baptist. We were members.

16 Q Okay. And were they helping you in some respect
17 before you came to Las Vegas?

18 A Yes.

19 Q How so?

20 A Like I was staying at one -- me and my family were
21 staying at one of their places, one of the members' homes.
22 She had two different homes that she owned.

23 Q Okay. And when was that? What time period are we
24 talking about?

25 A It was May -- wait a minute. It was in May, in

1 June.

2 Q 2004?

3 A Yes, 2004, before I started working at Faces.

4 Q Okay. And once you had come to Las Vegas, you

5 relocated here and Fred's brother brought your children out,

6 this is now January of 2005; is that correct?

7 A Yes.

8 Q Okay. And you said that you were pregnant with your

9 sixth child, Joseph?

10 A Yes.

11 Q Okay. And you -- I believe you testified in your

12 direct examination that Joseph was placed up for adoption in

13 Utah; is that correct?

14 A Yes.

15 Q Okay. And didn't you in fact have contact with like

16 an agency or an -- an agency or entity in Utah that helped you

17 arrange for the adoption?

18 A Yes.

19 Q Okay. And was that a church-affiliated agency, was

20 that a government agency?

21 A It was a private agency.

22 Q Okay. And was the private agency church affiliated?

23 A I believe they were Christians.

24 Q Okay. Might they have been Mormon?

25 A Excuse me?

1 Q Might they have been Mormon?
2 A Perhaps maybe Mormon. You know.
3 Q Okay. And this agency helped you relocate to Utah;
4 is that correct?
5 A Yes, they did.
6 Q And they helped you find housing?
7 A Yes. Because that's their procedure. That's what
8 they do.
9 Q Understood. These are services they provide; right?
10 A Right.
11 Q Okay. And they also helped you find employment; is
12 that correct?
13 A Yes. They gave me some information and -- yes.
14 Q Did they also help you obtain medical care or
15 prenatal care?
16 A Yes.
17 Q Okay. And once Joseph was born they helped place
18 him with a family that adopted him; is that correct?
19 A Yes. He was born at a private hospital, VIP.
20 Q Okay. Now, when you returned from Utah, this is now
21 about 2007, August; is that correct?
22 A Yes, correct.
23 Q Okay. This is after the CPS case is closed in Utah.
24 That closed in summer of 2006; right?
25 A Can you repeat the question.

1 Q Sure. While you were in Utah you'd had some issue
2 with CPS --

3 A Yes. Yes.

4 Q -- involving the children; right? And they had your
5 children for about six months; right?

6 A Yes.

7 Q And they reunified you --

8 A Correct.

9 Q -- after you completed parenting classes, et cetera.
10 Now, that would have been about summer of 2006, correct, maybe
11 August of 2006 when they gave you the kids back?

12 A 2006. It was June, when they got out of school.

13 Q Okay.

14 A Of 2007, yes, when they got out of school in June.

15 Q Okay. And then you came to Vegas in August of 2007;
16 yes?

17 A Yes.

18 Q Okay. Now, upon arriving in Las Vegas did you and
19 your family immediately go and live with Fred and Lealer on
20 Blankenship?

21 A Yes.

22 Q Okay. And when I say your family, did everybody in
23 your family go to Blankenship, or just some of them?

24 A Yes. My family and I stayed with Miss Ann.

25 Q Okay. Do you recall if four of your children,

1 Mahlica, Shabazz, Taharah, and Taquanda, went to live with
2 Fred and Miss Ann, but that you and Victoria went to live with
3 -- well, first in a hotel and then spent some time with Fred's
4 mother, Miss Dorothy?

5 A Oh. Yes, that's right. I'm thinking about
6 something else. I'm sorry. When you mentioned stayed with
7 Miss Lealer Cooks, that was in '05.

8 Q Okay. Right.

9 Q You mentioned Lealer Cooks on Trish Lane. Yes.
10 Okay. Now, this was in '07 --

11 Q Right.

12 A -- August you're talking about.

13 Q Right. '07 --

14 A Okay.

15 Q -- after you've come to Las Vegas from Utah.

16 A Yes.

17 Q Okay. And so who went to stay with Fred and Lealer
18 and who did not?

19 A It was Taharah, Taquanda, and Shabazz and Mahlica.

20 Q Okay. And when did you and Victoria go?

21 A Me and Victoria went to stay with Miss Dorothy.

22 Q And Miss Dorothy is the defendant's mother?

23 A Yes.

24 Q Okay. And how long did you live with them before
25 you were able to obtain your own apartment on Walnut?

1 A We stayed with Miss Dorothy for about four weeks, as
2 I can remember. Four weeks.

3 Q About a month?

4 A About a month.

5 Q Okay. And then you moved into the apartments on
6 Walnut?

7 A Then we went to an efficiency, and then we went to
8 the apartments on Walnut.

9 Q Okay. Now, moving forward, I'm going to skip ahead
10 a few years. There was a point at which you and Victoria were
11 living together and you made contact with a woman by the name
12 of Rose. Do you know who I'm talking about?

13 A I didn't contact Rose, okay. That was Victoria's
14 friend.

15 Q Okay.

16 A Victoria brought her to the place on -- the St.
17 Andrews Apartments.

18 Q Understood.

19 A Commerce and Craig.

20 Q And is it -- am I also correct in that Rose is a
21 woman of faith, she has strong affiliations with her church?

22 A Yeah. But I heard different about her.

23 Q Okay. And I'm not going to ask you to testify to
24 anything people told you. I'm only going to ask you about
25 things that you know from personal experience or having

1 witnessed.

2 A She appeared -- she seemed, she appeared to be.

3 Q Okay. And did she at any point provide assistance
4 for you and your daughter through her church affiliations?

5 A She brought this couch over, some utensils, cooking
6 utensils to St. Andrews because we just had moved in there.

7 Q Uh-huh. Okay. Now, in listening to your testimony
8 on Friday [sic] I believe you had testified a little bit about
9 Fred you said had pimped you out, that he had forced you to
10 work as a prostitute.

11 A Yes.

12 Q Do you remember testifying to that?

13 A Yes.

14 Q Okay. And, if you would, tell me when is it that
15 you say that this -- that he did that. When did he start
16 pimping you out?

17 A Actually was in '05, end of '05.

18 Q And I believe --

19 A '06.

20 Q -- that's what you said on Friday [sic], as well; is
21 that correct?

22 A Yes.

23 Q Now, before I go any further would you agree that
24 there's been many occasions where you've had communications or
25 you've given statements to CPS or the police authorities --

1 withdraw the question. I need to tighten that up a bit,
2 Judge.

3 Are there several instances where you've given
4 statements that you've been able to review in this case?

5 A Yes.

6 Q Okay. And do you recall having given statements to
7 CPS back in 2008?

8 A 2008?

9 Q Yes. Do you remember if there was an
10 unsubstantiated claim of sexual abuse investigated by CPS back
11 in 2008?

12 MS. LUZAICH: Objection. Assumes facts not in
13 evidence.

14 THE COURT: Sustained. You just need to rephrase
15 it.

16 MR. MacARTHUR: Understood, Judge.

17 BY MR. MacARTHUR:

18 Q Okay. Well, let me work backwards. You're
19 testifying here today; right?

20 A Yes, I am.

21 Q And you're under oath; right?

22 A Yes.

23 Q Okay. Do you remember having come to this
24 courthouse and testifying in a preliminary hearing last year,
25 in 2012?

1 A Yes.

2 Q Okay. And you were under oath there, also; right?

3 A Yes.

4 MS. LUZAICH: Well, objection. Form of the
5 question. Last year was not 2012.

6 BY MR. MacARTHUR:

7 Q Sorry. 2013. And I apologize. And I don't mean to
8 confuse you.

9 Before testifying there there was an investigation
10 by the Henderson Police Department about what we're discussing
11 here; right? You remember giving them a statement, as well,
12 speaking with a detective?

13 A Yes.

14 Q Okay. And were you aware that that statement was
15 recorded?

16 A Yes.

17 Q Okay. And that would have been about September or
18 October of 2012; correct?

19 MS. LUZAICH: Objection. Assumes facts not in
20 evidence. Henderson Police?

21 BY MR. MacARTHUR:

22 Q Do you recall --

23 THE COURT: I'm sorry?

24 MR. MacARTHUR: I'm sorry?'

25 MS. LUZAICH: I don't know if he's intentionally

1 trying to confuse her, but --

2 THE COURT: I don't think he's intentionally trying
3 to confuse her.

4 Can you just rephrase the question, please.

5 MR. MacARTHUR: Certainly, Judge. I apologize if
6 there's any confusion.

7 THE COURT: That's okay.

8 BY MR. MacARTHUR:

9 Q Do you recall --

10 MS. ALLEN: Court's indulgence.

11 (Pause in the proceedings)

12 BY MR. MacARTHUR:

13 Q Do you recall when you gave your most recent
14 statement to the Henderson Police Department?

15 A I remember 2012.

16 Q Okay. And would that have been about September,
17 October 2012?

18 A That was early 2012. January.

19 Q Was there also --

20 THE COURT: January 2012? Because he asked you --

21 Did you ask her September-October --

22 MR. MacARTHUR: I did.

23 THE COURT: -- 2012?

24 MS. LUZAICH: Can we approach?

25 THE COURT: Sure.

1 (Bench conference)

2 THE COURT: I'm not sure whether there's --

3 MS. LUZAICH: She did talk to Henderson in January

4 of 2012, but he's asking it like it was Metro. Metro was

5 September of 2012. She's answering correctly, and he's making

6 it sound like she's --

7 MR. MacARTHUR: I thought it was Henderson both

8 times.

9 MS. LUZAICH: No.

10 MR. MacARTHUR: Okay. Then I'm -- it's my mistake.

11 THE COURT: I have [inaudible] --

12 MS. ALLEN: -- no purpose in that. He's just asking

13 her, ma'am, when did you give the statement to Henderson. She

14 said 2012. That's her recollection. He's not --

15 MS. LUZAICH: But it's accurate. He's making it

16 sound like it's not.

17 MR. MacARTHUR: Just tell me which one's Metro and

18 I'll fix it.

19 MS. LUZAICH: Metro was September of 2012.

20 MR. MacARTHUR: Okay.

21 MS. LUZAICH: Henderson was January.

22 MR. MacARTHUR: I'll just change it. I thought they

23 were both Henderson.

24 MS. LUZAICH: No.

25 THE COURT: Okay. Well, quite frankly, she

1 corrected everybody accurately; right?

2 MS. LUZAICH: I know. But just when he's asking it
3 and the way he makes it sounds like it's wrong when it's not
4 wrong. And that's --

5 MS. ALLEN: Okay.

6 (End of bench conference)

7 THE COURT: Okay, Mr. MacArthur, you may continue.

8 MR. MacARTHUR: Thank you, Your Honor.

9 BY MR. MacARTHUR:

10 Q And I think I understand where the confusing part is
11 now, and I apologize if this is my fault.

12 Did you have occasion where you gave one statement
13 to the Las Vegas Metropolitan Police Department and another
14 occasion where you gave a statement to the Henderson Police
15 Department? Does that help?

16 A Yes.

17 Q Okay. And do you recall whether you spoke with the
18 Las Vegas Metropolitan Police Department in September of 2012,
19 or was that Henderson?

20 A That was -- that was in September that was with
21 Metro.

22 Q Okay.

23 A Okay.

24 Q So September 2012 with Metro. Do you recall giving
25 a statement, as well, to Henderson Police Department in

1 December 2011, January 2012?

2 A Yes.

3 Q Okay. And in each of these instances are you aware
4 that your statements were recorded?

5 A Yes.

6 Q Okay. And did you have -- did you get an
7 opportunity from the prosecutors to be able to review those?

8 A I briefly reviewed those, yes.

9 Q Okay. So one more thing before we go on. With
10 regard to the statements you made to Henderson and Metro the
11 older one in time, which I believe you is December of 2011,
12 January 2012, I believe you testified that not everything that
13 you said in that statement was true. Is that fair? The first
14 statement.

15 A The first statement?

16 Q Yes.

17 A Everything I said is to the best of my ability.

18 Q Is that always the case? Have you always given the
19 most truthful statement possible?

20 A Yes.

21 Q Okay. Yesterday Ms. Luzaich asked you if in the
22 most recent statement to the police, talking about September
23 of 2012, if you were a bit more honest in that statement. And
24 I believe you said yes. Do you remember her asking you that?

25 A Yes.

1 Q Okay. So with regard to that statement do you
2 recall whether or not you told Henderson Police Department
3 that Fred started pimping you out in 2007 after you came back
4 from Utah?

5 MS. LUZAICH: Well, objection. Which statement?

6 MR. MacARTHUR: This is going to be -- well, I just
7 identified it by date. We're talking about the voluntary
8 statement September 2012.

9 MS. LUZAICH: You said the voluntary statement to
10 Henderson in -- September of 2012.

11 MR. MacARTHUR: And I apologize again, because I
12 thought both were Henderson. But perhaps this is Metro. So
13 I'll re-ask it.

14 BY MR. MacARTHUR:

15 Q Are you aware of whether or not you told Las Vegas
16 Metro Police Department detectives that Fred started pimping
17 you out in 2007 when you came here from Utah?

18 A No. I don't remember telling the officer that in --
19 the Henderson Police Department that.

20 Q Ms. Duke, I'll come back to that.

21 Is it correct that you did not believe in physically
22 disciplining children, you weren't a spanker?

23 A No. I don't spank my children. I don't hit my
24 children, I don't beat my children.

25 Q Understood. However, Fred does believe in corporal

1 punishment; is that correct?

2 A Yes.

3 Q Okay. And you are aware of instances in which he
4 disciplined your children for various things that he thought
5 were outside the rules; is that correct?

6 A Correct.

7 (Pause in the proceedings)

8 MR. MacARTHUR: All right. State, I'm going to
9 approach with voluntary statement, page 10.

10 Permission to approach, Your Honor?

11 THE COURT: You may. What are you approaching --

12 MR. MacARTHUR: Would you like -- can I approach
13 throughout the examination --

14 THE COURT: Sure.

15 MR. MacARTHUR: -- or would you like me to ask you.

16 THE COURT: Sure. Just tell me what you're
17 approaching with.

18 MR. MacARTHUR: I'm approaching with page 10 of the
19 voluntary statement --

20 THE COURT: Okay.

21 MR. MacARTHUR: -- given from September of 2012.

22 THE COURT: Thank you.

23 BY MR. MacARTHUR:

24 Q If you would, Ms. Duke, please reference that page.
25 I've highlighted the areas that I'm going to question you

1 about. Just let me know when you're ready.

2 A Okay.

3 Q Does that refresh your recollection as to what you
4 said to the Metropolitan Police detectives in September 2012?

5 A Yes.

6 Q Okay. And didn't you in fact tell them that he
7 began forcing you to prostitute in 2007 when you came back
8 from Utah?

9 A Yes.

10 Q Now, this is the interview where you told Ms.
11 Luzaich that you were being more honest; is that correct?

12 A Yes.

13 Q Now, thinking back to 2007 when you were in Utah, I
14 believe your testimony yesterday was that one of the reasons
15 that you returned to Las Vegas was that you believed you could
16 make twice as much money being a housekeeper here as you could
17 make in Utah. Is that -- is that fair?

18 A Yes.

19 Q Okay. Now, given your testimony yesterday that Fred
20 had forced you to work as a prostitute and that he had beaten
21 you, why would you want to return to Las Vegas and be back in
22 his orbit in 2007? Does that make sense? Was that question
23 confusing?

24 A No, it's not.

25 Q Why did you want to come back to Las Vegas in 2007

1 and be back in proximity to Fred if he was forcing you to work
2 as a prostitute and if he had beat you?

3 A He said I could make more money than, you know, what
4 I was making in Utah. And when I came -- when I first
5 started, when that first happened -- I don't know how to say
6 this, but when I came back to Las Vegas in 2007 then he
7 started just being -- I don't know how to put it -- just being
8 mean, just being hateful, just mean, hateful. Just being -- I
9 don't know how to say it.

10 Q I think I understand what you're saying. However,
11 when you came to Las Vegas you said that your four youngest
12 children lived with he and Lealer at Blankenship; is that
13 correct?

14 A Yes, correct.

15 Q And you let your four children live with him despite
16 the fact that you thought he was mean?

17 A When we first arrived he said, you know, I can help
18 you get a job, you know, I can help you with you and your
19 family, I have Ann to help you in the house, I have a house.
20 So I'm thinking everything's going to be better, everything's
21 going to be all right. But no.

22 Q Okay. Whose idea was it for your four youngest
23 children to live at Blankenship?

24 A It was Fred's idea. And Ann.

25 Q So Fred wanted your children to live with him and

1 Ann at Blankenship is your recollection?

2 A Yes.

3 Q Do you recall -- Court's indulgence. Make sure I
4 get the agency right.

5 Do you recall telling Detective Madsen of the
6 Henderson Police Department --

7 MS. LUZAICH: Objection. Detective Madsen doesn't
8 work for Henderson Police Department.

9 MR. MacARTHUR: I can only read off of what's on the
10 paper. Whether he does or not --

11 MS. LUZAICH: I understand. But --

12 MR. MacARTHUR: You gave me this document, so 0

13 MS. LUZAICH: He doesn't work for the Henderson
14 Police Department.

15 MR. MacARTHUR: Okay. I'll rephrase the question,
16 then.

17 THE COURT: Thank you.

18 BY MR. MacARTHUR:

19 Q Do you recall telling Detective Madsen, without
20 regard to what agency he may or may not work for, in 2011,
21 this is December 2011, do you remember telling him that it was
22 your idea that your children should live with Fred and Lealer
23 at Blankenship?

24 A When I agreed with them I said it was like his --
25 his first idea, the main person idea, it was Fred and Ann.

1 And I agreed. So I guess it was my idea. It was --
2 originally it was Fred and Ann's idea. Then I agreed, put it
3 like that. That's the best way I could answer that question.

4 Q Do you recall telling the detective that you were
5 upset that he didn't want your kids to live there and you
6 wondered why, I mean, if he's got this house y'all don't have
7 room for us? Does that ring a bell?

8 A Yes.

9 Q Do you remember if you said that to the detective?

10 A Yes, I remember, I think.

11 Q Do you also remember telling him that it would be
12 easier for you and Victoria to get an efficiency apartment if
13 you didn't have all five children?

14 A Yeah. I recall that. But mainly basically they
15 wanted Taharah and Taquanda to go to Fitzgerald Elementary
16 School. That was right by 966 Blankenship, in walking
17 distance.

18 Q Okay.

19 A And for I think Mahlica and Shabazz to go to West.

20 Q I understand. But specifically my question to you
21 is didn't you in fact want your four youngest children to live
22 with Lealer and Fred because it would be easier for you to get
23 an efficiency apartment if you didn't have all five children?

24 A Not so much that. Not so much that. It was
25 basically mainly the schooling, because you cannot be in a

1 hotel and go to school. They state in all the schools.

2 Q I understand. I'm going to approach --

3 MS. LUZAICH: Which statement?

4 MR. MacARTHUR: This is the one with Madsen.

5 MS. LUZAICH: You haven't gotten it right yet.

6 (Pause in the proceedings)

7 MR. MacARTHUR: Understood.

8 BY MR. MacARTHUR:

9 Q Ms. Duke --

10 A Yes.

11 Q -- if you would -- if you would review that page.
12 I've highlighted the areas that I'm going to question you
13 about. Just let me know when you've had an opportunity to
14 read them.

15 A Here you go.

16 Q Okay. Did that refresh your recollection as to your
17 statement to the police at that time?

18 A Yeah. Yes.

19 Q All right. And isn't it in fact true that you -- at
20 that time you thought it would be hard or harder to get an
21 efficiency apartment with five children?

22 A Yeah. In general. In general it is hard to get any
23 kind of hotel with five children.

24 Q Understood.

25 A And I really didn't want them to be in a hotel.

1 Q I understand.

2 A You know -- you know. Yeah.

3 Q That makes perfect sense. But when you gave this
4 answer to the police it was in response to a question of how
5 come you decided kinda split everybody up, how come you guys
6 didn't have any other kids live with you. That was the
7 question he asked you; right?

8 A Because everyone was trying to help us and --

9 Q I don't mean to -- I'm not trying to be rude, I'm
10 just -- my question specifically is that's the question the
11 detective asked you, right --

12 A Yes.

13 Q -- on this page?

14 A Yes.

15 Q Okay. And then you gave him the answer about the
16 efficiency.

17 A Okay.

18 MS. LUZAICH: Well, objection. That was only part
19 of the answer.

20 MR. MacARTHUR: Okay. And --

21 THE COURT: Did you fully answer the question? Is
22 there anything you wanted to add?

23 THE WITNESS: I wanted to add that, you know,
24 basically about the hotel thing, the efficiency thing, it is
25 -- on a general it's hard to get a hotel with a whole bunch of

1 people in a room anyway, you know, because it gets expensive.
2 That's what I meant.

3 MR. MacARTHUR: I understand.

4 THE COURT: Okay.

5 MR. MacARTHUR: In light of the State's objection
6 that it was not --

7 THE COURT: Are you okay?

8 THE WITNESS: I'm okay. I'm okay.

9 THE COURT: Well, you keep rubbing your chest. Are
10 you okay?

11 THE WITNESS: It just hurts a little, that's all.

12 THE COURT: Are you having chest pains?

13 THE WITNESS: Yes. But I'm okay. I can get -- I
14 can do this. I can just get through this. Just -- just get
15 me through this.

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

1 We'll be in recess until the court marshal tells you
2 otherwise.

3 (Court recessed at 11:17 a.m., until 1:21 p.m.)

4 (Jury is present)

5 THE COURT: Do I have a stipulation from the State
6 to the presence of the jury panel?

7 MS. LUZAICH: Yes, Your Honor.

8 THE COURT: The defense?

9 MS. ALLEN: Yes, Judge.

10 THE COURT: Thank you.

11 Can we have our witness brought back in.

12 MS. LUZAICH: Sorry?

13 THE COURT: Can you bring the witness back in.
14 Thank you.

15 Okay, ma'am. Are you feeling okay?

16 THE WITNESS: Yes, I'm feeling a little better.
17 Trying not to stress.

18 THE COURT: Okay. And you're ready to proceed?

19 THE WITNESS: Yes, ma'am.

20 THE COURT: Okay. And you'll let me know if you
21 need a break or anything like that; right?

22 THE WITNESS: Yes, ma'am.

23 THE COURT: Okay. You can have a seat. And Mr.
24 MacArthur's going to continue with his questioning. Thank
25 you.

1 MR. MacARTHUR: Thank you, Your Honor.

2 BY MR. MacARTHUR:

3 Q All right. Right before we took the break I believe
4 we'd been talking about the efficiency apartment on Walnut and
5 it being easier to move in if you didn't have all five
6 children. Do you remember that?

7 A Yes.

8 Q Okay. Isn't it in fact true that Fred was strict on
9 both discipline and education? Do you think that's a fair
10 statement?

11 A Yes.

12 Q Okay. No disagreement with that?

13 A No, I don't disagree.

14 Q Would you agree that the children while they were
15 living at Blankenship were doing the best they had done in
16 their entire lives?

17 MS. LUZAICH: Well, objection. Vague.

18 THE COURT: Are you talking about the children as a
19 whole, or each individual child?

20 MR. MacARTHUR: Good question, Judge. Let me
21 rephrase.

22 THE COURT: Okay.

23 BY MR. MacARTHUR:

24 Q Tina, do you ever remember having made that
25 statement to the police, that while the children were living

1 on Blankenship they were doing the best they had ever done in
2 their entire life?

3 A To a certain extent, yes, as far as education. As
4 far as education. They really were doing good at Fitzgerald
5 and West.

6 Q Okay. And you in fact had said that under oath at
7 the preliminary hearing last year; is that correct?

8 A Correct.

9 Q Okay. Isn't it also true that you never saw Fred
10 abusing the children?

11 A That's not true.

12 Q Okay. Do you recall telling that to the police, and
13 I believe that's going to be Las Vegas Metropolitan Police
14 Department, in either December of 2011 or January of 2012?

15 A Yes. Meaning I didn't see him because I was at work
16 or in the streets. And, yes, I did see him abuse them when I
17 was at 966 Blankenship.

18 Q Okay. But you told the police that you had never
19 seen Fred abusing the children; is that correct?

20 A Because I was never -- I was never hardly home.

21 Q I understand that part. I think you just explained
22 that. However, either you did see Fred abusing your children
23 or you did not. And I believe your testimony yesterday was
24 that you had seen him abusing your children. Is that correct?

25 A Yes.

1 THE COURT: Not yesterday.
2 MR. MacARTHUR: Sorry.
3 MS. ALLEN: Monday.
4 THE COURT: That's okay.
5 MR. MacARTHUR: Trial days run together.
6 THE COURT: I know. I know.
7 BY MR. MacARTHUR:
8 Q Okay. And I apologize. I don't mean to confuse
9 you. But you did testify to that on Friday, that you had seen
10 him abuse your children before; is that correct?
11 A Yes.
12 Q Okay. And is that still your testimony today?
13 A Yes, it is.
14 Q Okay. Then my question is didn't you in fact tell
15 the police that you had never seen Fred abusing your children.
16 Do you remember saying that to them?
17 A I remember saying that, that -- I remember -- I
18 recall something like that.
19 Q Do you think it would refresh your recollection if
20 you were to be able to see your own statement?
21 A That's fine.
22 Q Well, I --
23 THE COURT: Is that a yes?
24 THE WITNESS: Yes.
25 MR. MacARTHUR: State, voluntary statement from

1 December '11, January '12, page 19.

2 BY MR. MacARTHUR:

3 Q Same approach as usual. I've highlighted the areas
4 I'm going to question you about. Please review those and let
5 me know when you're ready.

6 A Okay.

7 Q Okay. Having reviewed that, do you recognize it?

8 A Yes, I do.

9 Q Okay. And does it refresh your recollection as to
10 how that conversation with the police went?

11 A Yes.

12 Q Okay. And would it be correct to say that the
13 police are asking you about corporal punishment and whether he
14 spansks and things like that? Is that correct?

15 A Yes.

16 Q Okay. And didn't you in fact tell them that you had
17 never seen Fred -- I don't want to --

18 A Maybe I should have been more pacific with him,
19 okay, because I seen it, and then sometimes I didn't see it
20 because I was gone.

21 Q Okay. But you did tell the police officer, "I've
22 never seen Fred touch the children in a wrong way"; is that
23 correct? That's what you told him?

24 A Yes.

25 Q Okay. And you said that if you'd done it over again

1 you would have been more precise or you would have been more
2 specific?

3 A I should have -- yeah. If he would have pressed me
4 -- meaning I should have been more pacific back then when I
5 was talking to them.

6 Q Okay. Tina, before we went on a break for lunch I
7 believe we had -- I'm going to go back for a moment. We were
8 talking about the efficiency apartment; right? And the State
9 had made an objection about your statement and that I did not
10 include all of it. Do you remember that?

11 A Yes. Before we went on break.

12 Q Okay. So I'm going to re-approach with that same
13 statement.

14 MR. MacARTHUR: Page 15, State.

15 BY MR. MacARTHUR:

16 Q And if I could, Tina, would you agree with me that
17 there are question and answer paragraphs? Is that correct?

18 A Yes, a question and answer paragraph.

19 Q And the detective asked you -- and what I want you
20 to do is read along with me, and if I say anything different
21 or if I don't do it right, please let me know.

22 The detective asks, "Okay. Did you -- how come you
23 decided to kind of split everybody up? How come you guys
24 didn't have any other kids live with you?" Is that correct so
25 far?

1 A Yes.

2 Q Okay. And your answer was, "It would be hard,
3 harder to get an efficiency with five children. They said for
4 some reason -- I forgot what reason, but they -- it would be
5 best for them to go -- like they wanted to go to Fitzgerald
6 and another school they looked at was -- what was it,
7 Fitzgerald and West Prep. When they went to West Prep then
8 they first got here, and then they wind up -- the teenagers
9 wind up going to Canyon Springs"; is that correct?

10 A Correct.

11 Q Okay. Now, with regard to times in which Fred
12 physically chastised the children -- and let me not put it
13 that way. Were there times in which your children got
14 whuppins?

15 A Yes.

16 Q Okay. And when I say a whuppin' are we talking
17 about being hit with a belt on the backside?

18 A I seen several different things.

19 Q Okay. Including that?

20 A Yes.

21 Q Okay. And there were more than one instance; is
22 that correct?

23 A Yes.

24 Q Okay. As far as you can recall were there instances
25 in which Shabazz was in trouble in school for stealing?

1 A My recollection about that incident, I remember it
2 was -- I was coming home from Bally's from work, and it was
3 Shabazz's birthday.

4 Q Okay.

5 A His soldier, his commander called me, Jarvis, and
6 said, well, we understand -- we love Shabazz, he's a good
7 student, ROTC, and so what we're going to do is get him a
8 gift. And so I said, okay, that's fine, thank you. And so
9 the soldiers, you know, they got together and got him a gift.

10 Q And when you say soldiers, is this ROTC --

11 A Yes.

12 Q -- at Canyon Springs?

13 A Yes.

14 Q And approximately how old is Shabazz at this time?

15 A He's about 14, I think.

16 Q Okay. Please proceed.

17 A And so I guess they give it to him at school. I'm
18 at work. I guess they give it to him at school, he brings it
19 home, and Mahlica -- we were in the garage and they were
20 sitting around playing, and Shabazz brought a -- not computer,
21 but a game, what is it --

22 Q Would it have been a Nintendo 64?

23 A Yeah.

24 Q Okay.

25 A Yeah. He brought it home. He said -- he was happy

1 about it, they said. They told me when I got home and said
2 that Fred started getting onto him about -- talking about he
3 stole it. And so they -- his reaction was like I guess he
4 whupped him or what have you. And Mahlica and Taharah and
5 Taquanda, they was all sitting in the garage and they watched
6 him, and he just took that like a child, they said, Fred took
7 the Nintendo thing and just broke it. Because when I was
8 walking in I almost stepped on one of the pieces because it
9 was shattered. He took the thing, he dropped it -- they said
10 that he dropped it -- I was told he dropped it, stomped on it.
11 And I couldn't understand that, because Shabazz said he didn't
12 steal it, it was given to him because it was the month of his
13 birthday. I just --

14 Q Do you -- I'm sorry.

15 A -- didn't understand it.

16 Q Do you recall whether or not the school contacted
17 you or Fred about the Nintendo having been taken from another
18 child at school?

19 A No.

20 MS. LUZAICH: Well, objection. Hearsay.

21 THE COURT: Sustained.

22 MR. MacARTHUR: Withdrawn, Judge.

23 BY MR. MacARTHUR:

24 Q Ms. Duke, where does Shabazz live now?

25 A 'Bazz lives in Henderson.

1 Q Okay. And have you seen him at the courthouse?
2 MS. LUZAICH: objection. Relevance.
3 THE COURT: Sustained, unless --
4 MR. MacARTHUR: Judge, I'll withdraw it.
5 BY MR. MacARTHUR:
6 Q Ms. Duke, let's talk briefly about Taquanda. Did
7 she also receive whuppins from Fred?
8 A Yes.
9 Q Okay. Do you remember an incident at all involving
10 a stolen cell phone? Do you know what I'm talking about?
11 MS. LUZAICH: Well, objection. Assumes facts not in
12 evidence.
13 THE COURT: I think you need to back up and lay some
14 foundation.
15 MR. MacARTHUR: Understood, Your Honor.
16 BY MR. MacARTHUR:
17 Q Ms. Duke, did you ever have, as the mother of
18 Taquanda, some issues with her stealing things?
19 A No.
20 Q Do you remember if you told the police that she had
21 stole things?
22 A No, I don't remember that.
23 Q Do you think it would refresh your recollection to
24 be able to see your statement to the police?
25 A Yes.

1 MR. MacARTHUR: Okay. And, State, I'm going to be
2 December '11, January '12, and it's going to be page 19.

3 BY MR. MacARTHUR:

4 Q Okay. Does that refresh your recollection as to
5 what it is I'm talking about?

6 A Yes.

7 Q Okay. Do you recall telling the police at the time
8 that Taquanda had had some problems taking stuff and that in
9 particular there was an incident where she was given a
10 whuppin?

11 A She thought that she had stole a cell phone, and the
12 little girl wanted -- she left it at the house.

13 Q So it would be your testimony today that it was a
14 misunderstanding and that the cell phone had not actually been
15 stolen, it had accidentally been left at the house?

16 A I believe that.

17 Q Okay. But at the time in which you spoke with the
18 police you referred to it as Taquanda -- actually, withdrawn.

19 Tina, going back to approximately August of 2007,
20 you've moved back to Las Vegas from Utah?

21 A Yes.

22 Q Were you and Victoria welcome at the Blankenship
23 house?

24 A No.

25 Q Okay. And given that you said no, what's your

1 recollection as to why you or your oldest daughter weren't
2 welcome at the Blankenship house?

3 A Because Ann was mad at me for giving up my baby for
4 adoption.

5 Q You're referring to Joseph?

6 A Yes. And she was mad at Vicky -- Fred said that she
7 was mad at Vicky because she always starts stuff. Ann was
8 saying Vicky always starts stuff. They always kept bumping
9 heads, her and Victoria.

10 Q Okay. Now, thinking about that time, would you
11 characterize Victoria's demeanor or her behavior back then as
12 disrespectful and defiant?

13 A At times. You know, teenagers. I've met a ton of
14 teenagers that was defiant, you know, disrespectful.

15 Q Okay. So you thought that she could be defiant and
16 disrespectful, but no more or less than you might expect from
17 some other teenage girl?

18 A Yeah.

19 Q Okay. Do you remember whether or not Victoria
20 bumped heads with Fred because she was disrespectful, not
21 going to school, and abusive of you?

22 A Yes.

23 Q And, you know, it's my problem for having asked a
24 compound question, so let me break that down in smaller --
25 Victoria did have -- or did bump heads with Fred

1 because she was disrespectful?

2 A Because she was angry, because she was -- I guess
3 that part -- stage in her life that she just wanted to do her
4 own thing.

5 Q Okay. She also had problems going to school at the
6 time? She wasn't going to school or she was ditching school?
7 Is that correct?

8 A She -- I found out -- I found out when I was off the
9 streets and not working that she had ditched a couple of -- a
10 couple of -- she had ditched school.

11 Q Okay. And that was another one of the reasons that
12 she had run-ins with Fred?

13 A Yes.

14 Q Okay. And lastly, did she also have run-ins with
15 Fred because she was physically abusive of you?

16 A We would argue sometimes.

17 Q Okay. And I understand that arguments occur. But
18 my question specifically is whether at that time, this is in
19 late 2007, after you'd come to Las Vegas from Utah, was she
20 physically abusive of you.

21 A No. No. She had shoved me one time, but she -- she
22 wasn't abusive. I mean, well --

23 Q Let me ask you then, Tina, do you recall an instance
24 in which you came home from work and you found Victoria at the
25 apartment in the company of a 25-year-old boy or man?

1 A No. I didn't come home and see anything, but it was
2 -- well, she told me that it was someone that she had met. I
3 didn't catch them. I didn't see him in the house when I got
4 back home. And she said she was seeing someone.

5 Q How old was Victoria at the time?

6 A She was about 16.

7 Q Okay. And without regard to whether you actually
8 saw them doing something or not --

9 A It was hearsay, yeah.

10 Q -- my question to you now is when you confronted her
11 about it did Victoria beat you up, or do you recall that she
12 beat you up?

13 A I don't recall her -- we got into a conversation.
14 We got into a conversation, and I said, well, he's too old,
15 he's too old for you, you know. I don't want that going on.

16 Q But it would be your testimony today that she did
17 not beat you up following that confrontation?

18 A No, she didn't beat me up.

19 Q Okay.

20 A I don't remember that.

21 MR. MacARTHUR: Okay. Court's indulgence.

22 (Pause in the proceedings)

23 BY MR. MacARTHUR:

24 Q Do you remember the police asking you these same
25 questions or questions along these lines back in December of

1 2011 or January 2012?

2 A Similar.

3 Q Okay. Do you remember whether or not you told the
4 police that Fred intervened and told Victoria to stop fighting
5 her mother? Does that ring a bell?

6 A Yes.

7 Q Okay. Does that refresh your recollection as to
8 whether or not you'd had a physical confrontation with
9 Victoria?

10 A I think at one time I did.

11 Q Is it fair to say that you may have had a physical
12 confrontation with her but you're not sure if it's this
13 specific time?

14 A I'm not quite sure.

15 Q Okay.

16 A Teenagers is teenagers. Some of them act out. It's
17 what they do.

18 Q We're still in late 2007, Ms. Duke. Do you recall
19 that sometimes Fred and Victoria got along and other times
20 they didn't?

21 A True. Sometimes they got along, sometimes they
22 didn't. I remember they had one incident where we were at
23 Miss Dorothy's house and we were at the time staying --
24 somehow we left Trish Lane for a minute, and then we were at
25 the Shade Tree. Miss Ann put us out. And then I think in May

1 or April she accepted us back in. Okay. But at one time --
2 at that particular time, that was in '04 when that happened.
3 This particular incident happened we were supposed -- she was
4 supposed to meet --

5 Q When you say she who are you referring to?

6 A Victoria was supposed to meet -- Miss Dorothy was
7 picking us up. We were supposed to do something. And
8 Victoria wasn't -- when I got home from work Victoria wasn't
9 at a particular place and time, at a particular place where
10 she was supposed to be picked up. And so they went to -- they
11 picked her up, questioned her, you know, where was she, how
12 come she wasn't at the pacific spot. She's --

13 MS. LUZAICH: Well, objection.

14 THE WITNESS: And then they started fighting --

15 MS. LUZAICH: This is a narrative.

16 THE WITNESS: -- physically fighting, but --

17 MR. MacARTHUR: Hold on a minute.

18 THE COURT: Just a minute. When there's an
19 objection --

20 MS. LUZAICH: Objection. It's a narrative. It's
21 really not in response to a question, and it's hearsay.

22 THE COURT: Just ask the question again.

23 MR. MacARTHUR: Understood.

24 THE COURT: So the answer's stricken, and he's just
25 going to ask the question again.

1 BY MR. MacARTHUR:

2 Q There were times in which Fred and Victoria got
3 along, and other times they didn't?

4 A Yes.

5 Q Okay. That's a correct statement?

6 A Uh-huh.

7 Q Okay. I'm going to ask you to look at that document
8 and let me know whether you recognize it. Don't explain what
9 it is yet, but let me know whether you recognize it.

10 MR. MacARTHUR: And for the Court's record, the
11 document she's reviewing is Defense Exhibit B.

12 I thought it was C.

13 MS. ALLEN: It might be C.

14 MR. MacARTHUR: It's Defense Proposed C.

15 (Pause in the proceedings)

16 BY MR. MacARTHUR:

17 Q Okay. My first question is do you recognize the
18 handwriting on the document.

19 MS. LUZAICH: Can I see it?

20 MR. MacARTHUR: Oh. Sure. Sorry.

21 MS. ALLEN: For the record, Your Honor, I did
22 provide all this to the State beforehand.

23 MS. LUZAICH: She did. I just didn't know which one
24 it was.

25 THE COURT: And it's Exhibit C; correct?

1 MR. MacARTHUR: Yes, Your Honor. Proposed.

2 BY MR. MacARTHUR:

3 Q Ms. Duke, do you recognize the handwriting on --

4 A Yes, I do.

5 Q Okay. And is that your handwriting?

6 A No, it's not.

7 Q It's not?

8 A No, it's not.

9 Q So looking at this document you don't recognize it

10 as something that you'd written?

11 A I didn't write that. That's not my handwriting.

12 Q Understood. Do you recognize the form at all? Have

13 you ever seen it before?

14 A Yes, I recognize the form.

15 Q Okay. And, if you know, what is the form from?

16 A That is from a Social Security office.

17 Q So you've seen a form like this before?

18 A Uh-huh.

19 Q Okay. Let me ask you this. Do you recognize

20 the handwriting? Even though you're stating that it's not

21 yours --

22 A No, it's not.

23 Q -- do you know whose handwriting this is?

24 A That's Miss Dorothy's handwriting.

25 Q Okay. And that would be the defendant's mother?

1 A Yes.

2 Q Having read its contents, did you have Miss Dorothy
3 write this for you?

4 A She had written that for me. Yes, she did. She'd
5 written that for me. I -- we were filling out an application.

6 Q Okay.

7 A Yeah. And I guess I was having some -- and
8 everybody thought whatever they thought about me, and I said,
9 okay, fine, because I was like I guess would submit, whatever,
10 to -- I was still in the streets and on drugs and stuff, and
11 so when they said -- Fred and his mom said that, well, maybe
12 you need some help, you need some help --

13 Q I understand. But let me slow you down. I don't
14 want you to testify to what other people said to you. That'll
15 cause a hearsay objection, so --

16 A Okay.

17 Q But suffice it to say that someone felt as though
18 you needed help.

19 A Yeah.

20 Q Okay. And is -- did you -- whoever wrote this, did
21 you dictate what to say to them?

22 A Some of it. And some of it they assumed that, oh,
23 yes, this is how we feel about you and we think that you need
24 some help, yeah.

25 Q Okay. And so, to be clear, of the information in

1 this document some of it is your statement, and other parts
2 you believe are --

3 A Their assumption of me --

4 Q -- their characterization.

5 A -- of my character, uh-huh.

6 Q Okay.

7 A Yeah.

8 Q Okay. Let me ask you this. Would you agree with me
9 that there appear to be two different handwriting styles, that
10 up top we have cursive, and down at the bottom we have print?

11 A Print. This is still not my writing.

12 Q Okay. I was just going to ask you are either of
13 those yours.

14 A No. I don't write like that.

15 Q Okay. All right. Tina, I know that you testified
16 yesterday on direct examination. I'd like to revisit one of
17 those topics, namely, when it was that Victoria first said to
18 you that she was being sexually abused by Fred. When was the
19 first time that Victoria divulged or you learned that she was
20 being sexually abused by Fred?

21 A It was 2005.

22 Q Okay.

23 A March, I think. Somewhere around there.

24 Q March 2005. So at this point in the timeline you've
25 come to Las Vegas from Louisiana, Fred's brother has brought

1 your children out, it's January of 2005, and then sometime
2 around March or the spring of 2005 is when you believe that
3 Victoria first made these revelations?

4 A Correct.

5 Q Okay. Do you remember telling the police that she
6 first divulged these things in 2007? Do you know if you said
7 that?

8 A I believe it was -- I believe she told the police of
9 Utah I believe it was 2006 -- wait a minute. 2005, December.

10 Q I'm not quite following you. What happened in 2005,
11 December?

12 A In 2005, December, she just thought I guess she
13 just had to say something. She told the police about -- Utah
14 police or Utah CPS, the people who came to my address in
15 Utah --

16 Q Okay. Let me back up a step. We've got a lot of
17 information here.

18 Yesterday -- I'm sorry. Friday you testified that
19 Victoria first said that she was being sexually abused by Fred
20 in spring of 2005; right?

21 A Yes.

22 Q Okay.

23 A But she had told that --

24 Q Hold on. I don't mean to cut you off. I just -- I
25 want to make sure that we're talking about the same thing. I

1 promise I'll give you an opportunity to respond.

2 And then just now, a couple minutes ago, you told
3 the jury that your recollection is still the Victoria made
4 these allegations for the first time in the spring of 2005;
5 right?

6 A Yeah, 2005, when she -- not the police, but to me
7 and Ann -- well, Ann told me, and I believe she told Miss
8 Dorothy, and they were all in the bedroom, we're all in the
9 bedroom talking.

10 Q So we'll come back to that detail.

11 A Okay.

12 Q Hold on. We're still on the timeline, and then
13 we'll get to the details, I promise.

14 And so what did you say is happening is in Utah in
15 December of 2005? You said something about CPS and Victoria
16 there.

17 A That was 2006.

18 Q 2006.

19 A Yeah.

20 Q And what was --

21 A The end of -- yeah, about -- okay.

22 THE COURT: Well, 2005, or 2006?

23 THE WITNESS: It was December 2005.

24 BY MR. MacARTHUR:

25 Q Okay. And you're stating that in December of 2005

1 that Victoria had brought these allegations to the attention
2 of CPS in Utah? Is that what you're saying?

3 A Yeah. It had to be around that time, end of 2005.
4 Because 2007 we had moved back here to Las Vegas.

5 Q Uh-huh. Do you remember telling the police in
6 December 2011 or January 2012 -- when I say the police I'm
7 talking about the Las Vegas Metropolitan Police Department.
8 Do you remember telling them that she first said that she was
9 being abused in a sexual manner by Fred in 2007 when you guys
10 came back from Utah? Does that ring a bell?

11 A Yes.

12 Q Okay. And so that having rung a bell, is what you
13 told the police back in 2011 correct, or is what you're saying
14 in court today correct?

15 A Well, I'm remembering the date here, correct, today.
16 And in 2007 -- I mean, excuse me, not 2007, but --

17 Q 2005.

18 A In 2011, 2012 in January when they came to the
19 house.

20 Q Okay.

21 A Well, we were talking in his car.

22 Q All right. So as you sit there now you feel as
23 though your testimony in front of the jury is the most
24 correct, that it was 2005, not 2007?

25 A About what?

1 Q When Victoria first divulged that she was being
2 sexually abused.

3 A It was in 2005 when she told me and Ann and Miss
4 Dorothy.

5 Q Okay. And so when you told the police that that was
6 in 2007 when you came back from Utah, this was mistaken; is
7 that correct?

8 A When I came back in 2007, because here to Las Vegas,
9 Nevada, what are you asking me?

10 Q Well, let me show you a statement.

11 A I just want to make sure.

12 Q Just the highlighted portion.

13 A Okay.

14 Q Okay. Having read that, does that refresh your
15 recollection of what the police were asking you and what you
16 told them?

17 A Yes.

18 Q Okay. And in fact the officer asked you, "Okay.
19 And when Victoria I guess originally, um, around when you
20 first moved here, did, uh, Victoria ever say anything about
21 Fred, you know, touching her in a sexual manner or
22 inappropriate or somewhere that she felt uncomfortable or
23 inappropriate?" That's the detective's question; correct?

24 A Correct.

25 Q Okay. And your answer is, "When we came back here

1 from Utah in '07 I believe she did. I believe she did. It
2 was like hearsay and hearsay because I wasn't there. I'm
3 always running, I'm always working, so I'm not in the -- um, I
4 wasn't in the presence of anything happening." That was your
5 answer?

6 A Yeah.

7 Q Okay. Now, I promised I'd let you get back to those
8 details. I'm going to do that now.

9 When I was asking you about the timeline between
10 2005 and 2007 you had said that Victoria, when she was
11 revealing this information, who did she tell?

12 A When I went in December of 2005 to see Fred --

13 Q Uh-huh.

14 A -- I paid a babysitter over \$200. We were friends.
15 We talked about this Friday.

16 Q And just so we're clear, I'm asking when Victoria
17 first divulged that she was being sexually abused by Fred
18 where was she when she first made that statement.

19 MS. LUZAICH: Well, objection. Vague. When she
20 first divulged to who?

21 MR. MacARTHUR: To anyone.

22 THE COURT: So --

23 MS. LUZAICH: Well, unless she was there, the
24 objection's foundation and --

25 THE COURT: So the objection to foundation is

1 granted, and you can restate the question.

2 BY MR. MacARTHUR:

3 Q All right. The first time that Victoria said she
4 was being sexually abused, as far as you're aware, who did she
5 tell that to?

6 A She told that to Miss Ann and Miss Dorothy. And
7 then when I came home from work she told me. And -- well,
8 Miss Ann told me about it. And so we all gathered in her room
9 on Trish Lane.

10 Q Okay. Let me back up a second. Did you learn about
11 it from Victoria, or did you learn about it from Miss Ann?

12 A I learned about that from Miss Ann. I remember Miss
13 Ann, because we all had to go in her room.

14 Q Okay. Now, Miss Ann never lived in Utah; is that
15 correct?

16 A No.

17 Q Okay. And so the first time that Victoria told
18 somebody that something sexual was happening to her Victoria
19 wasn't in Utah; right?

20 A The first time she told someone of authority.

21 Q Okay. And let me not confuse the issue. I'm not
22 necessarily asking you the first time she told someone in
23 authority. Doesn't have to be a police officer or counselor
24 or anything like that. First time she told anybody, that
25 you're aware of, that was in 2005, and she told Miss Ann?

1 A I remember 2005 that she had mentioned to Ann and
2 Ann told me about any kind of making passes, advance or what
3 have you. I believe -- I truly believe it was 2005.

4 Q Okay.

5 A And on Trish Lane. And Mom's coming home from
6 Jason's Deli. I was pregnant. And they said, come in the
7 room, we need to talk with you.

8 Q Okay. And that's fine.

9 A That's the first -- very first first time of any
10 kind of thing.

11 Q Understood.

12 A Okay.

13 Q However, you testified under oath today that
14 Victoria told Miss Ann and that Victoria -- I mean, sorry, not
15 Victoria, Miss Ann told Miss Dorothy and told you; right?

16 A Yeah. And then I think -- I guess Miss Dorothy was
17 already there, you know, at the house, you know, on Trish
18 Lane, because everybody needed to talk.

19 Q And you can see these events in your mind; is that
20 correct? I mean, you can -- you can recall them?

21 A Yes.

22 Q Okay. In other words, you're testifying from your
23 actual memory, right, not from something you've read or
24 something else? Is that fair?

25 A Yeah, from my memory, what I remember.

1 Q Okay. Do you recall telling the police that
2 Victoria came to you specifically and said that she was being
3 molested by Fred? Do you know if you did that?

4 Did you understand the question?

5 A Yes.

6 Q I'm not trying to hurry you. I just -- are you
7 still thinking?

8 A The first time I remember was at -- first time I
9 remember was in 2005 at Miss Ann's house.

10 Q Well, I know that you remember the when. But the
11 question is do you remember telling the police that Victoria
12 came up to you specifically, not Ann, and explained to you
13 that she was being sexually abused.

14 A Was that another question?

15 Q I'll ask it again. Do you remember telling the
16 police that Victoria specifically came to you, came into the
17 room you were in and told you she was being sexually abused at
18 the hands of Fred? Remember telling the police that?

19 A I don't quite remember.

20 Q Okay. Would it refresh your recollection to be able
21 to see the statement that you made to the police?

22 A Yes.

23 Q Okay. Did that refresh your recollection of the
24 conversation you'd had with the police detective?

25 A Yes. This is the statement that in 2005 -- I

1 remember saying this. And this is --

2 Q I don't want you to explain it yet. I'm going to
3 ask you --

4 A Yes, I remember --

5 Q Okay.

6 A -- saying this.

7 Q Now, you've already testified that Victoria divulged
8 her sexual abuse to Miss Ann, and you said that Miss Ann
9 contacted you and Miss Dorothy; right?

10 A Right.

11 Q Okay. You also stated that it was some hearsay and
12 that you hadn't seen it personally; right?

13 A I haven't seen it personally.

14 Q Okay. And so the detective asks you, "Okay. And
15 what did she tell you in April of '05?" Is that correct?
16 That's what he says?

17 A What does it say in April '05?

18 Q That's what the detective says?

19 A Yes.

20 Q Okay. And your answer is, "She said that Mom -- she
21 told -- she came in the room and told me and Ann -- okay, wait
22 a minute. I was -- I came from work. I'm exhausted,
23 pregnant, exhausted. Came from work and she says that, come
24 in the room -- because she used to live on Trish Lane. She
25 said, come in the room. This is how all this begins. So, um,

1 come in the room, I got something to -- I said, what, you
2 know, and she says that, uh, Victoria said that, uh, Fred had
3 molested her, had touched her, you know. And I didn't know
4 what to think about that, really. Yeah, I was -- and, um, so
5 when that --"; is that correct?

6 A Correct.

7 Q Okay. And so Lealer was not in the habit of calling
8 you Mom; is that correct?

9 A No.

10 Q Okay. And so when the person's saying Mom, you're
11 referring to Victoria; is that right?

12 A Yes.

13 Q Okay.

14 A Because Lealer never called me Mom.

15 Q Understood.

16 A When she told us, when she -- when she was telling
17 me she had come into the room and she was telling everyone.
18 Victoria came into Ann's room, bedroom, and she was telling
19 Miss Ann, me, Miss Dorothy --

20 Q Well, hold on. I understand that you've just said
21 that Victoria came in and was telling everybody, you, Dorothy,
22 and Miss Ann. But five minutes ago you said that she had told
23 Miss Ann and that Miss Ann told you and Dorothy; right?

24 MS. LUZAICH: Well, objection. That's what the
25 statement says. But Ann is telling her what Victoria said.

1 It's improper impeachment.

2 MR. MacARTHUR: Your Honor, certainly this is
3 material she could get back to on redirect if she doesn't
4 think I'm doing it well.

5 MS. LUZAICH: Well, he's misstating the -- or --

6 THE COURT: What I don't like is for you to
7 paraphrase what the witness testified to. So if you have a
8 question, ask a question.

9 MR. MacARTHUR: Okay.

10 THE COURT: Thank you.

11 MR. MacARTHUR: I apologize, Your Honor.

12 BY MR. MacARTHUR:

13 Q Do you remember telling the police that the
14 complaint Victoria made was that Fred was making passes at
15 her?

16 Actually, let me ask that a different way. Is it
17 your recollection that Victoria told you that she was being
18 sexually abused by Fred, or did she tell you or Leann [sic]
19 that Fred was making passes at her?

20 MS. LUZAICH: Objection to the form of the question.

21 THE COURT: Maybe just phrase it what did she say to
22 her, to this witness.

23 BY MR. MacARTHUR:

24 Q Did Victoria tell you she was being sexually abused,
25 or did she tell you that Fred was making passes at her?

1 A She said that -- she said that Fred was making
2 passes at -- made a pass at her. She was telling everyone at
3 the same -- in the same room.

4 THE COURT: Okay. We're just asking you.

5 THE WITNESS: Oh. Yes.

6 BY MR. MacARTHUR:

7 Q Okay. So Victoria said that Fred making passes at
8 her?

9 A Passes and -- and she said that Fred had -- had
10 fondled her.

11 Q Okay. So it's your testimony today that she said
12 both, that he was making passes at her and that he had fondled
13 her?

14 A Yes.

15 Q Okay.

16 A As I could remember.

17 Q Understood. Isn't it in fact true that when you
18 talked to the police in December of 2011 or January of 2012
19 that you told -- you only told them about Fred was allegedly
20 making passes at her? Does that make sense?

21 A Yes.

22 Q Okay. And so you didn't tell them that she said
23 that Fred was fondling her, did you?

24 A I told -- I told them that Fred had made a pass at
25 her.

1 Q Uh-huh. But you didn't tell them that she'd said
2 that Fred was fondling her, did you?

3 A Maybe I did.

4 Q Do you think you did? Do you think you told the
5 police that Fred had fondled her in December 2011?

6 A He had made some passes at her.

7 Q Okay. And we've already had that testimony, said
8 that Fred was making passes at her. My question specifically
9 is do you think that you told the police that he was fondling
10 her in December 2011.

11 A I may have.

12 Q If I told you you didn't, would you disagree?

13 A I remember stating something like that.

14 Q Remember stating something like he was fondling her?
15 Yes?

16 A That he had made some sexual passes at her.

17 MR. MacARTHUR: Okay. Court's indulgence.

18 (Pause in the proceedings)

19 BY MR. MacARTHUR:

20 Q Do you think it would refresh your recollection to
21 be able to review the statement that you made to the police in
22 December of 2011?

23 A Yes.

24 MR. MacARTHUR: All right. State, I'm going to
25 refer to pages 10 and pages 20.

1 MS. LUZAICH: And 20? What about 11?

2 THE COURT: You asked her about her entire
3 statement. Are you asking her to review her entire statement,
4 or just certain pages?

5 MR. MacARTHUR: For the sake of time, Your Honor, I
6 was not going to have her review the entire statement. I
7 think it's fair, because if there is somewhere in there, I
8 think the State can be trusted to show that to the jury.

9 THE COURT: Okay. So you're going to ask her to
10 just look at a few pages?

11 MR. MacARTHUR: You know, Judge, I'll --

12 THE COURT: It's up to you. I just want to know.

13 MR. MacARTHUR: I will withdraw that question.

14 BY MR. MacARTHUR:

15 Q Ms. Duke, if you believe that you told the police
16 that Fred was fondling Victoria, please share with the State
17 where that can be found.

18 I'll move to the next question.

19 MS. LUZAICH: Well, objection.

20 THE COURT: Sustained. If you want her to review
21 the entire statement, that's fine. We'll just probably do it
22 not on court time.

23 MR. MacARTHUR: Understood, Your Honor. It's a
24 32-page statement. I'll withdraw that question.

25 THE COURT: All right. Okay.

1 BY MR. MacARTHUR:

2 Q Tina, isn't in fact true that Victoria never told
3 you that Fred was forcing her to have sex with him before
4 December 2011? Isn't that in fact the first time Victoria
5 ever made an allegation that Fred was forcing her to have sex
6 with him?

7 A You mean 2005?

8 Q No. I'm talking about 2011, December.

9 A 2011?

10 Q Uh-huh. Isn't that in fact the first time that
11 Victoria ever made the allegation that Fred was forcing her to
12 have sex with him?

13 MS. LUZAICH: Well, objection. Foundation. She
14 can't testify to anything Victoria's ever said to anyone.

15 THE COURT: Right. Sustained. You just need to
16 rephrase it.

17 MR. MacARTHUR: Understood, Judge.

18 THE COURT: I think I know what you're getting at.

19 BY MR. MacARTHUR:

20 Q At the beginning of this cross-examination I went
21 through some of the statements that you gave; right?

22 A Yes.

23 Q Being here in trial, having appeared previously at
24 preliminary hearing; right?

25 A Yes.

1 Q Okay. And in fact you testified on two different
2 days at preliminary hearing. Do you remember that?

3 A Yes.

4 Q Okay. We had to interrupt and then come back and
5 resume on a different day; is that fair?

6 A Yes.

7 Q Do you remember testifying under oath that Victoria
8 didn't tell you that Fred was forcing her to have sex with him
9 anytime before December 2011?

10 A Before 2011? I don't remember that, because --
11 reason is because -- I understand that question is because in
12 2007, yes, he had forced -- he had forced Victoria and
13 threatened me and Victoria and my family. So what are you
14 getting at? I don't understand the question.

15 Q Do you think it would refresh your recollection as
16 to what you testified to last year if I were to show you the
17 transcript from the preliminary hearing?

18 THE COURT: Yes or no?

19 THE WITNESS: Okay. Yes. If you show me the --

20 THE COURT: Okay. What date?

21 MR. MacARTHUR: Court's indulgence.

22 THE WITNESS: It's confusing, that's all.

23 THE COURT: Are you okay?

24 THE WITNESS: I'm okay. It's just confusing, and
25 it's just stressing me out. I'm just -- you know.

1 THE COURT: Do you need a break?

2 THE WITNESS: No, ma'am, thank you. I'm -- just do
3 this, you know. Because why would he ask that question and
4 I've stated that he had forced --

5 THE COURT: Okay. I can't answer any questions.
6 But if you need a break, I'll be happy to give you a break.

7 THE WITNESS: I'm okay right now.

8 THE COURT: Okay. Thank you.

9 What date and page?

10 MR. MacARTHUR: I'm sorry. Forgot you asked me
11 that, Judge. I'm going to June 20th, 2030 [sic] -- I'm sorry,
12 2013. And I'll be referring to page 8.

13 BY MR. MacARTHUR:

14 Q There's four pages on here. I'm just referring to
15 this one.

16 Have you had an opportunity to review it?

17 A Yes.

18 Q Okay. Does that refresh your recollection as to the
19 conversation that was being had in preliminary hearing?

20 A Yes.

21 Q Okay. And you were being cross-examined by Ms.
22 Allen, is that correct, the attorney sitting over there at
23 that table?

24 A Right.

25 Q Okay. And she asked you, "When he asked you that

1 question you had -- according to your testimony, you had
2 already seen Fred force Victoria to have sex with him; isn't
3 that right?" That's what it says; right?

4 And you reply, "Yes."

5 A My answer was yes.

6 Q Okay. And then she asks, "Okay. But you didn't
7 volunteer that information to him; isn't that correct?" And
8 you say, "No, I didn't say that"; is that correct?

9 A Correct.

10 Q And then lastly she says, "Did Victoria tell you
11 before this date in 2011, December 2011, had she come to you
12 and said Fred was forcing her to have sex?"

13 And your reply was, "I don't remember her coming to
14 me telling me anything"; is that correct?

15 A Correct.

16 Q Yesterday I believe you testified that at some point
17 there was a conversation --

18 THE COURT: You mean Friday?

19 MR. MacARTHUR: I'm sorry?

20 THE COURT: Friday. I just want --

21 MS. ALLEN: Thursday. Actually Thursday. Thursday,
22 Your Honor.

23 MR. MacARTHUR: Thursday.

24 THE COURT: Thursday.

25 MS. ALLEN: Sorry.

1 THE COURT: Okay. I just want the record to be
2 clear, so --

3 MR. MacARTHUR: And I apologize.

4 BY MR. MacARTHUR:

5 Q Okay. Going back to Thursday of last week --

6 THE COURT: Sorry, Mr. MacArthur.

7 MR. MacARTHUR: No, it's okay, Judge. I think I'm
8 messing up more than anybody else.

9 BY MR. MacARTHUR:

10 Q -- you testified that there was at some point an
11 occasion where you, Fred. and Victoria had a very serious
12 conversation in a car. Remember that?

13 A Yes.

14 Q Okay. And in that conversation -- well, rather than
15 paraphrasing what you said, why was that conversation
16 important? What happened in the car where there was a
17 conversation between you and Fred and Victoria?

18 MS. LUZAICH: Objection. Assumes facts not in
19 evidence. A conversation between her and Victoria and Fred?

20 MR. MacARTHUR: I thought that's what she had
21 testified to.

22 BY MR. MacARTHUR:

23 Q If you know. If you don't understand the question,
24 I can rephrase.

25 THE COURT: Do you understand the question?

1 THE WITNESS: Yes.

2 Well, it was mentioned in the car -- it was

3 discussed in the car between me, Victoria, and Fred that he --

4 his fantasy, he wanted to have sex with Victoria.

5 BY MR. MacARTHUR:

6 Q Uh-huh.

7 A And he had -- he had threatened me and my family, me

8 and Victoria, and he said that he would kill her and kill me,

9 and he said that, I have your children, I have your family,

10 you know, and -- and then we went from there.

11 Q Okay. Was there also some sort of discussion about

12 Victoria's body belonging to Fred or something along those

13 lines? Do you know what I'm talking about?

14 A Perhaps. I can't remember word from word --

15 Q Okay.

16 A -- but perhaps maybe so.

17 Q Okay. Well, I'm not asking you to remember

18 something that you don't. Suffice it to say that you're not

19 allowed to be in the courtroom when Victoria testifies; right?

20 A Right. Yes.

21 Q And she's not allowed to be in the courtroom while

22 you're testifying; right?

23 A Right.

24 Q Okay.

25 THE COURT: Well, not necessarily.

1 MR. MacARTHUR: Well, I suppose in certain
2 circumstances.

3 BY MR. MacARTHUR:

4 Q As far as you know, Victoria's never been present
5 when you testified; right?

6 A She has not been present.

7 Q Okay. And you've never been present while she was
8 testifying on the stand?

9 A Right.

10 Q Okay. So I'll move on to the next question.

11 Do you remember telling the police that there was
12 never a conversation in front of Miss Dorothy's in the car
13 regarding Victoria's body belonging to Fred?

14 A What did you just say?

15 Q Let me back up.

16 A With Miss Dorothy in the car? What?

17 Q I'll ask it a different way. I know that's
18 complicated.

19 The police made contact with you while they were
20 investigating these charges; right?

21 A Yes.

22 Q Okay. And they would ask you questions about what
23 had happened. Is that also correct?

24 A Yes.

25 Q Okay. And did they sometimes ask you questions that

1 were comparing something Victoria said to what you said?

2 MS. LUZAICH: Well, objection. Assumes --
3 foundation. She doesn't know what they were comparing.

4 MR. MacARTHUR: If she knows.

5 THE WITNESS: I don't know.

6 THE COURT: Well, yeah. I mean, they would have to
7 tell her.

8 MR. MacARTHUR: I'll rephrase, Judge.

9 THE COURT: Okay.

10 BY MR. MacARTHUR:

11 Q Were there times in which the police told you that
12 Victoria told us that this happened, is that true?

13 A Yes.

14 Q Okay. And so with regard to this conversation in
15 front of Miss Dorothy's house involving you and Fred and
16 Victoria --

17 MS. LUZAICH: Objection. Assumes facts not in
18 evidence.

19 MR. MacARTHUR: The question hasn't been asked yet.

20 MS. LUZAICH: Well, the --

21 THE COURT: Don't answer the question. Let me just
22 hear the full question.

23 MS. LUZAICH: But the question is that a
24 conversation occurred in front of Miss Dorothy's house.
25 That's not what the testimony was.

1 MR. MacARTHUR: It's a premature objection, Judge.
2 The question is going to be did the police -- with regard to
3 this conversation in a car involving you, Miss Dorothy, and
4 the defendant did the police ever ask you whether that
5 happened.
6 THE COURT: Okay. So is the question did the police
7 ever ask you if a conversation happened in a car between you,
8 Miss Dorothy, and Fred?
9 MR. MacARTHUR: Yes.
10 THE COURT: Okay. Go ahead.
11 MR. MacARTHUR: Thank you.
12 MS. LUZAICH: Miss Dorothy?
13 MR. MacARTHUR: Miss Dorothy.
14 THE COURT: I wrote it down. Miss Dorothy.
15 MS. ALLEN: No. In front of Miss Dorothy's house.
16 MR. MacARTHUR: Oh. In front of Miss Dorothy's
17 house. Sorry. I --
18 THE COURT: Okay. All right. So --
19 MR. MacARTHUR: I may have accidentally put her in
20 the car.
21 THE COURT: -- can you say -- ask the question
22 again.
23 MR. MacARTHUR: Yes, ma'am.
24 THE COURT: And don't answer it until I hear the
25 full question.

1 BY MR. MacARTHUR:

2 Q Did the police ask you questions regarding a
3 conversation that had happened in a car in front of Miss
4 Dorothy's house where you, Victoria, and Fred were present?
5 Do you know if they asked you that, or do you remember if they
6 asked you that?

7 THE COURT: Oh. I'm -- you're waiting for me.

8 THE WITNESS: I'm waiting for --

9 THE COURT: Okay. I apologize. Yes. You can
10 answer. I'm sorry.

11 THE WITNESS: Okay.

12 THE COURT: Do you recall that?

13 THE WITNESS: Yes. I recall talking in a car in
14 front of Miss Dorothy's house.

15 THE COURT: Well, I think the question was do you
16 recall the police asking you about that.

17 Is that correct, Mr. MacArthur?

18 MR. MacARTHUR: That's correct.

19 THE WITNESS: Okay. Yes.

20 BY MR. MacARTHUR:

21 Q Okay. And do you recall telling them that, no, that
22 conversation never happened? Do you remember if you said that
23 or not?

24 A I don't even remember saying that, because --

25 Q Understood. Would it refresh your recollection if

1 you're able to see the transcript of your statement to the
2 police at that time?

3 A At that time. Okay.

4 MR. MacARTHUR: All right. State, I'll be referring
5 to the very bottom of page 17, and then the top paragraph of
6 18.

7 BY MR. MacARTHUR:

8 Q Just the last sentence here I'll be asking you
9 about, and then the first five sentences there.

10 Would you like more time, Ms. Duke?

11 A Yes. I remember this conversation. He had asked.
12 I said, no, because, no, that's not how that conversation went
13 in the car.

14 Q Okay. Well --

15 A That's why I said no.

16 Q Let me take you one step at a time. Let's go
17 through what the transcript says, and then I promise I'll give
18 you an opportunity to tell me anything that's been left out,
19 okay.

20 The detective says, "Back to what I was kinda
21 talking to you about, did you, um, you Victoria, Dor -- or
22 you, Victoria, Fred ever have a conversation in a car out in
23 front of Miss Dorothy's house about how that Victoria's body
24 was going to be Fred's and that she would have to sleep with
25 him if she wanted to see his kid or her brothers and sisters?"

1 Is that what he asked you?

2 A Yes, he did ask me that.

3 Q Hold on. I know. And I promise I'll give you
4 another opportunity to explain.

5 And your answer was no; is that correct?

6 A Correct.

7 Q Okay.

8 A Meaning no because that wasn't exactly the sentence,
9 the conversation we had then the car. I mean, we had a
10 conversation, but that's not the exact words as I remember.

11 Q Okay. And I understand that. You didn't want to
12 agree to something that he wasn't stating and wasn't correct;
13 right?

14 A Right.

15 Q Okay. But did you then explain why he wasn't
16 correct? Did you provide more information as to what actually
17 was said inside of this car?

18 A No. I failed to do so --

19 Q Okay.

20 A -- to correct him or ask him --

21 Q Okay. I understand.

22 But he actually asked you more than once; right?

23 Didn't he ask you that question again, do you recall? It's
24 okay if you don't remember. Do you remember if he asked you
25 that question again? Same page.

1 A Yes.

2 Q Okay. And so, since you had an opportunity to
3 review it -- okay, do you recall that he gets a telephone call
4 from someone, that he interrupts asking you questions because
5 he's apparently talking to somebody else on the phone?

6 A The officer in the car?

7 Q Yeah.

8 A Yeah. I think his phone rang.

9 Q Okay. And so he says, "Okay. Since I'm doing an
10 interview, so let me just turn this off, I think. Okay. I'm
11 sorry." He says, "So you said --" and you said, "Since we're
12 talking, I'm going to turn it off." Question, "You never saw
13 -- you never heard that conversation happen? You never saw
14 that happen?" And your answer was, "No." Do you recall that
15 being correct, as what you said?

16 A Yes. I said no because that wasn't the words that
17 was said in the car.

18 Q And I understand your testimony. However, this is
19 the second time he's asked you; right?

20 A Right.

21 Q Okay. In fact do you remember saying that you don't
22 know why Victoria would say that?

23 A Yes, I do remember.

24 Q So when the detective asked you, "Do you know why
25 Victoria's telling me that's happened," you remember telling

1 him, no, I don't know why -- or, no, I don't?

2 A Yes.

3 Q Okay. Tina -- and I know these questions are
4 personal, but did Victoria ever tell you that she lost her
5 virginity in Louisiana?

6 MS. LUZAICH: Objection. Rape shield.

7 THE COURT: Sustained.

8 MR. MacARTHUR: Your Honor, I should be able to
9 respond. Can we approach?

10 THE COURT: Yeah. The objection's been sustained.

11 (Bench conference)

12 MS. LUZAICH: We had a conversation about this.

13 MR. MacARTHUR: I'm not talking about that -- I'm
14 not --

15 THE COURT: [Inaudible] for those who are present at
16 the bench.

17 MR. MacARTHUR: This is Tina's -- she's testified
18 first. We expect that another witness is going to say that
19 Victoria told her that she lost her virginity in Louisiana.

20 MS. LUZAICH: Objection. Rape shield. She's not
21 going to ever say that.

22 MR. MacARTHUR: Well, that would be a prior
23 inconsistent statement. Now, I was merely trying to avoid
24 bringing this witness back.

25 MS. LUZAICH: Your Honor, can we do this outside the

1 presence of the jury?

2 THE COURT: Yeah, we could.

3 (End of bench conference)

4 THE COURT: At this time, ladies and gentlemen,
5 we're going to take a recess. During this recess you're
6 admonished not to talk or converse amongst yourselves or with
7 anyone else on any subject connected with this trial, or read,
8 watch, or listen to any report of or commentary on the trial
9 or any person connected with this trial by any medium of
10 information, including, without limitation, newspapers,
11 television, the Internet, or radio, or form or express any
12 opinion on any subject connected with this trial until the
13 case is finally submitted to you.

14 We are in recess until the court marshal tells you
15 otherwise. Thank you very much.

16 (Jury recessed at 2:41 p.m.)

17 THE COURT: And, ma'am, you can step down, but we're
18 not done yet. Just stay close by.

19 (Witness exited courtroom)

20 THE COURT: The record will reflect that this
21 hearing is taking place outside the presence of the jury
22 panel, as well as the witness.

23 The last question was something about Victoria
24 losing her virginity in --

25 MR. MacARTHUR: Louisiana.

1 THE COURT: -- Louisiana. There was an objection to
2 rape shield. So I'll hear from the State.

3 MS. LUZAICH: Mr. MacArthur and Ms. Allen and I had
4 a conversation about this -- well, the topic in general before
5 we came in from the lunch break, as well.

6 And I'll go back for one second. During opening
7 statement Mr. MacArthur made comments about Victoria having
8 been pregnant and had a miscarriage. I didn't object at the
9 time because I didn't want to call attention to it. And I
10 said to them, if you're going to go into any other sex acts
11 other than Fred, the defendant, and at the time Victoria did
12 the interview with the detective in September she was pregnant
13 and has had a baby. Anything other than that, that is rape
14 shield. And they absolutely can't go into any other sex acts.

15 So anything about losing virginity in Louisiana when
16 she was like 11, there is absolutely no legitimate purpose for
17 bringing that in above and beyond the she was pregnant and had
18 a miscarriage during the time frame that the defendant was
19 sexually abusing her. All of that is rape shield and
20 absolutely inadmissible.

21 MR. MacARTHUR: Thank you, Your Honor. There are
22 some exceptions to rape shield, first, such as in instances of
23 prostitution where consent becomes the issue, rape shield can
24 be sidestepped.

25 THE COURT: Tell me an exception that's applicable

1 here.

2 MR. MacARTHUR: And it's also under prior
3 inconsistent statement.

4 Now, I agree that the statement described by Miss
5 Luzaich definitely occurred. There was no misunderstanding as
6 to what it pertained to. However, this witness has testified
7 that the defendant took Victoria's virginity. We expect
8 Victoria's also going to say that the defendant took her
9 virginity. However, we have another witness who is going to
10 testify that Victoria told her that she had lost her virginity
11 in Louisiana. I'm asking this witness if she had been told
12 that, as well. And the exception is prior inconsistent
13 statement, which is not covered by rape shield.

14 THE COURT: Anything else?

15 Anything else by the State?

16 MS. LUZAICH: No.

17 THE COURT: Okay. The objection is sustained. And
18 we'll take a 15-minute recess, so 3:00 o'clock we'll start
19 again.

20 MS. LUZAICH: Thank you.

21 MR. MacARTHUR: All right.

22 THE COURT: So that -- did she -- she didn't answer,
23 did she?

24 MS. ALLEN: No.

25 MR. MacARTHUR: She did not.

1 THE COURT: Okay. I just wanted to make sure.
2 MS. LUZAICH: No? I didn't hear.
3 MR. MacARTHUR: She didn't.
4 THE COURT: Okay. Thank you.
5 (Court recessed at 2:45 p.m., until 3:03 p.m.)
6 (Jury is present)
7 THE COURT: Do the parties stipulate to the presence
8 of the jury panel?
9 MS. LUZAICH: Yes, ma'am.
10 MR. MacARTHUR: We do, Your Honor.
11 THE COURT: Okay. You may bring your witness back
12 in.
13 Okay. You may continue.
14 MR. MacARTHUR: Thank you, Your Honor.
15 BY MR. MacARTHUR:
16 Q All right, Ms. Duke. We've already had you refresh
17 your recollection more than once on the police report that you
18 gave -- or should I say the voluntary statement that you gave
19 in December 2011 or January 2012; right?
20 A Right.
21 Q Okay. I found the page I was missing earlier.
22 MS. LUZAICH: Objection. What are we --
23 MR. MacARTHUR: Oh. I'm sorry. Page 19 and page
24 20, bottom of 19.
25 THE COURT: Okay. But we kind of just started with

1 you showing her that document. So is there a question
2 pending?

3 MR. MacARTHUR: Yes, Your Honor.

4 THE COURT: Okay.

5 MR. MacARTHUR: I had asked a series of questions
6 about whether or not Victoria had said that Fred was forcing
7 her to have sex with her.

8 THE COURT: Okay.

9 MR. MacARTHUR: And I couldn't find a particular
10 page, and we had refreshed with an alternate page. But I
11 found what it was I was looking for. And so, having
12 established that she did not recall having said that and
13 having established that it did refresh her recollection, the
14 nature of that conversation, I'm resuming at the proper point
15 in the conversation.

16 THE COURT: Okay. Go ahead.

17 MR. MacARTHUR: All right. And I apologize if that
18 wasn't clear.

19 BY MR. MacARTHUR:

20 Q The last sentence -- or the last paragraph on 19 and
21 the top paragraph on 20.

22 Are you finished, Ms. Duke?

23 A Yes.

24 Q Okay. Does that refresh your recollection as to the
25 conversation you were having with the Metropolitan Police

1 detective?

2 A Yes, kind of.

3 Q Okay.

4 MS. LUZAICH: Maybe the Henderson detective?

5 THE COURT: With the police.

6 MR. MacARTHUR: Sorry. With the police, Judge. I
7 blame Ms. Allen.

8 BY MR. MacARTHUR:

9 Q Okay. Do you agree that at the bottom of page 19
10 you say, "About tardy or not going and somebody got in trouble
11 about that and, um, or -- and, um -- but I never seen Fred
12 touch the children in a wrong way"? Am I right so far?

13 A Yes.

14 Q Okay. And then he says, "Okay."

15 A And that's the statement.

16 Q I understand.

17 A He says, "Okay."

18 Q And then you say, "I've never seen that happen";
19 right?

20 A Right.

21 Q And then he says, "Okay. And you said that Victoria
22 had said that Fred was making -- making passes at her. Did
23 she ever say that he was forcing her to have sex with him?"
24 And your answer, "No, she didn't tell me that. I don't
25 remember her saying anything like that because, um, I mean,

1 they were -- they would, um, bump heads. You know, they
2 would get in an argument, in a fight because either he didn't
3 like the way he was she was disrespecting me or she didn't go
4 to school, find out -- find out she didn't go to school, you
5 know." Is that correct?

6 A Yes, that's on the statement.

7 Q Okay. All right. Thank you for your patience, Ms.
8 Duke. My next question is pertaining to your testimony last
9 Thursday. You had said that the defendant put you out on the
10 streets to make money and support your children in spring of
11 2005. Do you remember saying that?

12 A Yes.

13 Q Okay. And I asked you today whether it was 2005 and
14 2007. You remember me asking you that series of questions?

15 A Yes, I do.

16 Q Okay. And you had told the police that it was in
17 2007; right?

18 A Yes. In 2007.

19 Q So --

20 A But actually it was -- it started actually in 2005
21 and -- yeah, beginning of 2005.

22 Q Okay. As long as we're talking about the same
23 thing.

24 Now, you came back from Utah in August of 2007;
25 correct?

1 A Yes.

2 Q Okay. And pretty quickly you got a job at Bally's
3 doing housekeeping; is that correct?

4 A Yes.

5 Q Isn't it in fact correct that you were employed with
6 Bally's from September 17th, 2007, until April 2011?

7 A Yes.

8 Q Okay. And if you recall, what was the wage, what
9 did they hire you at when you started a month after you came
10 back to Las Vegas?

11 A 13.75 or 13.13, 13.75. And then it jumped up to
12 15.15 an hour.

13 Q 15.15?

14 A Yes.

15 Q How quickly do you remember getting that raise? Do
16 you know when that came?

17 A Due to performance and -- I think within about -- it
18 gradually jumped. They put 50 cents, 50 cents every six
19 months, so it's --

20 Q Okay.

21 A -- about a few years --

22 Q Okay.

23 A -- to 15.15.

24 Q That's fine.

25 A Until January -- until April 2011.

1 Q Okay. So would it be fair to say that when you were
2 first hired you were making about \$27,000 a year, and by the
3 end of it you were making over \$31,000 a year?

4 A Yes.

5 Q Okay. Now, you've also testified that Fred was
6 making you prostitute in order to make money to support your
7 children; is that correct?

8 A Yes, that's correct.

9 Q Okay. And so the position at Bally's, was that full
10 time?

11 A It was -- it was steady -- they call it steady
12 extra, but I was working almost like a full time. So it's
13 here and there.

14 Q So you were getting hours comparable to full time
15 even if you weren't classified as a full-time employee?

16 A Yeah.

17 Q Okay.

18 A Yeah.

19 Q And so I presume that when you were having to act as
20 a prostitute that this was either before or after working at
21 Bally's.

22 A Oh. Oh. Yeah, it was. It was sometimes -- one
23 time would be -- well, a few times -- not a few times, but
24 most of the time I would be out in the streets until like when
25 I come home -- if you want to call it home, but hell hole.

1 When I came from Bally's I would -- he said, well, you have to
2 go tonight, you know, you have to, you know. So I'll be like
3 from 9:00 p.m. all the way sometimes to -- until about 7:00
4 o'clock in the morning, and then I have to, you know, start my
5 work at Bally's. And you know, call Candy, say, Candy, you
6 need me to come in; yeah, Tina come in, it's, you know, full.
7 So yeah. Many times it was like that. And then sometimes I
8 would be out there from -- going to the casinos or walking the
9 Strip or on Boulder Highway from 9:00 a.m., till I guess 3:00
10 o'clock in the morning, yeah. And then from 3:00 o'clock in
11 the morning, you know, I was so pissed off, I was so mad many
12 times that I would just -- from there I would just keep my
13 clothes on. Because I would get dressed at my job. Just keep
14 my clothes on, just walk away, just walk -- go in the house
15 and just turn around and walk out because I didn't even want
16 to see him, you know. Oh, yeah, slip the money under the
17 door; yeah, uh-huh, yeah, I gotta get ready for work, you
18 know, I gotta go to work, to Bally's, yeah. And I would go
19 and work like I guess 24 hours a day most of the time. That
20 just really took a lot of me, and it's just so fucked up,
21 uh-huh.

22 Q I understand.

23 A And he would beat me, too, if I didn't have enough,
24 or he would just -- it was just horrible.

25 Q Understood. I believe you testified on Thursday

1 that you were fired from Bally's.

2 A Yes.

3 Q Okay. And would you share with us why that would be
4 you were fired?

5 A Why? Because when you're out there in the streets,
6 you know, and you are trying to work a 9:00 to 5:00, too, or
7 8:00 to 4:00 it's just going to drain you. And I just
8 couldn't keep up with my rooms. Lot of weight on my feet, a
9 lot of hurt on my body. I was doing from a few cars when I
10 was out there prostituting. But what did he care, you know?
11 Sometimes it was just --

12 MS. LUZAICH: Objection. No question pending.

13 THE COURT: Sustained.

14 MR. MacARTHUR: Court's indulgence.

15 BY MR. MacARTHUR:

16 Q Ms. Duke, weren't you in fact terminated for theft?

17 A Terminated for theft?

18 Q Yes.

19 A I didn't steal anything.

20 Q I'm not asking you whether you did steal anything.
21 I'm asking you isn't it in fact true that Bally's separated
22 you from your employment as a result of an allegation of
23 theft.

24 A No. Not at Bally's.

25 Q Do you -- do you remember Ms. Allen asking you

1 questions about your termination back at preliminary hearing?

2 A Vaguely. I remember some of it.

3 Q Do you remember telling her that you resigned?

4 A Yes. They put it down as resigned. I had a meeting
5 with the union, and so they put it down as resigned. It was
6 -- it was fired, and then another word for being fired. And
7 then when I had the meeting with the union they said, we're
8 going to put it down as resigned.

9 Q Okay. Fred Harris in fact helped you get the job at
10 Bally's, didn't he?

11 A Yeah.

12 Q And because you started working at Bally's in
13 September of 2007, he helped you get that job pretty fast,
14 didn't he, from when you came back from Utah?

15 A I suppose yes, he did.

16 Q Okay. Now, Tina, you had testified on Thursday that
17 he was taking your money; is that correct?

18 A Yes.

19 Q And you said that he was taking all of it.

20 A Yes.

21 Q How did you pay your rent?

22 A At Bally's? I mean, when I was working at --

23 Q At Walnut or at St. Andrews, yeah, the apartments
24 that you lived in with Victoria. How did you pay your rent?

25 A From my job where I was working.

1 Q Okay. But you --

2 A At St. Andrews. And then when I was in the streets
3 at Walnut he would come and take my money and then leave just
4 enough. At one time I had to go and ask one of the help
5 centers for -- to pay the rest of my rent because he said, I
6 want your money, I know I need your money. So okay. So I
7 gave it to him.

8 Q Let me ask you this. You've testified here in trial
9 that the defendant took the money that you earned working in
10 prostitute and that he also took the money that you earned
11 from Bally's.

12 A Yes. And left me just enough to pay the rent or I
13 guess whatever I needed to do.

14 Q But do you remember saying just a couple minutes ago
15 that he -- you said that he was taking all of it.

16 A Yeah. All of it with just -- and then just enough
17 to survive, what money I had to remain.

18 Q Okay. So receipts, for example, from your apartment
19 complex would still have your signature on them? You were
20 still paying that yourself?

21 A Yes. I would pay my rent.

22 Q All right. Now, at the time you were living on
23 Walnut do you remember what the rent was monthly? Matter of
24 fact, let me tighten that up for you. Do you remember if the
25 rent was \$590 a month?

1 A No. It was 710 or 725. If you're a few days late.
2 That was Ms. Lewis at the Walnut Road apartments. She -- it
3 was 715 to 725 a month.

4 Q Okay. And you were able to pay that with the money
5 that you were making at Bally's, yeah?

6 A Yeah.

7 Q Ms. Duke, you had testified previously in this trial
8 that you had had an intimate relationship with Fred, right, at
9 various times in the past?

10 A Yes.

11 Q When did that relationship dissolve? Do you
12 remember when it was that the two of you ceased to be an item?

13 A That -- that resolved -- that pretty much ended when
14 I moved in Henderson.

15 Q And when -- as best you're able, what year --

16 A Part of St. Andrews in Las Vegas here, but ended in
17 -- pretty much ended in Henderson.

18 Q Do you know what years those might be?

19 A 2013 -- 2012.

20 Q 2012.

21 A 2012. Between the end of 2011, 2012.

22 Q Didn't you move to St. Andrews in North Las Vegas in
23 August of 2010?

24 A Yes.

25 Q Okay. And your relationship with Fred had already

1 petered out by the time you moved into St. Andrews, hadn't it?

2 A Pretty much. Pretty much. We hardly seen each
3 other.

4 Q I understand. But previously you had said that you
5 thought it petered out in 2012. And so now, remembering that
6 you moved to St. Andrews in August of 2010 --

7 A Yeah.

8 Q -- and the relationship had petered out before that;
9 right?

10 A Just about.

11 Q Okay. Do you remember testifying in court back at
12 the preliminary hearing that your relationship with Fred was
13 falling starting in 2007, that you could tell it was falling
14 apart?

15 A Yeah. I can tell -- he -- I thought it would be,
16 you know, stronger since I came back --

17 Q Uh-huh.

18 A -- but other things took place. And, yeah, it was
19 just weakening out, weakening out, getting worse, bad, worse,
20 horrible.

21 Q Understood. What I want to make sure that I
22 understand is that the end of this relationship started in
23 2010 -- I mean 2007 and was already done by 2010; right?

24 A Pretty much just dying out, just fading. Slowly
25 fading.

1 Q And do you remember why it was that you thought it
2 was dying out in 2007?

3 A Because the way he was treating me.

4 Q Okay. Now, with regard to the way he was treating
5 you --

6 A Different things that had happened.

7 Q -- isn't it in fact true that at this time he
8 decided that he was going to be with Ann or Lealer?

9 A They were already friends.

10 Q Yes, I understand that. But was there a point at
11 which he decided that he was going to make -- I don't know how
12 to put this delicate -- he was going to make Lealer his number
13 one girl, she was going to be the it girl?

14 A Oh. Yes. I thought I was for a moment.

15 Q And again --

16 A But --

17 Q Sorry.

18 A -- no. I guess he chose Ann. Which that's cool.
19 She can have him.

20 Q Okay. And again, that's in 2007; right?

21 A Uh-huh.

22 Q Okay. And at that point --

23 THE COURT: Was that a yes?

24 THE WITNESS: Yes.

25 THE COURT: Thank you.

1 BY MR. MacARTHUR:

2 Q And at that point you started seeing someone else;
3 is that correct?

4 A Yes.

5 Q Okay. Now, I'm not going to get into details of
6 your relationship with this gentleman, but was this gentleman
7 approximately 25 years old? Am I thinking of the right
8 person?

9 MS. LUZAICH: Objection. Relevance.

10 THE COURT: Sustained.

11 MR. MacARTHUR: I'll move on, Judge.

12 BY MR. MacARTHUR:

13 Q Do you recall whether or not there was some conflict
14 as a result of you being in front of the Blankenship house in
15 the company of this gentleman, some conflict between you and
16 Fred?

17 A Between me and who? What gentleman?

18 Q Do you recall there being some conflict between you
19 and Fred because you were in front of the Blankenship house in
20 this other gentleman's company?

21 A As I recall, it wasn't -- he didn't get out of the
22 car --

23 Q Right.

24 A -- this person I was seeing.

25 Q Uh-huh.

1 A Fred must have been looking out the door or
2 something, I don't know. But they didn't fight or have a
3 conflict or conversation together or anything like that.

4 Q I understand. And I'm not asking if Fred was in a
5 fight with the man. I'm just saying you remember the incident
6 and you remember there being interaction between you and Fred
7 over that topic.

8 A Yes.

9 Q Okay. Now, you had testified last week that at
10 times you've battled a substance abuse addiction; is that
11 correct?

12 A Yes.

13 Q Okay. And I believe you characterized that as use
14 of cocaine, downers, and sleeping pills?

15 A Yes. Cocaine, sleeping pills, [unintelligible]
16 pills, drinking. Because I didn't like what I was doing, so
17 had to do something.

18 Q Ms. Duke, isn't it in fact true that this other
19 gentleman from in front of the house was a source for some of
20 these substances?

21 A No.

22 Q No?

23 A No.

24 Q Okay. And you didn't bring these substances into
25 the Blankenship house, did you?

1 A No. I didn't bring no drugs or anything in their
2 house. I did -- I did have liquor. He would take pictures of
3 it and port wine, which they helped themselves to it, him and
4 his cronies and homies, whatever.

5 Q Okay. But that was alcohol; right?

6 A That was alcohol.

7 Q Okay. Last week you testified to a domestic battery
8 where you said that Fred had -- I'm referring to the incident
9 where you said that he threw his dirty brown workboot at you.
10 Do you know what I'm talking about?

11 A Yeah. Uh-huh.

12 Q Okay. And you'd said that he had hit you or had
13 struck you and he threw something at you and that you were
14 pretty severely injured; is that correct?

15 A That's correct. We were arguing. We had -- was
16 talking about some paper from Social Security and that he --
17 he asked me about it, and I walked away. I said, I don't have
18 to be bothered with this, I don't want to be bothered with it.
19 So I walked away. He chased me out down the hall, grabbed my
20 arm, shoved me. He said, bitch, where the fuck you going.
21 And so I said, let me go, I'm just walking away. And so he
22 pulled me back in the room and asked me another question. He
23 sat down, then he started getting upset, throwing boots at me
24 and like -- just horrible. You know, then he, you know, just,
25 you know, pushed me down on the bed and started hitting me.

1 Q I understand, Ms. Duke. If you would -- well,
2 before I get to that question, you went to work the following
3 morning, and you said that it was difficult to work because
4 you'd had these injuries; right?

5 A Yes.

6 Q Okay. And your supervisor had on your behalf called
7 the police?

8 A Yes. They called security and then police.

9 Q Okay. And was there an understanding that you would
10 go back home and before you got there you would call the
11 police so that they could arrive with you?

12 A Yes.

13 Q Okay. And at that point -- did you follow their
14 instructions?

15 A Yes.

16 Q Okay. And at that point the police made contact
17 with Fred; is that correct?

18 A Correct.

19 Q Okay. If you would for the jury, please tell them
20 what injuries you sustained as a result of Fred having done
21 these things the day previous.

22 A My leg, my right leg was severely bruised, swollen,
23 and I couldn't perform my duty at my job. And my rib cage was
24 hurt. And I was just, you know, shaken up, you know. And --

25 Q Now, you had said that the shoe that he threw at you

1 hit you in the head; is that correct?

2 A Yes. Hit me in the face.

3 Q Okay. And so you were also injured as a result of
4 the shoe having hit you in the head or in the face; correct?

5 A Yes. I guess you can hardly see the bruise or -- it
6 was just like kind of reddish in my face, whatever you want to
7 call it.

8 Q Okay. You'd also said that he hit you or slapped
9 you in the face on -- like more than once in that event?

10 A In that same --

11 Q Same -- in the same incident where the boot was
12 thrown at you you said you were also slapped in the face more
13 than once?

14 A Yes.

15 Q Yes?

16 A Yes.

17 Q Okay. And did you show, as best you were able, your
18 injuries to the police, or did they ask to see them?

19 A Yes.

20 Q Okay. And I kind of messed that question up,
21 because I asked two questions instead of one.

22 So, first, did you show your injuries to the police?

23 A Yes, I did.

24 Q Okay. And did they -- did they -- when you showed
25 them to them did they look at them?

1 A Yes, they did. The thing they seen was on my leg.
2 It was all purple. Horrible.

3 Q Okay. And, lastly, was Fred arrested after their --
4 his contact with the police?

5 A No.

6 Q I believe you testified last week that at a certain
7 point you were then arrested for prostitution on October 24th,
8 2009; is that correct?

9 A It was September the 23rd.

10 Q September 23rd?

11 A 2009.

12 Q Okay. When you had contact with the police did you
13 tell them that Fred was forcing you to working as a
14 prostitute?

15 A No, I didn't tell them that. I didn't tell on him.
16 Because he had my family.

17 Q Okay. Understood. Did you tell them that you were
18 being manipulated because he was controlling your family?

19 A No, I don't think I said anything -- I don't think I
20 said anything like that, because that would imply him, and
21 then he's got my family and then I didn't know what was going
22 to happen. So yeah.

23 Q I understand. However, in October of 2012, when you
24 spoke with the police then, you did tell them all these
25 things; right?

1 A I don't remember.

2 Q All right. Do you recall if you moved out of the
3 Blankenship house soon after the incident where you had called
4 the police from Bally's?

5 A I left for a few days.

6 Q Uh-huh.

7 A I had to come back, because didn't have no money and
8 I couldn't make it. I didn't have any money, no money hidden
9 or finagled at that time.

10 Q Understood. Isn't it in fact also true that when
11 you left your children did not want to leave with you?

12 A The younger ones. Yeah. Mahlica stayed.

13 Q And I think that's there. Are we talking about
14 Taharah and Taquanda?

15 A Yes. Taharah, Taquanda, Mahlica stayed, I think.
16 Shabazz left, went back home, yeah.

17 Q If you could, just so that I'm oriented as to the
18 time, the report that you made to the police initiated at
19 Bally's, that domestic violence incident, is that about August
20 of 2009?

21 A Yeah. I think it was on that time, I think.

22 Q Okay. So as of August of 2009, soon after that
23 Taharah and Taquanda and maybe Mahlica or Shabazz, but
24 specifically Taharah and Taquanda don't want to leave the
25 Blankenship house. That's correct, right?

1 A Correct.

2 Q Okay. Do you remember what their reasons were for
3 not wanting to leave?

4 MS. LUZAICH: Well, objection. Hearsay.
5 Foundation.

6 THE COURT: Sustained.

7 MR. MacARTHUR: Withdrawn.

8 BY MR. MacARTHUR:

9 Q Let's move forward about one year. So instead of
10 August 2009, we're going to be talking about August of 2010.

11 Did there come a time in which you gave Miss Ann
12 guardianship of Taharah and Taquanda?

13 A Yes.

14 Q Okay. And was this temporary guardianship, or
15 permanent guardianship?

16 A Temporary.

17 Q And were they in school at the time?

18 A Yes.

19 Q And do you know what school they were going to?

20 A Fitzgerald.

21 Q And they wanted to be at the Blankenship house?

22 A Yes.

23 Q Okay. And were they getting good grades?

24 A Yes, they were getting great grades, good grades.

25 Q Okay. Now, when Fred and Lealer, Miss Ann, had

1 temporary guardianship of your two youngest where were you
2 living at that time?

3 A I was at the Blankenship address.

4 Q Okay. So initially you were --

5 A I moved to St. Andrews.

6 Q Okay. So initially you were living in the
7 Blankenship address, and they had temporary guardianship of
8 your two youngest, and those things were happening at the same
9 time; right?

10 A Right.

11 Q Okay. And then you relocated. And did you go to --
12 I mean, are you saying that you went to -- you didn't go to
13 Blankenship, right, you went to St. Andrews?

14 A St. Andrews.

15 Q Okay. St. Andrews. And that would have been about
16 August of 2010; correct?

17 A Correct.

18 Q Okay. Moving forward another year to December of
19 2011, this is when you have contact with the Henderson Police
20 Department and you gave that voluntary statement we've been
21 referring to this morning -- or at least the first one. You
22 with me?

23 A Yeah.

24 Q Okay. Isn't it in fact the case that by this time
25 you're financially struggling?

1 A Pretty much. I wasn't making as much as I used to
2 make.

3 Q Okay. But in fact you're still trying to give what
4 little money you can to Lealer; is that correct?

5 A Right. Because it was dwindling down. Just as much
6 as I could give her.

7 Q Okay.

8 A But during tax time when I got my taxes I had given
9 Miss Lealer 400 for the children, and then I brought another
10 400, you know, 'cause it was tax time.

11 Q I understand. Now, you had already been terminated
12 from the Bally's; is that correct?

13 A Yes.

14 Q Now, why were you giving say the money to Lealer
15 instead of Fred?

16 A Okay. He would have her pick it up.

17 Q Okay. So is it fair to say you're thinking of them
18 as essentially the same entity, they're the same person?

19 A Yes.

20 Q Okay.

21 A Yes.

22 Q Okay. Now, when you spoke with the -- I feel like
23 I'm going to be wrong no matter which one I say -- Henderson
24 detectives in December of 2011 do you remember telling them
25 that Fred had never taken money against your will from you?

1 A I don't remember that.

2 Q Okay. Would it refresh your relocation to be able
3 to see your statement?

4 A Yes.

5 MR. MacARTHUR: Okay. State, I'm going to bring
6 that voluntary statement, page 34.

7 BY MR. MacARTHUR:

8 Q Just the highlighted areas on the top.

9 A Yes.

10 Q All right. And does that refresh your recollection
11 as to the conversation you were having with the detectives at
12 the time?

13 A Yes.

14 Q Okay. And do you remember telling them that he'd
15 never come and taken money against your will and you didn't
16 steal food or food stamps or anything like that?

17 A Yes. That's what's in the statement.

18 Q Okay.

19 A But at that particular time sometimes he wouldn't,
20 sometimes he would at that particular time, date in that year.

21 Q Okay. But you clearly told the police that, no, he
22 didn't do that?

23 A Correct.

24 Q Okay. In fact --

25 A Maybe I should have been more pacific.

1 Q Okay. In fact, four lines later you said that, "He
2 didn't, you know, force me to do anything"; is that correct?

3 A Stating to what -- that was on the top, the top
4 sentence.

5 Q I understand. But you said, "He didn't, you know,
6 force me to do anything"; right?

7 A Okay. Maybe I should have been more pacific with
8 that.

9 Q I understand. Now, given that we're talking about
10 the events involving St. Andrews, which begins around August
11 of 2010, and your contact with the Henderson Police Department
12 in December 2011, that's the time frame I'm asking about,
13 okay.

14 A Okay.

15 Q At that point did you begin taking Victoria to psych
16 therapy?

17 A She went a few times, 2010. She went a few times,
18 but she stopped going.

19 Q Okay. Do you know if she received any prescriptions
20 for medications as a result of that?

21 A I believe she did.

22 Q And at this time Taharah and Taquanda are still at
23 Blankenship with Lealer; is that correct? And Fred.

24 A Correct.

25 Q Okay. Was -- in your opinion was Lealer a good

1 provider for your two youngest children?

2 A Yes.

3 Q Okay. And at the time on the Blankenship address
4 there was Fred, Lealer, Taharah, and Taquanda; is that
5 correct?

6 A Correct.

7 Q Didn't you in fact tell the police in Henderson in
8 December of 2011 that Ann couldn't be a better mama?

9 A True.

10 Q And that you wished you were more like her?

11 A Yes.

12 Q Now, in that same time period do you remember an
13 incident in which Victoria was very angry because she had a
14 dog and when she came home the dog was missing or the dog
15 wasn't there?

16 A Yes.

17 Q Okay. And wasn't she in fact angry at Fred because
18 she thought he had something to do with her dog being missing?

19 A Yes. She was angry.

20 Q Isn't it in fact true that the dog escaped while the
21 water utility people were visiting the apartment to either
22 turn something on or turn something off?

23 A Yes.

24 MS. LUZAICH: Objection. Foundation. Unless she
25 was there she can't testify.

1 THE COURT: Sustained.

2 BY MR. MacARTHUR:

3 Q Okay. Were you there?

4 A I was there, and I went -- Fred was I guess playing
5 with the dog or something. I went and talked to the landlord
6 people about the water.

7 Q Okay.

8 A So and I wasn't paying any attention, so, if the dog
9 was gone or not, because Vicky had put the dog in her bedroom.

10 Q Okay.

11 A She said she put the dog -- I said, okay, Vicky, you
12 know, keep the dog in your bedroom and take him out and come
13 back.

14 Q Okay. Well, let me ask you this. When you told the
15 police that the dog had escaped when the utility people came
16 in to turn something on or off were you saying that because
17 you'd seen it, or was that just the conclusion you'd drawn?

18 A I -- that's when I came to a conclusion thinking
19 maybe he escaped then.

20 Q Okay. Now, you'd testified on Thursday that there
21 came a point in which you'd had sexual contact with your
22 daughter; right?

23 A Yes.

24 Q Okay. During that same portion of the testimony you
25 had testified that you were also sexually active with Fred; is

1 that correct?

2 A Correct.

3 Q Ms. Duke, were there -- was there ever a time or
4 multiple times where Victoria would force her way in or press
5 her way into your room while you were having sex with Fred?

6 A No. Not exactly. One of the incidents happened in
7 Henderson where he had came over and he had -- he was -- he
8 wanted to be with me, he wanted to be with Victoria. I said,
9 I'm not feeling this. I walked out. And that's -- I think I
10 had to go to work that day, that --

11 Q Let me back you up a step, because you said
12 something about Fred wanting to be with you or with Victoria.
13 My question was isn't it in fact true that on two occasions
14 that Victoria entered your room without permission while you
15 were having sex with Fred?

16 A I don't quite remember that.

17 Q Okay. Would it refresh your recollection to be able
18 to read your statement that you gave to the police in December
19 2011?

20 A Okay.

21 Q Is that a yes?

22 A Yes.

23 MR. MacARTHUR: State, page 26. And, while we're at
24 it, 27.

25 //

1 BY MR. MacARTHUR:

2 Q Ms. Duke, I'm going to hand you two pages, pages 25
3 and 26. There's one highlighted area on the first page, and
4 two highlighted areas on the second.

5 A Okay.

6 Q All right. Having read that, did it refresh your
7 recollection of the conversation you had with the detective?

8 A Yes.

9 Q Okay. And isn't it in fact true that on two
10 different occasions Victoria had tried to push her way into
11 your room while you were having sex with Fred?

12 A Well, it says that --

13 Q Is that a yes or a no?

14 A It's on the statement.

15 Q Are you saying that that's not true?

16 A I really just don't remember that.

17 Q Okay. You in fact told the police that when she did
18 that that you were stunned; is that correct?

19 A Yes.

20 Q Okay. Now, earlier in your testimony in response to
21 a question from the State you said that you'd given multiple
22 statements and that your second statement to the police in
23 September 2012 may have been a bit more honest. You remember
24 saying that?

25 A Yes.

1 Q Okay. Now, you would agree with me that by the time
2 you came to court and you were placed under oath in
3 preliminary hearing, that's after this point; right?

4 A Yes.

5 Q Okay. Do you remember being questioned by Ms. Allen
6 as to whether this incident involving Victoria pushing herself
7 into your room while you were having sex with Fred, Betsy
8 Allen asked you, did that actually happen? Do you remember
9 her asking you that?

10 A Yes.

11 Q Do you remember telling her under oath that, yes,
12 that actually happened?

13 A Yes.

14 Q Okay.

15 A Okay.

16 Q Isn't it in fact also true that when this happened
17 that it made you upset, that you were not happy with Victoria
18 for having done that?

19 A Yes.

20 Q Okay. In fact, it caused you to stop talking to
21 Victoria from the time that it happened all the way until you
22 spoke with the police in December 2011, didn't it?

23 A Yes.

24 Q Isn't it in fact also true that when Victoria pushed
25 her way into the room these two different times that it made

1 Fred very uncomfortable?

2 A Yes.

3 MR. MacARTHUR: Court's indulgence.

4 (Pause in the proceedings)

5 BY MR. MacARTHUR:

6 Q Isn't it in fact true that Victoria has told you
7 that she really dislikes Fred or that she hates Fred?

8 A Yes.

9 Q Isn't it in fact also true that she has told you
10 that she intends to get Fred?

11 A Yes.

12 Q Okay. Now, at the time of the December 2011
13 interview with the Henderson Police -- and, again, I don't
14 mean to pry, but isn't it in fact true that you had just
15 broken up with your boyfriend at the time in which you gave
16 that statement?

17 A Yes.

18 Q Okay. And this was somebody that you cared about or
19 that you were close to?

20 A Yes.

21 Q Okay. And this person was not Fred?

22 A No.

23 Q Okay. So with regard to the statement that you gave
24 in December of 2011 you were -- had just been in a
25 relationship with a different person that was not Fred; right?

1 A Yeah. Correct.

2 Q Moving forward to February of 2012, this is a month
3 or two after your first contact with Henderson Police
4 Department with the recorded statement. You with me?

5 A Yes.

6 Q Okay. Didn't you in fact tell the police that a
7 long time ago Fred and you had been lovers?

8 A Yes.

9 MS. LUZAICH: Well, objection. Vague as to time.

10 THE COURT: Can you just -- I mean, she has
11 testified to that. Can you just clarify the time frame.

12 MR. MacARTHUR: Absolutely.

13 BY MR. MacARTHUR:

14 Q And when you told the police that a long time ago
15 you had been lovers with Fred Harris what did you mean by
16 that?

17 A I meant, well, we had sex, we would hang out, have
18 sex, do things together.

19 Q Oh. And -- okay. I understand, you know, what
20 lovers do. What I mean is when you said "a long time ago" --

21 A Oh. A long time ago.

22 Q Right.

23 A What -- how long -- what date, time are you talking
24 about?

25 THE COURT: That's the question.

1 BY MR. MacARTHUR:

2 Q That's the question.

3 A Okay.

4 Q I'll put it a different way. When you were speaking
5 with the detectives and you told them a long time ago you had
6 been lovers were Fred, how long back did you mean? When did
7 you stop being lovers with Fred?

8 MS. LUZAICH: Well, objection. Vague as to time.
9 What interview are we talking about?

10 MR. MacARTHUR: We're talking about the December
11 2011 or January 2012 interview with the Henderson Police
12 Department.

13 MS. LUZAICH: Thank you.

14 MR. MacARTHUR: Voluntary Statement Number 1.

15 THE WITNESS: Okay. Well, this started in -- I met
16 him in Louisiana 2004.

17 BY MR. MacARTHUR:

18 Q And I don't want to make you recount everything
19 that's happened from 2004. What I really want to know is when
20 is it that you and Fred stopped being lovers. And you said
21 things were falling apart in 2007, you said they were done by
22 2010. So based on your recollection when was it that you and
23 Fred ceased to be lovers?

24 A Basically was 2010 it start subsiding, just going
25 away. I've seen him a few times, once or twice. I live far

1 away in Henderson, he lived way over there in Blankenship. It
2 was about twice I seen him after 2010.

3 Q Okay. Is it fair to say that --

4 A 2011 -- you know, we seen each other off and on, but
5 it was just dying out. It was just -- I guess he was just
6 trying to rekindle the flame or something. I don't know. I
7 don't.

8 Q Okay. I understand. Would it be fair to say that
9 the relationship may have been over in 2010, but you might
10 have got hooked up with each other a couple of times after
11 that?

12 A Okay. Yes.

13 Q Okay. Is that fair? Okay.

14 MR. MacARTHUR: Court's indulgence.

15 (Pause in the proceedings)

16 MS. ALLEN: Actually, you know what, let's approach.

17 MR. MacARTHUR: Permission to approach, Your Honor.

18 (Bench conference)

19 MR. MacARTHUR: What was the year? We're in 2012.

20 We're looking at 2012.

21 MS. LUZAICH: [Inaudible].

22 MR. MacARTHUR: No. Victoria gets pregnant in
23 February of 2012 and she miscarries after. We expect the rape
24 shield objection. That's why we're trying to get -- and the
25 mom doesn't find out about the pregnancy or the miscarriage

1 until [inaudible]. She finds out when the miscarriage occurs.

2 MS. ALLEN: I think that in bringing this area out,
3 I to apologize, I'm going to have to hand you my phone,
4 because I don't have any other want to hand [inaudible]. In
5 fact Mom testified that the conversation was that my client
6 was going to take her virginity essentially I think it was --

7 THE COURT: That what?

8 MS. ALLEN: That my client was taking her virginity.

9 THE COURT: Okay.

10 MS. ALLEN: Do you recall that?

11 THE COURT: Yeah, yeah, yeah.

12 MS. ALLEN: Okay. And there's Johnson v. State that
13 talks about rape shield and [inaudible], right.

14 THE COURT: Oh, geez. Thank you.

15 MS. ALLEN: You're welcome.

16 MS. LUZAICH: Let me see.

17 MS. ALLEN: Okay. So the argument we made
18 previously, we had previously asked a question of Victoria and
19 she said she lost her virginity in Louisiana. The Court
20 denied us getting into that. And I think that this case
21 allows us to. I'm not sure that it necessarily applies to the
22 pregnancy. I want to argue that it does, that there's
23 specific testimony she had [inaudible] -- and it's -- he
24 argued prior against this to the State, and it's not. It's
25 more impeachment. We're talking about these people testifying

1 that my client took this girl's virginity, and if in fact
2 that's the case, it's pretty directly on point that if --

3 THE COURT: It says, "Once [inaudible] testified
4 that she never had sexual intercourse prior to the night of
5 the alleged rape defense had a right to attempt to discredit
6 testimony by showing --" but there's no evidence of that yet.
7 Well, I know they tried to get into it.

8 MS. ALLEN: Right. Well, the mom testified that
9 that was the conversation, that he was taking her virginity.

10 MS. LUZAICH: Well, but the conversation is that the
11 defendant said he was taking her virginity, not that Victoria
12 said it. Therefore, rape shield still applies.

13 THE COURT: I think, though, it's different. I
14 think that it's different if the victim says --

15 MS. LUZAICH: Okay. So she --

16 THE COURT: -- [inaudible] I mean, unless --

17 MS. ALLEN: Yeah, she has testified it is her
18 virginity. So then I guess we would be able to get into it
19 with the [inaudible].

20 THE COURT: Okay. And it's Johnson v. State --

21 MS. ALLEN: Oh. I apologize. Here.

22 THE COURT: I just want to forward it to --

23 MS. ALLEN: Yeah. I'm sure she has it.

24 THE COURT: Okay. Thank you.

25 (End of bench conference)

1 THE COURT: Okay. You may continue.

2 MR. MacARTHUR: Thank you, Your Honor. Court's
3 indulgence.

4 BY MR. MacARTHUR:

5 Q Last week during your direct testimony we also heard
6 about sexual contact between you and your daughter involving a
7 two-sided brown dildo. You remember that?

8 A Yes.

9 Q Okay. Isn't it in fact true that this device was
10 kept in a bag in your room?

11 A True.

12 Q Okay. And how long did you have it, if you know?

13 A Couple of years, I think.

14 Q Okay. Now, you said that this kind of contact had
15 happened twice?

16 A That's right.

17 Q Okay. I believe you also testified that while you
18 and your daughter were directly involved that the defendant
19 was able to see you and that he was masturbating.

20 A Correct.

21 Q Okay. And you've testified about that incident in a
22 previous court, right, at preliminary hearing?

23 A Correct.

24 Q Do you recall stating that during the first of those
25 two interactions that the apparatus was inserted Victoria

1 first?

2 A Correct.

3 Q Okay. And, conversely, you second?

4 A Correct.

5 Q Have you ever discussed your testimony on that point
6 with Victoria before coming into court?

7 A No.

8 Q Okay. In 2007, when Vic -- I'm sorry, not Vic --
9 Fred chose to pursue a relationship with Lealer instead of you
10 did that make you angry?

11 A No, it didn't make me angry. It just made me sad,
12 because I thought that he loved me.

13 Q Okay. Isn't it in fact true that when this happened
14 it made Victoria very angry?

15 MS. LUZAICH: Well, objection. Foundation.
16 Speculation.

17 MR. MacARTHUR: I'll ask another way, Judge.

18 THE COURT: Go ahead.

19 BY MR. MacARTHUR:

20 Q When Fred decided to pursue a relationship with
21 Lealer instead of you, is this something that was known to
22 people in the two families? Did the kids know about it, did
23 Lealer and Fred know about it, did you know about it?

24 A Yes.

25 Q Okay. And based on that shared knowledge of the

1 event isn't it in fact true that it made Victoria very angry?

2 MS. LUZAICH: Well, my objection to foundation is to
3 how it made Victoria feel. Victoria can testify how she felt.
4 This witness cannot.

5 MR. MacARTHUR: I'll rephrase, Judge.

6 THE COURT: Thank you.

7 BY MR. MacARTHUR:

8 Q Did Victoria ever express herself in front of you in
9 such a way that made you think it made her very angry?

10 A Yes.

11 Q Okay. Lastly, thinking back on your testimony from
12 last week, you remember the incident where you said that Fred
13 was forcing you to work as a prostitute and that if you did
14 not have the amount of money he expected that he would beat
15 you?

16 A Correct.

17 Q Okay. And I believe you said that on one particular
18 instance that he beat you, he called you names, he was
19 belittling, and that he sodomized you.

20 A Yes.

21 Q Okay. And the State asked a followup question of,
22 and by sodomize, what do you mean by that. You remember that
23 question?

24 A Yes.

25 Q And I'm not asking you to explain it further. I'm

1 just asking if you're following.

2 A Yes.

3 Q Okay. And do you remember that your testimony was,
4 he fucked me in my ass?

5 A Yes.

6 Q Okay. Now, during this cross-examination you've
7 acknowledged that you've given multiple statements before or
8 you've testified in court before; correct?

9 A Correct.

10 Q Okay. And afterward, during that same line of
11 testimony, you had said that the following day after you'd
12 been beat up that you had to go to work, which was difficult
13 because you had to be bright-eyed and bushy-tailed.

14 A Correct.

15 Q And say hi to all the other co-workers like nothing
16 had happened. Remember testifying to that?

17 A Correct.

18 Q Ms. Duke, are you aware that you testified to those
19 exact same statements verbatim back at the preliminary hearing
20 last year?

21 A Yes.

22 Q Okay. And so you had already been questioned before
23 by the State a year ago about and what do you mean by
24 sodomized; right?

25 A Right.

1 Q And you made the exact same statement last year,
2 that, he fucked me in my ass; right?

3 A Right.

4 Q And you also made the same statement of you had to
5 wake up and go to work and be bright-eyed and bushy-tailed.

6 A Correct.

7 Q Okay. Ms. Duke, do you know if you said the same
8 thing verbatim in your voluntary statement in October of 2012?
9 Do you know if that happened?

10 A Maybe I -- I can't quite remember, but maybe I did.
11 You mean that Henderson interview?

12 Q Yes, ma'am. Well, perhaps. The interview that you
13 gave in October of 2012 to the police, whichever agency that
14 might have been. Do you remember whether you told him that
15 after he'd sodomized you that it was difficult because the
16 next day you had to get up and be bright-eyed and bushy-tailed
17 and say hello to your co-workers and act like nothing had
18 happened?

19 A Yes.

20 Q You do remember saying it exactly that way?

21 A I believe so. I think.

22 Q Okay. Fair enough. Ms. Duke, were you ever
23 arrested in this case related to these types of charges?

24 A Was I ever arrested --

25 Q In relation to the facts of this case?

1 A You mean prostitution?

2 Q No. I realize those are -- that's one of the facts.
3 Let me be a bit more specific. Were you ever charged with
4 sexual assault of a minor?

5 A No.

6 Q Okay. Were you ever charged with incest?

7 A No.

8 Q Okay. Were you ever charged with kidnapping?

9 A No.

10 Q Or use of alcohol with the intent to commit a crime?

11 A No.

12 Q Do you know, and only if you know, why you weren't
13 charged with those things but Fred was?

14 MS. LUZAICH: Objection. That she absolutely can't.

15 THE COURT: Sustained.

16 MR. MacARTHUR: Okay.

17 THE COURT: Sustained.

18 BY MR. MacARTHUR:

19 Q Have you been told by the District Attorney that you
20 would not be criminally charged in this case?

21 A What are you -- what are you saying? I don't
22 understand the question.

23 Q Well, you've had occasions to have direct contact
24 with the prosecutor in this case; right? You've spoken with
25 her in pretrial conferences before you come to court and

1 testify; right?

2 A Correct.

3 Q Has she ever told you that she would not charge you
4 with any crimes?

5 A I think -- I believe that she was telling me we'll
6 see what happens in court.

7 Q See what happens in court.

8 A As I remember, as I recall.

9 MR. MacARTHUR: Okay. Court's indulgence.

10 (Pause in the proceedings)

11 BY MR. MacARTHUR:

12 Q One thing further, Ms. Duke. Do you write?

13 A Yes, I do write.

14 Q Okay. And when I say write I mean like books or
15 novels.

16 A Yes. I've written my first book completed, finished
17 it, and my publicist -- my publisher has it, my producer has
18 it.

19 Q Okay. And have you written and submitted just one
20 book, or more than one book?

21 A One so far. I'm working on my second one.

22 Q Okay. And these books that you write, are they
23 fiction, or nonfiction?

24 A It's based on a true story with a twist.

25 Q Okay. So it's based true, but there may be some

1 fiction included?

2 A Yes, at the end of the book.

3 Q Okay. In either of these two books is Fred Harris a
4 character?

5 A No. Well, the second one, I'm not done with it, but
6 -- I just started my second book. But my first book he's not
7 in the book.

8 Q He's not featured in that one at all?

9 A No.

10 Q Okay. And the second book you're not finished with,
11 based on what you've written so far is Fred Harris an existing
12 character in that?

13 MS. LUZAICH: Objection. Can we approach?

14 THE COURT: You may.

15 (Bench conference)

16 THE COURT: All four lawyers are present.

17 I thought we dealt with this.

18 MS. LUZAICH: Yeah. This is the first time I ever
19 heard of a second book.

20 THE COURT: And you're objecting to the second --

21 MR. MacARTHUR: She told us about it.

22 THE COURT: Okay. And we're talking about the
23 second book that she's not done with?

24 MR. MacARTHUR: Right.

25 THE COURT: She's working on?

1 MS. LUZAICH: So it's not a book.

2 MR. MacARTHUR: Well, she told us it was

3 autobiographical and that -- well, she didn't say he was a

4 character. He said he was a character. I just asked her if

5 she --

6 THE COURT: Who said he's a character?

7 MR. MacARTHUR: The defendant said he was a

8 character in the second book. She --

9 THE COURT: How does he know?

10 MR. MacARTHUR: I don't know how he knows, but --

11 THE COURT: Okay.

12 MR. MacARTHUR: I'm just giving you all the

13 information I have.

14 THE COURT: Okay.

15 MR. MacARTHUR: She says that she's writing her

16 second book. She told that to us. And she didn't tell us

17 that Fred was in it. We asked Fred if he knew how -- he said,

18 yes, he is in it. And so part of my questions are to find out

19 whether that's true. Based on her -- I'm almost done. Based

20 on her most recent answer it sounds like he's going to be a

21 character but he may not be yet. If he's not a character yet,

22 I don't think I can really ask any questions. If he is a

23 character, I think I can. But --

24 MS. LUZAICH: There's no relevance whatsoever to the

25 second book.

1 THE COURT: I'm just wondering what --
2 MS. ALLEN: Goes to her truthfulness.
3 THE COURT: I'm sorry. What?
4 MS. ALLEN: I would say it goes to her truthfulness.
5 MS. LUZAICH: Why are you asking -- what they wanted
6 from the first book was the title, and she was just very clear
7 he's not in the first book.
8 MR. MacARTHUR: The second book that's the title.
9 MS. LUZAICH: No. It's the first.
10 MR. MacARTHUR: Oh. I thought the second book was
11 "Secret Revenge."
12 THE COURT: Oh. Was "Secret Revenge."
13 MR. MacARTHUR: Right.
14 THE COURT: Right. Something like that. Okay.
15 MR. MacARTHUR: Okay. Then I won't be asking the
16 first book.
17 THE COURT: Okay. What is it you want to get into
18 about the second book?
19 MR. MacARTHUR: If he's a character, I'd like to
20 know if it's autobiographical or if it's fictional.
21 MS. LUZAICH: What's the relevance? What's the
22 relevance.
23 MR. MacARTHUR: Well, because to sell books you've
24 got to -- have to have a good plot line. Salaciousness
25 [inaudible].

1 THE COURT: And so what helps?

2 MR. MacARTHUR: Salaciousness.

3 THE COURT: And so are you trying to get to if this
4 trial goes -- I don't know.

5 MR. MacARTHUR: Remember that our theory is that
6 this accusation by Victoria is brought on by a revenge motive
7 and that she's incorporated her mother. So, you know, in a
8 perfect world I would love for her to tell me that, yes, I'm
9 writing a second book, and, you know, Fred's in it and that
10 somehow what's going on here is going to help me get that book
11 published. That's what I'm hoping she'll say. I doubt she's
12 going to say that, and I'm not going to push it.

13 THE COURT: Okay. What I'll allow you to ask her is
14 -- and [inaudible] if it's a memoir or truth --

15 MR. MacARTHUR: Right.

16 THE COURT: And then the first book she's already
17 said is fiction.

18 MR. MacARTHUR: Well, she said it was based on fact
19 and it has sexual --

20 THE COURT: A twist at the end to me means fiction.

21 MR. MacARTHUR: Right. And I took it that way.

22 THE COURT: Okay. So you can ask her if it has
23 anything to do with this trial.

24 MR. MacARTHUR: Okay. I'll do that.

25 THE COURT: Okay. And then if she says yes, then

1 you have to approach the bench again.

2 MR. MacARTHUR: Okay.

3 (End of bench conference)

4 BY MR. MacARTHUR:

5 Q Okay. Ms. Duke, you were talking about the second
6 book. And first let me ask you is Fred Harris a character in
7 that book?

8 A Not yet.

9 Q Okay.

10 A Not yet. I just started my second book.

11 Q Okay. And will the -- will facts from this trial be
12 included as part of the plot line in the book?

13 A No.

14 Q Okay. After the charges brought against Fred Harris
15 isn't it in fact true that CPS placed Taharah and Taquanda
16 into foster care?

17 A Correct.

18 Q Okay. And have they been returned to your custody?

19 A Yes.

20 Q Okay. And when were they returned to your custody?

21 A October the 26th.

22 Q Of last year?

23 A 2013.

24 Q And, Ms. Duke, is your participation in this trial
25 as a witness part of the requirements of completing the CPS?

1 A Can you repeat that?

2 Q You had to accomplish certain things in order to be
3 reunited with your children; is that correct?

4 A Yes. Correct.

5 Q Okay. Was cooperation in this case one of the
6 things that you had to do in order to be reunited with your
7 children?

8 A I don't understand the -- meaning -- you are stating
9 to me meaning that did I have to participate in this court --
10 this criminal court in order to get my children back?

11 Q Yes, ma'am.

12 A No. It's Family Court is different. It's different
13 from criminal court.

14 Q I understand that they're different.

15 A In order to get my kids back? No, I don't think so.
16 Not necessarily. It's classes, I had to go to classes, I
17 believe I had to go to Safe Nest parenting class therapy.

18 THE COURT: I think you've answered his question.

19 THE WITNESS: Yeah.

20 MR. MacARTHUR: All right, Your Honor.

21 BY MR. MacARTHUR:

22 Q And lastly, Ms. Duke, have you used any prescription
23 medications in the past 24 hours?

24 A No, I haven't.

25 Q Okay. And have you used any controlled substances

1 that are not prescription in the past 24 hours?

2 A No, I haven't.

3 MR. MacARTHUR: Thank you for your patience, Ms.
4 Duke. I no longer have any questions for you.

5 THE COURT: Okay. Thank you.

6 State may begin their redirect.

7 MS. LUZAICH: Thank you.

8 REDIRECT EXAMINATION

9 BY MS. LUZAICH:

10 Q Tina, at the time of the preliminary hearing in this
11 case way back in like June 2013 you were appointed an attorney
12 to represent you and your interests before you testified;
13 correct?

14 A Correct.

15 Q And I never told you that I was not -- that you were
16 not going to be --

17 MR. MacARTHUR: Objection, Your Honor. Leading.

18 THE COURT: I'm going to allow her to answer.

19 Go ahead.

20 BY MS. LUZAICH:

21 Q I never told you that you were not going to be
22 prosecuted; correct?

23 A Correct.

24 Q You were never offered immunity, anything of that
25 nature; correct?

1 A Correct.

2 Q And you talked -- you testified after consulting
3 with your attorney completely independent of me and the State
4 of Nevada; correct?

5 A Yes, ma'am. Correct.

6 Q And what you and Mr. MacArthur were just talking
7 about regarding Family Court and CPS, that is also completely
8 independent of criminal court and me; correct?

9 A Yes.

10 Q You said you got your children back in October of
11 2013 --

12 A Yes, ma'am.

13 Q -- so that's months ago --

14 A Yes.

15 Q -- correct?

16 A Correct.

17 Q And you're still here.

18 A Yes.

19 Q Now, when Mr. MacArthur was just asking you about
20 how you testified at the preliminary hearing and did you
21 describe in the same way being sodomized as you did here, was
22 that an event that you remember fairly -- fairly clearly in
23 your mind?

24 A Yes. Because that's a painful event. That's
25 horrible.

1 Q And is that why you testified and described it the
2 same here as you did there?

3 A Yes.

4 Q And then having to deal the next day with going to
5 work in that condition, is that also something that you
6 remember very clearly?

7 A Yes. Because it was painful and hurtful.

8 THE COURT: If you have an objection, you can make
9 it.

10 MR. MacARTHUR: I'll reiterate the objection, Judge.
11 I believe this line of questioning has been leading.

12 THE COURT: Sustained.

13 BY MS. LUZAICH:

14 Q Okay. Tell me why have you described it the same
15 today as you did at the preliminary hearing?

16 A Because it's very painful, very hurt physically and
17 mentally hurt.

18 Q Mr. MacArthur asked you about when you discovered
19 that the defendant was involved in a relationship or chose, I
20 guess, Ms. Cooks over you how you felt. You said that you
21 felt sad.

22 A Yes. I felt hurt, sad.

23 Q You said because you thought he loved you?

24 A I thought he really loved me.

25 Q What made you think that?

1 A I thought because he -- you know, he brought me down
2 here, he said, well, I love you, I need you to come down here,
3 you can make more -- twice as much as you -- that you're
4 making up in Utah and I need you, I miss you, I love you. And
5 I thought [unintelligible] had changed, things is changed and
6 -- yeah.

7 Q You believed him when he told you that?

8 A Yes, I believed him. And found out different.

9 Q You'd mentioned that when you had met him back in
10 2004 that was when you and he had began a sexual relationship.
11 When is the last time that you remember engaging in sexual
12 activity with him?

13 A The very, very, very last time?

14 Q Best you can remember.

15 A It was 2012 -- wait a minute. 2012, mid -- mid
16 2012.

17 Q Where? Where were you living at the time? Which
18 location were you living in?

19 A I was at the Henderson, the Lakewood Cove.

20 Q Okay. And do you recall the last time that you
21 engaged in any kind of sexual activity with the defendant?
22 Was it before you had talked with the Henderson Police
23 Department, or after you talked to the Henderson Police
24 Department?

25 A It was I think -- let me think. It's been so long

1 ago. It was -- I think -- I think it was before I talked to
2 the -- I think it was before I talked to the Henderson Police
3 Department.

4 Q Okay. And after you talked to the Henderson Police
5 Department did Victoria live somewhere else?

6 A Yes. Yes. She was living somewhere else.

7 Q Where was she living?

8 A She was staying with Miss Rose, someone -- I didn't
9 know exactly where she was at, but she --

10 Q But with Miss Rose?

11 A Miss Rose.

12 Q Okay. And that was the lady that took Victoria to
13 the police so that she could tell what happened.

14 A Yes.

15 Q You said that Victoria had told you that she
16 disliked Fred. When did she tell you that she disliked Fred?

17 A She just said it a few times. She said it multiple
18 times.

19 Q Okay. Was it after he started having sex with her?

20 A It was before, after. Both times.

21 Q Okay. Was it after he made her have sex with you
22 and a dildo?

23 MR. MacARTHUR: Objection. Leading.

24 THE COURT: Sustained.

25 //

1 BY MS. LUZAICH:

2 Q Okay. Mr. MacArthur asked you about that -- the
3 two-sided dildo. Where did it come from?

4 A Fred got that from some adult shop.

5 Q Okay. Describe it for me.

6 A It's a two-headed penis.

7 Q And what color is it?

8 A Brown.

9 Q And how big is it?

10 A I guess about this big, I think.

11 Q Okay. You have your two hands out. More than a
12 foot long? Would you agree that your two hands are more than
13 a foot away from each other?

14 A About a foot long, I think. I --

15 Q Okay. And how many times did you use it with
16 Victoria?

17 A I used it a few times. We -- Fred used it a few
18 times.

19 Q Whose idea was it for you to use it with Victoria?

20 A Fred.

21 Q You said that Victoria pushed her way into your room
22 while you were having sex. When was that?

23 A That was I think late 2011, I think.

24 Q Where?

25 A Henderson. At Lakewood Cove.

1 Q And then what happened?

2 A Then I just -- just got up and walked away.

3 Q And then what?

4 A Then I -- I just started my day, started whatever I
5 needed to do on that particular day.

6 Q Well, did you go to work?

7 A I believe I had to get ready to go to work, because
8 I worked --

9 Q Work where?

10 A -- I worked swing at Monte Carlo, Sbarro's Pizza.

11 Q When you were talking about Victoria's dog, where
12 was that?

13 A That was at the St. Andrews -- St. Andrews
14 apartment.

15 Q Okay. And the day that the dog got out weren't you
16 having sex with Fred that day while the dog got out?

17 MR. MacARTHUR: Objection, Your Honor. Leading.

18 THE COURT: Sustained.

19 BY MS. LUZAICH:

20 Q Did you have sex with Fred that day?

21 MR. MacARTHUR: Objection, Your Honor. Leading.

22 THE COURT: Sustained.

23 BY MS. LUZAICH:

24 Q Did you do anything that day with Fred?

25 MR. MacARTHUR: Objection, Your Honor. Leading.

1 THE COURT: That's not leading. You can answer that
2 question.

3 THE WITNESS: I think so. Maybe. I think so.

4 BY MS. LUZAICH:

5 Q Did you tell the police that you did?

6 A Maybe. Yeah.

7 Q You said earlier that when you gave your statement
8 to the Henderson Police Department -- I think your words were
9 that to your -- to the best of your ability you told them the
10 truth.

11 A Yes, ma'am.

12 Q You didn't -- did you tell the Henderson Police
13 Department that you had sex with Victoria and a two-sided
14 dildo?

15 A I don't remember telling the Henderson Police that.

16 Q Yeah. But you told Metro that; right?

17 A I believe so.

18 Q Did you tell the Henderson Police Department that
19 you had oral sex with Victoria?

20 A I don't remember saying that.

21 Q But you told the -- did you tell Metro that?

22 A Metro. I believe it was Metro.

23 Q Did you tell the Henderson Police Department that --
24 well, that Fred masturbated -- well, that Fred wanted you to
25 have sex with Victoria?

1 A Metro or --

2 Q No. Did you tell the Henderson Police Department

3 that Fred wanted you to have sex with Victoria?

4 A I don't remember if I told him he wanted me to have

5 sex with her.

6 Q Did you tell the Henderson Police Department Fred

7 wanted you to have sex with Victoria?

8 A I don't know if he asked me that or if told him

9 that, the Henderson Police Department.

10 Q Did you watch Victoria have sex with Fred?

11 A Yes, I did.

12 Q On more than one occasion?

13 A I believe it was more than one occasion.

14 Q You believe? Was it a lot of occasions?

15 A It was a few occasions, I remember.

16 Q Mr. MacArthur asked you questions about a

17 conversation in a car with Fred, you, and Victoria. Where

18 were you living at the time that that conversation took place?

19 A We were at Miss Dorothy's house.

20 Q Okay. So you were living at Miss Dorothy's house at

21 the time?

22 A Yes.

23 Q Where were you and Fred and Victoria in the car when

24 that conversation took place?

25 MR. MacARTHUR: Objection, Your Honor. Refers to

1 facts not in evidence. Her previous testimony was that that
2 conversation never happened.

3 MS. LUZAICH: No, it wasn't.

4 THE COURT: Overruled. You may proceed.

5 BY MS. LUZAICH:

6 Q I'm not trying to confuse you. You and Victoria
7 were in the car --

8 A Yes.

9 Q -- in his car. Where were you and Fred and Victoria
10 in the car? Where was the car located when you had that
11 conversation?

12 A I believe it was in front of her apartment, side of
13 her apartment. It's like the apartment where she was living
14 at, it had like a sidewalk, then you have to park kind of
15 front side like. So it was in front of her apartment.

16 Q And earlier you said that when you were talking to
17 the Henderson Police Department about that conversation you
18 didn't agree with it because what you explained Mr. MacArthur
19 was it wasn't the exact words that were used.

20 A Exactly.

21 Q What words do you remember were used?

22 A As I remember, it was, it's my fantasy, I want to
23 have sex with Victoria. And he was demanding it. He said
24 that, you know, he would hurt me, he would hurt my family,
25 kill me and Victoria, just a lot of horrible things.

1 Q And when the Henderson detective asked you about
2 that he didn't use all of those words that you just described
3 for us?

4 A Right. He didn't use all of the words.

5 Q Correct. And you know that because you were just
6 given the opportunity by Mr. MacArthur to review the
7 transcript --

8 A Correct.

9 Q -- and none of those words were in it; correct?

10 A Correct.

11 Q Mr. MacArthur also asked you about a conversation in
12 2005 where Victoria and Miss Ann and Miss Dorothy and you,
13 potentially, were involved in a conversation about Victoria
14 talking about Fred; correct?

15 A Correct.

16 Q I mean, just so that we're on the same page.

17 A Yes.

18 Q And Mr. MacArthur showed you a transcript where you
19 said something to the Henderson Police Department about Fred
20 making a pass at Victoria, that Victoria had said that. Do
21 you remember that?

22 A Yes.

23 Q And you said that you also told the Henderson Police
24 Department that Victoria told you that he had fondled her;
25 correct?

1 A Correct.

2 MS. LUZAICH: I'm sorry. Just a second.

3 (Pause in the proceedings)

4 MS. LUZAICH: Page 21 of the Henderson --

5 May I approach?

6 THE COURT: You may.

7 MS. LUZAICH: Thank you.

8 BY MS. LUZAICH:

9 Q I'm showing you page 21 of the Henderson Police

10 Department interview. Can you look at the top of the page and

11 tell me did you tell the Henderson detective that -- or

12 actually why don't you just read it for us.

13 A Which one?

14 Q And the answer.

15 A Okay. The answer is, "But when I went to court in

16 Utah -- because I know you guys have this on computer or

17 record, when I went to court in Utah and the children were

18 taken from me she had mentioned -- she was making an

19 allegation about her and Fred had -- Fred had fondled her and,

20 you know." And then there's a question --

21 Q Okay. So --

22 A -- and it goes on.

23 Q -- back in that Henderson Police Department

24 interview you did tell the Henderson detective that Victoria

25 told you that Fred had fondled her; correct?

1 A Correct.

2 Q When you came back from Utah whose idea was it for
3 you and Victoria to live somewhere other than Blankenship?

4 A It was Fred, Fred's idea and Ann's idea.

5 Q Where did you -- when you came back from Utah where
6 did you think you were going to live?

7 A I thought I was going to live with Fred.

8 Q You had said that there were occasions that you and
9 Fred and Miss Ann had sex together. Where was that?

10 A That was on Trish Lane.

11 Q So that was before you went to Utah; correct?

12 A Correct.

13 Q Did that happen again when you came back from Utah?

14 A No.

15 Q When you talked to the Henderson Police Department
16 about Miss Ann Mr. MacArthur said that you described her as a
17 good provider or somebody who took good care of your kids,
18 would you agree?

19 A Yes.

20 Q Did you tell that to Metro, as well?

21 A Yes.

22 Q Do you still believe that?

23 A I believe that. I kind of -- after all what has
24 happened and all I believe the part of it -- part of it --
25 just partly. Part of it is the one where she would, you know,

1 help them with homework, make sure they get off to school,
2 they make good grades. She would cook for them, you know.

3 Q All right. So she did. She cooked for them, she
4 took care of them, she helped them.

5 A Uh-huh.

6 Q Was she there when Fred was having sex with you at
7 the apartment?

8 MR. MacARTHUR: Objection.

9 THE COURT: Overruled. You can answer.

10 THE WITNESS: Was Ann --

11 MR. MacARTHUR: Your Honor, the basis of the
12 objection, just for the Court's record, was foundation.

13 THE COURT: Okay. Overruled. You can answer.

14 BY MS. LUZAICH:

15 Q So I'll be more specific. Was Miss Ann there at the
16 St. Andrews apartment when Fred had sex with you?

17 A No.

18 Q Was Miss Ann there at the St. Andrews apartment when
19 Fred had sex with Victoria?

20 A No.

21 Q Was Miss Ann there at the Walnut Street apartment
22 when Fred had sex with you and Victoria?

23 A No.

24 Q Was Miss Ann there at the efficiency when Fred had
25 sex with you and Victoria?

1 A No.

2 THE COURT: Okay. I think at this -- is this a good
3 time to conclude, or --

4 MS. LUZAICH: You know, I was just going to ask like
5 one more question and then be done.

6 THE COURT: Go ahead. Go ahead. Go ahead.

7 BY MS. LUZAICH:

8 Q All of these occasions that you and Victoria and the
9 defendant had sex at whatever the locations, would Fred stay
10 over, or would he then go home?

11 A He would go home.

12 Q And at St. Andrews in Henderson after he had sex
13 with you would he stay there, or would he go back to
14 Blankenship?

15 A He would go back to Blankenship.

16 MS. LUZAICH: Thank you.

17 I'd pass the witness.

18 THE COURT: Mr. MacArthur, how much time do you
19 think you need?

20 MR. MacARTHUR: I think that we can finish this
21 witness today before 5:00 o'clock, Judge.

22 THE COURT: Okay. Go ahead.

23 RE CROSS-EXAMINATION

24 BY MR. MacARTHUR:

25 Q Just with regard to the testimony you just gave, Ms.

1 Duke, when the State asked you just now when was the last time
2 you had sex with Fred you said that that was mid 2012; is that
3 correct?

4 A I'm thinking perhaps mid 2012 or the beginning of
5 2012.

6 Q Okay.

7 A I can't quite remember.

8 Q I understand. Would you agree with me that Victoria
9 made her allegation to the Henderson Police Department that
10 Fred had raped her in December of 2012 -- I mean, sorry, 2011?

11 A Henderson Police made me aware of that when -- I was
12 coming home from work and they made me aware of that.

13 Q Okay. But you remember that being December of 2011;
14 is that correct?

15 A I think so.

16 Q Okay.

17 A Yes. I think so.

18 Q And yet you still having -- you still recall having
19 a one-off sexual relationship with Fred in the middle of 2012;
20 correct?

21 A I believe so.

22 Q Okay.

23 A It was either -- it was either -- I just can't
24 remember the exact date.

25 Q I understand.

1 A That time is -- I've been through much.

2 Q Okay. And lastly, with regard to the State's

3 question on Victoria having pushed her way into your room, you

4 remember that line of conversation?

5 A Yes.

6 Q Okay. Isn't it in fact true that you did not want

7 Victoria to come into the room?

8 A [Inaudible].

9 Q I'm just going to need you to speak up.

10 A True.

11 Q Okay. And isn't it in fact true that Fred did not

12 want her to come in the room, he was visibly uncomfortable?

13 A True.

14 Q Okay. And so with regard to Victoria coming into

15 the room and wanting to get involved, you didn't want that to

16 happen; is that fair?

17 A Yes.

18 Q Okay. And so with regard to the two instances in

19 which Victoria pushed her way into the room, that was what

20 Victoria wanted to do; right?

21 A I believe so.

22 MR. MacARTHUR: I have no further questions. Thank

23 you, ma'am.

24 Oh. Court's indulgence. I may have one.

25 (Pause in the proceedings)

1 BY MR. MacARTHUR:

2 Q There is one last thing, Ms. Duke. I think during
3 almost the entire cross-examination I've been referring to
4 this voluntary statement that you either made in December of
5 2011 or January 2012. Remember that? That's how I've been
6 describing it?

7 A Yes.

8 Q Okay. Isn't it in fact true that this statement was
9 actually made on December 22nd, 2011? Does that appear to be
10 correct?

11 A Oh. When I was in the car with the attorney?

12 Q I'm not sure where you were.

13 A He's talking.

14 Q I can't see that. But when you gave the -- when you
15 were inside the car giving your recorded statement, probably
16 to a Henderson police officer, it was December 22nd, 2011; is
17 that correct?

18 A Pretty much, yes.

19 Q Okay. I understand that you said pretty much, and
20 I'm not trying to nit-pick, but this is the only statement you
21 made on that day; right?

22 A Yes.

23 MR. MacARTHUR: Okay. No further questions, Your
24 Honor.

25 THE COURT: Okay. Thank you very much. Thank you

1 very much for your testimony here today. You may step down.

2 MS. ALLEN: Your Honor, can we approach just

3 briefly? I apologize.

4 THE COURT: I'm sorry. Do I have any questions from

5 the jury panel? Okay.

6 JUROR NUMBER 7: In regards to the case, or just in

7 general?

8 THE COURT: No. For this witness. I thought the

9 clerk told me that maybe there is a question.

10 Okay. So thank you very much for your testimony

11 here today. You may step down. You are excused from your

12 subpoena. Thank you for the testimony that you provided to

13 this jury panel.

14 (Bench conference)

15 MS. ALLEN: We may have to recall her, and so I -- I

16 listed her on my witness list. We did try to talk to her.

17 She [inaudible] phone. I would just ask for the State's

18 cooperation. I don't mind sending a cab to get her and paying

19 for that, because I know her investigator's had some problems.

20 THE COURT: Okay. So the State would cooperate

21 with --

22 MS. ALLEN: Yeah. I just may need to recall Tina.

23 MS. LUZAICH: [Inaudible] best --

24 THE COURT: She --

25 MS. ALLEN: And obviously I'll make arrangements, if

1 you want me to. But I just -- that's what I wanted to say.

2 THE COURT: Okay. 10:30 good for everybody
3 tomorrow?

4 MS. ALLEN: 10:30. Yeah.

5 THE COURT: Okay.

6 (End of bench conference)

7 THE COURT: At this time, ladies and gentlemen, we
8 are going to conclude for the evening. We're going to start
9 tomorrow morning at 10:30. During this recess you're
10 admonished not to talk or converse amongst yourselves or with
11 anyone else on any subject connected with this trial, or read,
12 watch, or listen to any report of or commentary on the trial
13 or any person connected with this trial by any medium of
14 information, including, without limitation, newspapers,
15 television, the Internet, or radio, or form or express any
16 opinion on any subject connected with this trial until the
17 case is finally submitted to you.

18 Thank you very much, and we'll see you tomorrow
19 morning. 10:30. You can come right up to the fourteenth
20 floor. Thank you and you're excused.

21 (Court recessed at 4:56 p.m., until the following day,
22 Tuesday, April 1, 2014, at 10:30 a.m.)

23 * * * * *

24

25

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<u>NAME</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
<u>STATE'S WITNESSES</u>				
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* * *

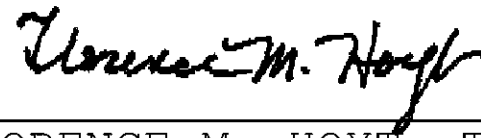
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IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

FREDERICK HARRIS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

S.C. CASE NO. 69093

Electronically Filed
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Clerk of Supreme Court

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

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

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CASE NO. 69093

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Respondent.

OPENING BRIEF APPENDIX

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