

1 THE COURT: Okay. So do you want her to review  
2 the entire transcript? I mean, she can do that during lunch  
3 break. But the question that was pending was did you --

4 MS. RHOADES: You. Yeah.

5 THE COURT: -- remember telling the police anything  
6 Fred did to you?

7 MS. RHOADES: I mean, she talks about all of them  
8 throughout. She talks about Shabazz during those pages, too.

9 THE COURT: Okay. Does she talk about herself?

10 MS. RHOADES: I think so.

11 THE COURT: You think so or --

12 MS. RHOADES: She does.

13 MS. ALLEN: Those pages specifically deal with  
14 Shabazz and her mom.

15 THE COURT: They don't deal with this witness?

16 MS. RHOADES: Let me go get my -- I don't know if  
17 those exact pages --

18 MS. LUZAICH: Just ask a new question.

19 MS. RHOADES: Yeah, I can direct her to a different  
20 page. I have the notes at my --

21 THE COURT: Okay.

22 MS. LUZAICH: Ask a new question. Whatever.

23 THE COURT: Okay, you guys can confer.

24 MS. RHOADES: Okay.

25 THE COURT: But if 9 through 16 doesn't apply to

1 the question, then it doesn't apply.

2 MS. RHOADES: Okay. I'll just show her each page  
3 that deals with each person.

4 THE COURT: Okay.

5 (End of Bench Conference)

6 MS. RHOADES: May I approach the witness, Your Honor?

7 THE COURT: Uh-huh.

8 MS. RHOADES: Thank you. I'm going to borrow this,  
9 okay, Taquanda?

10 THE WITNESS: Uh-huh.

11 BY MS. RHOADES:

12 Q Do you remember telling police, and we're just  
13 talking about the interview at Blankenship, okay, Taquanda?

14 A Okay.

15 Q Do you remember telling police that Fred ever did  
16 anything to Shabazz?

17 A Yes.

18 Q What did you tell police that Fred did to Shabazz?

19 MS. ALLEN: Judge, I would object as asked and  
20 answered. We did already go through this.

21 MS. RHOADES: No, we did not.

22 THE COURT: Okay, go ahead. You can answer.

23 BY MS. RHOADES:

24 Q What did you tell police that Fred did to Shabazz?

25 A In that interview?

1 Q Yes.

2 A That the day he had got in trouble for beating up  
3 this disabled kid or something and he got in trouble for  
4 that.

5 Q What did you tell the police that Fred was doing  
6 to Shabazz?

7 A It was the same day that they was going in the  
8 garage.

9 Q Do you remember telling police that Fred was just  
10 beating Shabazz up?

11 A Yes.

12 Q Do you remember telling police that Fred gave  
13 Shabazz bruises?

14 MS. ALLEN: Judge, objection, leading.

15 THE COURT: Sustained.

16 BY MS. RHOADES:

17 Q Do you remember what else you told police about  
18 Fred and Shabazz during this interview?

19 A That's all I can remember.

20 Q Did you tell police during this interview if Fred  
21 ever did anything to your mom?

22 A Yes.

23 Q Going back to Shabazz, do you remember telling  
24 police if Fred ever hurt Shabazz such that his eyes turned  
25 red?

1 MS. ALLEN: Objection, leading, Your Honor.  
2 THE COURT: Overruled. I'm going to allow her to  
3 answer.  
4 THE WITNESS: Yes.  
5 BY MS. RHOADES:  
6 Q Was this about the incident where they were in the  
7 garage?  
8 A Yes.  
9 Q And what did you tell police during this interview  
10 about Fred doing to your mom?  
11 A She had a black eye.  
12 Q Do you remember the police asking if any of that  
13 stuff ever happened to you?  
14 A Yes.  
15 Q Do you remember what you said?  
16 A No.  
17 Q Were you telling the truth?  
18 A Yes.  
19 MS. ALLEN: Objection, Your Honor. She said she  
20 doesn't remember.  
21 THE COURT: I think --  
22 MS. RHOADES: She just said that she did remember  
23 saying that.  
24 THE COURT: Is she telling the truth today or when  
25 she gave the statement?

1 MS. RHOADES: When she gave the statement.

2 THE COURT: Okay, maybe you should clarify that  
3 because I didn't understand.

4 MS. RHOADES: Okay. Sorry, Your Honor.

5 BY MS. RHOADES:

6 Q Do you remember telling the police that no, none  
7 of this stuff every happened to you? Do you understand the  
8 question? I'm sorry, Taquanda, it sounds messy, huh?

9 A Yes.

10 Q Okay. During this interview at the Blankenship  
11 house, do you remember the police asking you did that stuff  
12 ever happen to you?

13 A Yes.

14 Q Do you remember saying no?

15 A No for what stuff? Like a black eye? No.

16 Q Do you remember telling the police that you were  
17 scared?

18 A Yes.

19 MS. ALLEN: Objection, Your Honor, leading.

20 THE COURT: You are leading. If you could stop  
21 leading the witness.

22 MS. RHOADES: Sorry, Your Honor, I apologize.

23 THE COURT: It's okay.

24 BY MS. RHOADES:

25 Q Do you remember telling the police how you felt?

1           A     A little bit.

2           Q     I'm sorry, honey?

3           A     A little bit.

4           Q     Do you remember that you told them?

5           A     Not exactly.

6           Q     Would it refresh your recollection if I show you

7 your transcript as to what you told them about how you were

8 feeling?

9           A     Sure.

10           THE COURT:   Okay, you can approach.

11           MS. RHOADES:   And for the record, I'm showing her

12 pages 15 through 16 and the bottom of 14.

13 BY MS. RHOADES:

14           Q     Taquanda, if you could just look through the bottom

15 of 14 and page 15 and 16.   And you can just look up at me

16 whenever you're done.   Are you done reviewing those pages?

17           A     Yes.

18           Q     After looking at that, is your memory refreshed?

19 Do you remember what you told police that night about how you

20 were feeling?

21           A     Yes.

22           Q     What did you tell police that night about how you

23 were feeling?

24           A     I said I was scared because I didn't know what was

25 going to happen.

1 Q Why else did you tell police that you were scared?

2 A Because I didn't know if I was safe or not, like --

3 Q Did you tell them any reason other than that why

4 you were scared?

5 A No.

6 Q Did you say that you were scared because --

7 MS. ALLEN: Judge, objection, leading.

8 MS. RHOADES: I can approach again. And it's a

9 prior inconsistent statement.

10 THE COURT: Okay, why don't you approach the bench

11 so I can see what you're going to do.

12 (Bench Conference)

13 THE COURT: Okay, all four lawyers are present.

14 Do you know what the question pending is? You know, did you

15 tell the police that you were scared? She gave the reasons

16 why. She's given a couple of them.

17 MS. RHOADES: She also told them she's scared

18 because I'm afraid Fred is outside.

19 THE COURT: What?

20 MS. RHOADES: She also said because I'm afraid Fred

21 is outside. And she's not remembering that. I showed her

22 it. Now it's a prior inconsistent statement at this point.

23 She's saying no, she doesn't remember. I mean, I can refresh

24 her recollection again and have her read it again.

25 THE COURT: She didn't say no, she didn't remember.

1 She said no. You said, you know, is there any reason --

2 MS. RHOADES: It's a prior inconsistent --

3 MS. LUZAICH: Right. It's a prior inconsistent  
4 statement.

5 MS. ALLEN: I appreciate that, but unfortunately  
6 they're just not getting the answer that they want. This is  
7 my concern, and it's not just this one --

8 THE COURT: Well, that happens a lot of times.

9 MS. ALLEN: It does happen a lot of times, believe  
10 me; more on my end than theirs. But the problem I'm having  
11 is that it's kind of this leading to coax the answers out of  
12 them and I'm objecting a lot. Obviously it's suggesting the  
13 answer. The Court is obviously sustaining them, but the  
14 damage is being done. And so I would just ask that the State  
15 be cautioned about continued leading.

16 THE COURT: Well, I think I did.

17 MS. ALLEN: Oh, you are sustaining all of our  
18 objections, but the problem is --

19 THE COURT: (Indiscernible) Don't lead the witness  
20 any further.

21 MR. MACARTHUR: More concisely, Judge, there's  
22 information the State wants to get out. If the witness  
23 doesn't remember, they ask a leading question. We object,  
24 we sustain, but then it reminds them of where they want to  
25 go and problem solved. And so after four or five of these



1 I think what Betsy is saying is that she's making an  
2 objection moving forward in limine.

3 THE COURT: Okay. But now she said no, that there  
4 was no other reason that she felt scared and now it's a prior  
5 inconsistent statement, which is not hearsay.

6 MS. ALLEN: Okay.

7 (End of Bench Conference)

8 THE COURT: Okay, go ahead.

9 MS. RHOADES: Thank you, Your Honor.

10 BY MS. RHOADES:

11 Q Taquanda, did you tell the police that night that  
12 you were afraid, that you were scared 'cause I'm afraid Fred  
13 is outside? Did you tell the police that?

14 A I guess I did, but I don't remember.

15 THE COURT: Okay, we don't want you to guess. We  
16 just want you to give us an honest answer.

17 BY MS. RHOADES:

18 Q Okay. So you don't remember saying that?

19 A No.

20 MS. RHOADES: May I approach the witness, Your  
21 Honor?

22 THE COURT: You may.

23 BY MS. RHOADES:

24 Q I'm showing you page 15 of your transcript. At the  
25 top of page 15 will you follow along with me. Where it says

1 Q and A, would you agree that the Q means a question and the  
2 A means that's an answer that you gave them?

3 A Yes.

4 Q Can you talk into the microphone? I'm probably  
5 blocking you.

6 A Yes.

7 Q The Q says: "Okay. Well, I hope -- I hope I'm  
8 making you -- am I making you scared, Taquanda? Okay, how  
9 come? You're not in trouble, you know that, right?" And  
10 then the answer is: "'Cause I'm afraid Fred is outside."  
11 Is that right?

12 A Yes.

13 Q Okay. Do you remember telling the police anything  
14 about anything that Fred did to Taharah during that  
15 interview?

16 A No.

17 Q If you look at your statement, would that refresh  
18 your recollection as to anything you told the police about  
19 what Fred did to Taharah?

20 A Yes.

21 MS. RHOADES: Your Honor, may I approach the  
22 witness?

23 THE COURT: You may.

24 BY MS. RHOADES:

25 Q I'm showing you 13 and 14. Okay, Taquanda, can you

1 just look at the bottom of 13 and then all of page 14,  
2 review that and look up at me when you're finished. Are you  
3 finished?

4 A Yes.

5 Q Okay. After looking at that, does that refresh  
6 your memory as to what, if anything, you told the police  
7 about what Fred did to Taharah?

8 A Yes.

9 Q What did you tell police that Fred did to Taharah  
10 that night?

11 A That the day she got RPC'd from school she had got  
12 a whooping down the hall.

13 Q After the police came that night, what happened the  
14 next day?

15 A I don't remember.

16 Q You said that there were two things that you saw  
17 Fred do to Taharah and you explained one of those things.  
18 Can you explain the second?

19 A The one in the laundry room?

20 Q Is that the second thing that happened, that you  
21 saw happen with Fred and Taharah?

22 A Yeah.

23 Q What did you see happen in the laundry room then?

24 A I didn't see, I heard.

25 Q Tell me about the laundry room.

1           A     The story?

2           Q     Yes.

3           A     Okay. So after school me and my sister went to  
4 sleep and I was asleep up under the bed on the floor. Not  
5 my body, my whole body wasn't under the bed, but like some of  
6 my body was, about half. And I was sleeping in front of a  
7 mirror and my sister, she had went to bed on her bed that was  
8 right by the wall. And when we were sleeping I guess Fred,  
9 he came in there and then he went to Taharah and he said,  
10 where's your sister? And then he had pointed and said, over  
11 there, but she was pointing at me. And then I guess Fred  
12 made some signal or did something for her to get up and go  
13 out of the room. So they went out of the room and then I saw  
14 them go down the hall because of the mirror. And then when  
15 they went down the hall I saw them go back up and then they  
16 went in his room. I don't know what they was doing. Finally  
17 they came out and then they went back.

18          Q     Back where?

19          A     They went in the back, like in the back where the  
20 garage was, but they didn't go in the garage.

21          Q     Okay. So you shared a room with Taharah, is that  
22 right?

23          A     Yes.

24          Q     Was that in a hallway?

25          A     Yeah. Yes.

1           Q     On the other side of your room, what rooms are on  
2 the other side of the hallway?

3           A     Okay. So there is the room that we used to stay  
4 in and there was like the master bedroom and then there was  
5 another room that was the living room and that was all the  
6 rooms. And then there was our room.

7           Q     Where is the laundry room in relation to your room?

8           A     It's on the right side. It was the second door  
9 down after the bathroom.

10          Q     Is your room on the right or the left side?

11          A     Left.

12          Q     When you heard Fred come in and say, where's your  
13 sister, he was saying that to Taharah?

14          A     Yes.

15          Q     Could you see this through the mirror?

16          A     Yes.

17          Q     When Taharah got up and walked out of the room, did  
18 you get up?

19          A     No.

20          Q     Did you get up at all during that time?

21          A     Yes.

22          Q     When did you get up?

23          A     I got up after they went in the back. I don't know  
24 where they was at that time.

25          Q     What's in the back? Where do you mean by the back?

1           A       Where I couldn't see them anymore, like towards the  
2 garage way.

3           Q       What did you see happen next?

4           A       I didn't see anything. I got up and then I stood  
5 in the doorway and then I was looking for Taharah, so I went  
6 in the bathroom and I looked for her, and then I had wanted  
7 to go see the time, and then I had stood in the door again.

8           Q       When you say you stood in the door again --

9           A       Like in-between like here. You're not stepping out  
10 but you're -- there's the hallway and then there's the room  
11 and then you're just standing in-between.

12          Q       Do you mean the door of your room?

13          A       Yeah.

14          Q       And what happened after that?

15          A       And then after that that's when I had saw their  
16 hand 'cause the laundry door room was cracked, it was cracked  
17 where you could see their hand. And so I saw Fred's hand  
18 over Taharah's hand. And then I heard whispers and belt  
19 buckles.

20          Q       When you say you heard belt buckles, what do you  
21 mean by that?

22          A       Like, you know the metal part with the two hooks --  
23 not hooks but the two things that go through the loop, that  
24 part, the metal part.

25          Q       Was anyone else home at this time?

1 A No.

2 Q Was it in -- Do you remember what time of day it  
3 was?

4 A I don't remember the time.

5 Q Was it on a school day or not a school day?

6 A It was on Friday.

7 Q Was it after you guys had gotten home from school?

8 A Yes.

9 Q And you said that you and Taharah were in the room  
10 sleeping. Were you guys going to bed for the night or were  
11 you taking a nap?

12 A No, it was like a nap after school.

13 Q What happened after that?

14 A After that, uh --

15 Q After you saw the hands in the laundry room. Can  
16 you describe for me how you saw -- how the hands were?

17 A They were hands. They were up and then --

18 Q Up on what? Like, where were the hands?

19 A They were on this part. Like, you know, when you  
20 close the door there's like -- I don't know what it's called,  
21 and then there's another one and then -- I can't explain it.

22 Q Was the door to the laundry room open or closed?

23 A It was cracked.

24 Q So it was open a little bit?

25 A Yeah.

1 Q Were the hands on the door?

2 A No. It was on the part where the lock is -- not

3 the lock, but you know where that part where it's like a

4 little square and it has a dent in it so when the door closes

5 the little thing that hangs out the door can go in there?

6 Q Yes.

7 A You know what I'm talking about?

8 Q I do.

9 A That one.

10 Q So kind of the door frame, is that what you're

11 talking about?

12 A If that's what it's called, then yeah.

13 MS. ALLEN: Objection, Your Honor.

14 THE COURT: Sustained.

15 BY MS. RHOADES:

16 Q How were the hands positioned? Did you see -- how

17 many hands did you see?

18 A Two.

19 Q And who did those hands belong to?

20 A My sister and Fred's.

21 Q You were describing that metal thing that the door

22 closes into. Were the hands above that metal thing or below

23 that metal thing?

24 A Above.

25 Q How much above, a lot or a little?



1           A     A lot.

2           Q     When you say a lot above, were they as tall as you  
3 or were the hands above that?

4           A     Shorter.

5           Q     Shorter than your height, is that right?

6           MS. ALLEN:  Objection, leading.

7           THE COURT:  Do you understand the question?

8           THE WITNESS:  Yes.

9           THE COURT:  Okay, then you can answer.

10          THE WITNESS:  It was above me.

11          MS. ALLEN:  It was what?  I apologize, Your Honor,  
12 I missed it.

13          MR. MACARTHUR:  It was above me.

14          MS. ALLEN:  Oh, okay.  Thank you.

15  BY MS. RHOADES:

16          Q     What did you do immediately after you saw this?

17          A     I had went in the garage 'cause I knew things was  
18 going to change 'cause I was there.  I know they just wasn't  
19 going to walk out, so I had run in the garage.  And then  
20 after that I had saw my sister -- no, first I saw Fred.  He  
21 was going back into his room.  And then I had looked for my  
22 sister and she was coming out of the bathroom.

23          Q     Do you remember what day this happened?

24          A     It was Friday.  That's all I know.

25          Q     Do you remember what month you were in?

1 A May.

2 Q Do you remember what year?

3 A No.

4 Q Do you remember what grade you were in?

5 A Fifth grade.

6 Q Was this before your mom and your siblings moved  
7 out of the Blankenship or was it after your mom and your  
8 siblings moved out of the Blankenship?

9 A After.

10 Q Did you see Taharah after this happened?

11 A Yes.

12 Q How did she look?

13 A The same.

14 Q Had you ever seen anything like this happen prior  
15 to this incident?

16 A No.

17 Q Did you talk to Taharah about what happened?

18 A Yeah.

19 Q Did you talk to her about it that same day?

20 A Yeah.

21 Q Did you tell anybody else what happened?

22 A Yeah.

23 Q Who did you tell?

24 A Ms. Ann.

25 Q When did you tell Ms. Ann?

1 A The same day when she got home.

2 Q Where were you guys at when you told Ms. Ann this?

3 A Outside.

4 Q What did you tell Ms. Ann?

5 A That Fred had molested Taharah.

6 Q Who else, if anyone, was with you when you told

7 Ms. Ann?

8 A It was just her.

9 Q Just you and Ms. Ann?

10 A Uh-huh. Yes.

11 Q Where was Fred?

12 A There was -- he was working on a car.

13 Q Do you want some water?

14 A No, thank you.

15 Q Okay. Was Fred outside?

16 A Yes.

17 Q Was Ann outside, also, when you told her?

18 A Yes.

19 Q But you didn't tell them together, is that right?

20 A Right.

21 Q How did Ms. Ann react?

22 A She was just like --

23 MS. ALLEN: Your Honor, objection to hearsay.

24 THE COURT: I'm sorry, what?

25 MS. ALLEN: Objection to hearsay. I would just

1 advise the witness not to answer what Ms. Ann said.

2 THE COURT: Okay. You can ask it a different way  
3 where she doesn't have to tell us what she said.

4 BY MS. RHOADES:

5 Q Without telling me what Ms. Ann said when you told  
6 her, what was her attitude like?

7 A It's like she didn't show any emotions.

8 Q What happened after -- after that day, after you  
9 told Ms. Ann?

10 A She had asked Taharah what happened.

11 Q Were you there when she asked Taharah what  
12 happened?

13 A Yeah.

14 Q What did you think was going to happen after that?

15 A I don't know.

16 Q Did you think you and Taharah were going to stay  
17 in the house?

18 MS. ALLEN: Judge, objection, leading.

19 THE COURT: Sustained.

20 BY MS. RHOADES:

21 Q Did you think Ms. Ann was going to do anything  
22 after you told her?

23 A I wasn't sure if she was going to do anything.

24 Q Did you go to see a doctor after you told Ms. Ann  
25 this?

1 A Yes.

2 Q Did you go with Taharah?

3 A No.

4 Q Ms. Ann just took you to see a doctor?

5 A We went at like separate times.

6 Q Do you remember what month you went to see a  
7 doctor?

8 A No.

9 Q But you remember it was after you told Ms. Ann  
10 this?

11 A Yeah, a little while after.

12 Q Did there come a time when you and Taharah went to  
13 stay with your mom and your other siblings at the Henderson  
14 address?

15 A Yes.

16 Q When was this?

17 A In the summertime.

18 Q Is this the same summer that you saw what happened  
19 in the laundry room?

20 A Yes.

21 Q Do you remember what month you went to go stay with  
22 your mom?

23 A No.

24 Q How long did you stay with them for?

25 A Like, most of the summer.

1 Q Did you go stay with your mom after you went and  
2 saw a doctor or before?  
3 A After.  
4 Q Did you just go to stay with your mom in the summer  
5 and were you going to -- where were you going to go after the  
6 summer?  
7 A Back to the house, to Ms. Ann's house.  
8 Q To go start the school year? Is that right?  
9 A Yeah.  
10 Q And did you go back to the Blankenship house?  
11 A Yes.  
12 Q After you stayed with your mom?  
13 A Yes.  
14 Q Did something happen after you went to the  
15 Blankenship house?  
16 A No.  
17 Q Did you call anybody --  
18 A Oh.  
19 Q -- after you went to the Blankenship house?  
20 A Yeah.  
21 Q Who did you call?  
22 A The DFS number.  
23 Q What's the DFS number?  
24 A I don't know it.  
25 Q Where does it call? Who were you trying to call?

1           A     Like, someone that could help me with the situation.

2           Q     Do you remember what month you called this number?

3           A     No.

4           Q     Did you say no?

5           A     No, September.

6           Q     Do you remember what year you called this number?

7           A     No.

8           Q     Was it the same year -- so it was in September.

9     Was it the same year that you saw what happened --

10          A     Two thousand --

11          Q     -- in the laundry room? Taquanda, you've got to

12     wait until I finish, okay?

13          A     Oh, sorry. Uh-huh.

14          Q     That's okay. So you said it was in September. Was

15     it in the same year that you saw what happened in the laundry

16     room in May?

17          A     I'm not sure.

18          Q     Why did you call this number?

19          A     Because the plan didn't work out, because Ms. Ann,

20     she told us that we was going to move out and stuff, so she

21     got the apartment but we never moved in. And then she lost

22     the apartment and then we was just staying at the house, the

23     Blankenship house. And then I called 'cause nothing was

24     being done about it.

25          Q     Nothing was being done about what?

1           A       The situation, 'cause she said she was going to  
2 help.

3           Q       What situation, Taquanda?

4           A       The laundry room.

5           Q       What about the laundry room?

6           A       How Fred had molested her.

7                   MS. ALLEN:  Objection, Your Honor.

8                   THE COURT:  She's already testified to it. Overruled.

9 BY MS. RHOADES:

10          Q       So what about the laundry room, Taquanda?

11                   MS. ALLEN:  Then I would object to asked and  
12 answered.

13                   THE COURT:  What do you mean?  What's the question?

14                   MS. RHOADES:  She's talking about the situation.  
15 I'm telling her to describe -- I'm asking her to describe  
16 what situation she's specifically talking about.

17                   THE COURT:  Okay.  Other than what she already has  
18 testified to?

19                   MS. RHOADES:  No. I just wanted her to specify what  
20 situation she was talking about.

21                   THE COURT:  Okay.  You can tell us what situation  
22 you were talking about.

23                   THE WITNESS:  The one in the laundry room.

24 BY MS. RHOADES:

25          Q       Where were you when you called this phone number?



1           A       I was at my play cousin Anaya's house.

2           Q       Is that a different house than the Blankenship

3 house?

4           A       Yes.

5           Q       Did you tell Taharah that you were going to call

6 this number?

7           A       Yes.

8           Q       Did Taharah have -- What did she look like when you

9 told her you were going to call this number? Without telling

10 me what she said.

11          A       She was scared.

12          Q       How could you tell she was scared?

13          A       She was nervous 'cause like she was playing with

14 things in her hand, and then the way she was looking.

15          Q       When you say the way she was looking, how was she

16 looking?

17          A       Unsure; like she didn't want to do it.

18          Q       What did you say on the hotline when you called?

19          A       I don't remember.

20          Q       After you called, what happened?

21          A       I guess the -- I don't know if it was the next day,

22 but it was -- it was soon after I called that someone had

23 picked us up from school.

24          Q       Who picked you up from school?

25          A       A worker, like a police like.

1 Q Did the worker pick you and Taharah up from school?  
2 A Yes.  
3 Q Where did the worker take you guys?  
4 A To a place. I don't know.  
5 Q What did you do when you got to this place?  
6 A We was recorded.  
7 Q Did you give another interview?  
8 A Yeah.  
9 Q Do you remember the name of the person that  
10 interviewed you?  
11 A No.  
12 Q What happened after you gave the recorded  
13 interview?  
14 A I guess we went to the doctor.  
15 Q Do you remember the doctor's name that you went to?  
16 A No.  
17 Q During this interview, what did you tell them?  
18 A I told them the story in the laundry room. I can't  
19 remember what else I told them.  
20 THE COURT: Okay. At this time we're going to take  
21 a break for lunch. During this recess you are admonished  
22 not to talk or converse among yourselves or with anyone else  
23 on any subject connected with this trial, or read, watch or  
24 listen to any report of or commentary on the trial or any  
25 person connected with this trial by any medium of information,

1 including without limitation newspapers, television, Internet  
2 and radio, or form or express any opinion on any subject  
3 connected with this trial until the case is finally submitted  
4 to you.

5 We'll start again at 2:00. Thank you very much.

6 (Court recessed from 12:30 p.m. until 2:14 p.m.)

7 (Jury is present)

8 THE COURT: Do the parties stipulate to the  
9 presence?

10 MS. LUZAICH: Yes.

11 MS. ALLEN: Yes, Your Honor.

12 THE COURT: Ms. Allen, do you want us to wait?

13 MS. ALLEN: Pardon?

14 THE COURT: Do you want us to wait?

15 MS. ALLEN: I'm not sure why he went out there.

16 No, that's okay.

17 THE COURT: Okay. All right, the State can call  
18 their next witness.

19 MS. RHOADES: Taquanda Duke is still up there.

20 THE COURT: Oh, Taquanda Duke.

21 Taquanda, thank you very much for coming back. You  
22 do understand that you are still under oath, correct?

23 THE WITNESS: Yes.

24 THE COURT: Okay. You may continue.

25 MS. RHOADES: Thank you, Your Honor.

1 DIRECT EXAMINATION (Continued)

2 BY MS. RHOADES:

3 Q Taquanda, before we left you were talking about  
4 when you called CPS. After you called CPS and after you  
5 interviewed, were you taken out of the Blankenship home?

6 A Yes.

7 Q Where did you go from the Blankenship home?

8 A We went to -- we was in this place for awhile.

9 Q What kind of place?

10 A I think it was Juvie. I don't know.

11 Q Was it Child Haven?

12 A Yeah.

13 Q Was it you and Taharah that were in Child Haven?

14 A Yes.

15 Q After Child Haven, where did you go?

16 A To our foster mom's.

17 Q Did you and Taharah go to your foster mom's  
18 together?

19 A Yes.

20 Q How long did you live there for?

21 A For a year.

22 Q And then after that where did you go?

23 A We went back to our mom.

24 Q And is that where you are right now?

25 A Yes.

1 Q You and Taharah, right?

2 A Yes.

3 Q Okay.

4 MS. RHOADES: The State would pass the witness,  
5 Your Honor.

6 THE COURT: Cross?

7 MS. ALLEN: Thank you.

8 CROSS-EXAMINATION

9 BY MS. ALLEN:

10 Q Good afternoon, Taquanda.

11 A Good afternoon.

12 Q How are you?

13 A I'm okay.

14 Q You're in Brown Middle School, is that correct?

15 A Yes.

16 Q How long have you been there?

17 A For some months.

18 Q For what? I'm sorry.

19 A Some months.

20 Q Some? Okay. Do you remember when you started?

21 A No.

22 Q You don't remember?

23 A No.

24 Q Could it have been maybe around November of last  
25 year?

1           A     Yes.

2           Q     Because you went back to your mom sometime in  
3 October, is that correct?

4           A     I don't remember when I went back.

5           Q     You don't remember when you went back to your mom?

6           A     No.

7           Q     But you think you've been there since November?

8           A     Yes.

9           Q     How are you doing in school?

10          A     I'm okay.

11          Q     Are you doing all right?

12          A     Yes.

13          Q     Have you had a lot of absences since you started  
14 back in school?

15          A     Yes.

16          Q     How many would you say you've had, if you know?

17               THE COURT: For this school year?

18               MS. ALLEN: Correct, since she started at Brown.

19               THE WITNESS: Twenty something.

20 BY MS. ALLEN:

21          Q     Pretty close to thirty?

22          A     Yes.

23          Q     Is it more than thirty now?

24          A     Yes.

25          Q     When you were living with Fred and Ms. Ann -- Well,

1 let me start with this. You don't remember much about Las  
2 Vegas before you went to Utah, is that correct? Do you  
3 remember when you went to Utah?

4 A Yes.

5 Q Okay. But you said you sort of remembered being in  
6 Las Vegas before that, is that right?

7 A Yes.

8 Q But you don't remember a lot, is that correct?

9 A Correct.

10 Q Okay. Do you remember Sha'karia back when you  
11 first came to Las Vegas before you went to Utah?

12 A Yes.

13 Q Okay. And Sha'karia is Ms. Ann's daughter, is that  
14 right?

15 A Yes.

16 Q How did you get along with Sha'karia?

17 A Good.

18 Q Okay. Did you ever describe it as being fabulous?

19 A Yeah.

20 Q For a point in time did you and Sha'karia share a  
21 room at Blankenship?

22 A No.

23 Q You don't remember you and Sha'karia and Taharah  
24 sharing a room at Blankenship?

25 A No.

1 Q Okay. So you remember living in Utah, is that  
2 right?  
3 A Yes.  
4 Q And you remember CPS coming to take you and putting  
5 you in a foster home in Utah, is that right?  
6 A Yes.  
7 Q Do you remember talking to people in Utah, the CPS  
8 case workers in Utah? Do you remember that?  
9 A No.  
10 Q You don't remember ever being interviewed in Utah?  
11 A No.  
12 Q Okay. Do you know why you were taken away --  
13 A No.  
14 Q -- when you were in Utah? I'm sorry, what?  
15 A No.  
16 Q Okay, you don't know?  
17 A No.  
18 Q So that was never explained to you?  
19 A No.  
20 Q You were just put in a foster home?  
21 A Yes.  
22 Q Okay. Do you remember while you were in Utah if  
23 Victoria was taking care of you?  
24 A No.  
25 Q Victoria didn't take care of you in Utah?



1 A I don't remember her.

2 Q You don't remember?

3 A No.

4 Q Okay. What do you remember about Utah?

5 A I remember that we had a babysitter named Ms. Kathy.

6 Q Okay.

7 A And I remember the park we went to and I remember

8 the bus station. And I remember the mall and I remember the

9 Krispy Creme donuts. And I remember the movie place, if it

10 was a prize or something.

11 Q Did you go to school in Utah?

12 A Yes.

13 Q Okay. What grades were you in?

14 A I was in kindergarten.

15 Q Okay, in Utah you were in kindergarten?

16 A Yes.

17 Q Okay. And then when you moved back to Las Vegas,

18 did you start first grade or second grade?

19 A First.

20 Q First grade. Okay. And what school did you go to?

21 A I went to H.P. Fitzgerald Elementary School.

22 Q And you were in H.P. Fitzgerald from first through

23 sixth, is that correct?

24 A No, fifth.

25 Q Fifth grade. Okay, who -- is it Makiah? (phonetic)

1 Was there someone in the house on Blankenship named Makiah?

2 A No.

3 Q Was there -- Did Ms. Ann have a granddaughter who

4 had disabilities?

5 A Markiah (phonetic).

6 Q Markiah. Okay, I apologize. That's how it was

7 spelled in the transcript. Markiah. Who is Markiah?

8 A Her granddaughter.

9 Q Okay. And you said she had disabilities, is that

10 right?

11 A Yes.

12 Q Did she have cerebral palsy?

13 A What?

14 Q Do you know what her disability was?

15 A No.

16 Q Okay. Can you explain for the jury what her

17 disability was?

18 A She could talk but she couldn't talk fluently.

19 Q Okay. What about walking?

20 A She could walk.

21 Q She walked okay?

22 A Yes.

23 Q Okay. Did she walk like you do?

24 A No.

25 Q Okay. So she walked different from you?

1 A Yeah.

2 Q Did she go to school?

3 A Yes.

4 Q Did she go to school with you?

5 A No.

6 Q She never went to school with you?

7 A No.

8 Q Do you remember telling -- do you remember telling

9 CPS that Ann treated -- what's her name?

10 A Markiah.

11 Q Markiah better than you?

12 A Yeah.

13 Q Okay. And is that how you felt?

14 A Yeah.

15 Q Did Markiah need some special attention, though,

16 because of her disabilities?

17 A Yeah.

18 Q You talked a little bit about Shabazz and some of

19 the things that happened with Shabazz. Do you remember that?

20 A Yes.

21 Q Okay. And you said that Shabazz had come home from

22 school because he had beaten up a disabled kid?

23 A Yes.

24 Q Did you know exactly what had happened with that?

25 A Not exactly.

1 Q Okay. You heard Shabazz had beaten up a disabled  
2 kid?  
3 A Yes.  
4 Q Did you hear that he had done it in the bathroom?  
5 A Yes.  
6 Q And he had beaten the kid up pretty bad?  
7 A Yes.  
8 Q Okay. And Shabazz got in trouble for that, didn't  
9 he?  
10 A Yes.  
11 Q Okay. And you said that he was hit, is that right?  
12 A Yes.  
13 Q And you said that Fred left a black eye?  
14 A Something like that.  
15 Q Okay. Would you describe Shabazz' skin as about  
16 your color, your complexion, or do you think he's a little  
17 lighter skinned than you are?  
18 A Darker.  
19 Q He's darker than you?  
20 A Yes.  
21 Q Okay. Could you see the black eye?  
22 A You could see like that it wasn't the color --  
23 Q So it was black underneath his eye?  
24 A No, it was like -- it wasn't like a full black eye,  
25 but you can see the mark and then you can see that it was

1 like a busted blood vessel 'cause his -- the thing was red,  
2 the white was red.

3 Q The white of his eye was red?

4 A Not the whole white.

5 Q Just a little bit?

6 A Yes.

7 Q Okay. So was it mostly white and then just a  
8 little bit of red?

9 A Yes.

10 Q Okay. And you said he had a mark under his eye,  
11 is that right?

12 A Yes.

13 Q Okay. And he went to school with that mark under  
14 his eye, didn't he?

15 A Yes.

16 Q Okay. Now, you said -- you talked about getting  
17 in trouble at -- when you lived with Fred and Ann. Are you  
18 okay?

19 A Yes.

20 Q You talked about getting in trouble when you lived  
21 with Fred and Ann. Do you remember talking about some of the  
22 things you got in trouble for?

23 A Yes.

24 Q Okay. Do you recall getting in trouble for taking  
25 someone's bracelet at school?

1           A     Yeah.

2           Q     You took a bracelet from a diabetic girl and you  
3 brought it home. Do you remember getting in trouble for  
4 that?

5                   MS. RHOADES: Objection, foundation. I don't --

6                   THE COURT: Maybe you can --

7                   MS. RHOADES: It also assumes facts not in evidence.

8                   THE COURT: Maybe you can lay out more foundation.

9                   MS. ALLEN: Okay.

10 BY MS. ALLEN:

11          Q     So when did you get in trouble then for stealing  
12 this bracelet, or for stealing something from school?

13          A     It was in elementary.

14          Q     Okay. When?

15          A     I didn't steal it, I found it.

16          Q     Oh, okay. So now you didn't steal it, is that  
17 correct, you found it?

18          A     Yeah.

19          Q     Okay. And was it -- I asked you when that was.  
20 When did you find it?

21          A     It was some grade in elementary. I don't remember.

22          Q     It was what grade?

23          A     I don't know which grade it was.

24          Q     Okay. So it was sometime, though, between first  
25 and fifth grade, is that right?

1           A     Yes.

2           Q     Okay. And it was -- it was a bracelet that  
3 belonged to a diabetic girl, is that right?

4           A     I didn't know that.

5           Q     Okay. Did it have the warning on it that she was  
6 diabetic?

7           A     I don't remember what it looked like.

8           Q     You don't remember what it looked like. Okay. But  
9 you came home, is that correct, and you had it?

10          A     Yes.

11          Q     Okay. And you got in trouble for that, is that  
12 right?

13          A     Yes.

14          Q     Okay. You talked about when Fred would hit you  
15 with a belt. Do you recall that?

16          A     Yes.

17          Q     You said it happened on one occasion at least, is  
18 that right?

19          A     Yes.

20          Q     Okay. And one of them was the bracelet issue, is  
21 that correct?

22          A     I'm not sure what it was.

23          Q     Okay. Well, can you remember all of the instances  
24 where you were hit with a belt?

25          A     No.

1 Q Okay. Can you tell me how many times it happened?  
2 A More than once.  
3 Q More than once. Okay, so twice?  
4 A I can't remember how many times.  
5 Q Okay. Prior to moving in with Fred and Ann when  
6 you lived with your mom, did your mom discipline you?  
7 A Can you say it again?  
8 Q Prior to moving in with Fred and Ann, did your mom  
9 discipline you? Did your mother ground you?  
10 A Yeah.  
11 Q Did your mother spank you?  
12 A No.  
13 Q Did your mother ever, you know, make you do extra  
14 chores around the house when you would get in trouble?  
15 A I can't remember.  
16 Q Can you remember an instance where your mother  
17 grounded you?  
18 A I can remember time out.  
19 Q Okay. And what's time out?  
20 A Where you can't go outside.  
21 Q Okay. So you can just play in the house, you just  
22 can't play outside?  
23 A Yeah.  
24 Q Okay. Do you remember Victoria disciplining you?  
25 A No.



1           Q     You never remember Victoria disciplining you in any  
2 way?  
3           A     No.  
4           Q     Okay. So would you agree then that the first time  
5 that anybody had ever spanked you was when you moved in to  
6 Fred and Ann's house?  
7           A     Yes.  
8           Q     Okay. So when you were hit with -- or when you  
9 were hit with a belt, you said it left red marks, is that  
10 right?  
11          A     Yes.  
12          Q     Okay. And after it was over, were you able to get  
13 up and walk out of the room?  
14          A     Yes.  
15          Q     Okay. Did you have any problem sitting down?  
16          A     It just hurted.  
17          Q     It hurt. Did it hurt for like five minutes, ten  
18 minutes?  
19          A     I can't remember.  
20          Q     You can't remember. Okay. The next day were you  
21 unable to sit down?  
22          A     No.  
23          Q     Okay. You didn't have any problems walking, is  
24 that right?  
25          A     No.

1 Q Okay. Is it fair to say that you didn't always  
2 agree that you deserved to be punished?

3 A Yeah.

4 Q Okay. In your voluntary statement -- well, let me  
5 -- you recall making two statements to -- well, let me put it  
6 this way. You recall making one statement to the Henderson  
7 Police Department and one statement to CPS, is that correct?

8 A Yes.

9 Q Okay. And do you recall when you talked to the  
10 Henderson Police Department they asked you if anything like  
11 that had ever happened to you? You were referring -- they  
12 were talking to you about Fred and Taharah and they asked if  
13 anything like that had ever happened to you. Do you remember  
14 what your answer was?

15 A No.

16 Q You don't remember what your answer was?

17 A I said no.

18 Q Okay. Taquanda, let me clarify then. You don't  
19 remember what your answer was, or was the answer no?

20 A The answer was no.

21 Q The answer was no. Okay. So you told -- in  
22 December of 2011 you told the police department that your  
23 answer -- that no, nothing like that had ever happened to  
24 you, is that correct?

25 A Yes.

1 Q Which is different from what you're testifying to  
2 today, is that right?

3 A That nothing like that ever happened to me.

4 Q Okay. When you told the Henderson Police -- you  
5 initially told the Henderson Police Department in 2011, in  
6 December of 2011 that nothing like that had happened to you,  
7 is that right?

8 A Yes.

9 Q And today you're saying that something like that  
10 happened to you, isn't that correct?

11 A Something like what happened to Taharah?

12 Q Being hit. Would you like to review your statement?  
13 Would that help you remember what we're talking about?

14 A Can you repeat the question?

15 Q Okay. When you spoke with the Henderson Police  
16 Department you were talking about -- you were describing  
17 about -- to them about Taharah being hit by Fred. Do you  
18 remember telling them Fred hitting Taharah?

19 A Yes.

20 Q Okay. Do you remember the detective asking you if  
21 anything like that had ever happened to you, and your answer  
22 was no? Do you remember that now?

23 A Yes.

24 Q Okay. So in December of 2011 you told the  
25 Henderson Police Department that nothing like that had ever

1 happened to you, right, that you had never been beaten by  
2 Fred. Do you remember that now?

3 A Yes.

4 Q Okay. But you're testifying here today and your  
5 testimony is different, isn't that right? You're now saying  
6 that Fred hit you, is that correct?

7 A Can you go back over that?

8 Q Would you like to review the statement? If that  
9 will help you, you can look at it.

10 A No, thank you.

11 Q Huh?

12 A No, thank you.

13 Q So you don't think it will help you to review the  
14 statement?

15 A No, thank you.

16 Q I'm asking you if you think it will help. It won't  
17 help?

18 A No.

19 Q Okay. You can read, is that right? You don't have  
20 any problems reading?

21 A No.

22 Q You can read, correct?

23 A Yes.

24 Q Okay.

25 MS. ALLEN: May I approach, Your Honor?

1 THE COURT: You may.

2 BY MS. ALLEN:

3 Q Okay. So I'm going to ask you if I'm reading this  
4 correctly. I apologize, page 13 and 14. Okay, let me see.  
5 Okay. (Reading) "Did that stuff ever -- did that ever, any of  
6 that stuff ever happen to you?" "Answer: No." Did I read  
7 that correctly?

8 A Yes.

9 Q "Okay." And you answered: "It happened to my  
10 sister." "Which sister?" "Taharah." Did I read that  
11 correctly?

12 A Yes.

13 Q "Okay. What happened to Taharah?" Your answer:  
14 "Um, it was like, uh, a day she got like a C from school and,  
15 uh, Fred was just beating her in the hallway." Do you recall,  
16 is that -- did I read that correctly?

17 A Yes.

18 Q Okay. And then you talk about him hitting her with  
19 his hands, is that correct?

20 A Yes.

21 Q Okay. And she had marks on -- I'm skipping down.  
22 "Yeah, she had marks on her legs." "Did they go away or does  
23 she still have them?" Did I read that correctly?

24 A Yes.

25 Q Okay. "They went away." "When was that?" "It was

1 like -- it was like '08 or '07." Is that correct, did I read  
2 that right?

3 A Yes.

4 Q Okay. "All right. But you said that never happened  
5 to you?" "No." Did I read that correctly?

6 A Yes.

7 Q Okay. Now, do you remember making those statements?

8 A Yes.

9 Q Okay. Now, what I was asking was, today as you sit  
10 here you're testifying that Fred did hit you and did beat  
11 you, is that right?

12 A Yes, but how I thought he meant was how he beat  
13 Taharah.

14 Q Okay. So he beat Taharah differently than he beat  
15 you, is that right?

16 A Yeah.

17 Q Okay. Let's talk about Mahlica and choking -- him  
18 choking her in the bedroom. Do you remember testifying about  
19 that?

20 A Yes.

21 Q Okay. It was in the bedroom. Which bedroom was  
22 that?

23 A The one we was in at that time.

24 Q Okay. And which one was that?

25 A The second one.

1 Q Is this the one with the mirrors?  
2 A No.  
3 Q This doesn't have the mirrors?  
4 A No.  
5 Q Okay. Who was living in the room at the time?  
6 A Oh, but that room did have mirrors but it wasn't  
7 the one that I was talking about.  
8 Q The floor to ceiling mirrors or the closet door  
9 mirrors; the big ones?  
10 A They both had that.  
11 Q They both had that?  
12 A Yeah.  
13 Q Okay. Who was living in that room at the time?  
14 A It was me, Taharah and Mahlica.  
15 Q Okay. And so you see Fred choking Mahlica, is that  
16 right?  
17 A Yeah.  
18 Q Okay. And was Victoria in the room when this  
19 happened?  
20 A No.  
21 Q Okay. So it's just you and Mahlica and Fred?  
22 A Yeah.  
23 Q Okay. And he comes in and does this right in front  
24 of you, is that right?  
25 A Yes.

1 Q And are you telling him to stop?

2 A No.

3 Q Okay. You described an incident where Fred and  
4 your mom were talking through a door and you said he busted  
5 down the door. Do you remember that?

6 A Yes.

7 Q Okay. Do you recall telling -- or talking to the  
8 Henderson detective about that incident?

9 A Yes.

10 Q You do?

11 A Yes.

12 Q Okay. Do you recall telling him that there was a  
13 mark on the door?

14 A Yes.

15 Q That he hit the door and there was a mark on the  
16 door?

17 A Yes.

18 Q Okay. You never told the Henderson detective that  
19 he busted the door down, did you?

20 A Yes.

21 Q You told him that? Okay. Prior to coming in here  
22 today, did you review your statements that you made to  
23 Henderson and to CPS?

24 A Yes.

25 Q You read both of them, is that right?



1           A     Yes.

2           Q     Okay. And you believe that you told the Henderson  
3 detective that you said he busted the door down, is that  
4 right?

5           A     Uh-huh.

6           Q     Yes?

7           A     Yes.

8           Q     Is that a yes? Okay. I'm going to hand you the  
9 statement, 19 pages. Can you look and find that for me?

10          A     Okay.

11                               (Pause in the proceedings)

12          THE WITNESS: Okay.

13 BY MS. ALLEN:

14          Q     Did you have a chance to look through it? Okay.  
15 You stopped at page 13?

16          A     You wanted me to go through all of it?

17          Q     Well, did you find it in the pages that you looked?  
18 The pages that you did read, did you find anything about him  
19 busting the door down?

20          A     Yeah, but it wasn't busting the door down.

21          Q     It was --

22          A     I didn't tell the story.

23          Q     Okay. So when I asked you about the mark on the  
24 door, that was what you meant is that he busted the door  
25 down, is that correct?

1           A     Yeah.

2           Q     Okay. But when you talked to the Henderson  
3 detective you said that he left a mark on the door, is that  
4 right?

5           A     Yeah.

6           Q     And you didn't actually see him leave the mark on  
7 the door, it's just what you heard, is that right?

8           A     I saw and heard the mark.

9           Q     You saw and heard the mark. Okay. Now, you said  
10 -- during your direct examination you talked about --  
11 Kristina, Ms. Rhoades asked you if there was any -- if Fred  
12 was abusive towards you. Do you need help with the  
13 microphone?

14          A     No.

15          Q     Okay. Well, you keep -- Is it on?

16          A     It's on.

17          Q     Okay.

18          A     I was just looking at it.

19          Q     Okay. During the time mom and Vicky lived in the  
20 house, which was almost two years, is that right, there was  
21 no abuse going on. You testified to that, is that correct?

22          A     Say it again.

23          Q     During the time that mom and Vicky were living in  
24 the Blankenship address, you indicated that nothing really  
25 happened. Do you remember saying that?

1           A     Yes.

2           Q     Okay. And at some point mom and Vicky moved out,  
3 is that right, of the Blankenship home?

4           A     Yes.

5           Q     And Mahlica and Shabazz went with them, is that  
6 right?

7           A     Yes.

8           Q     And you would see your mom and Vicky and Mahlica  
9 and Shabazz on weekends, is that correct?

10          A     Yes.

11          Q     Fred or Ann would drop the two of you off and leave  
12 you for the weekend, is that correct?

13          A     Yes.

14          Q     And would you say that you saw them two times a  
15 month, three times a month? Your family, your siblings.

16          A     I'm not sure how many times I saw them a month.

17          Q     Okay. Was it more than once?

18          A     Sometimes.

19          Q     What about holidays, would you spend holidays  
20 there? Like if you had a three day weekend, do you think  
21 you'd go to your mom's house for the three day weekend?

22          A     Yeah.

23          Q     Okay. What about like Christmases and stuff, would  
24 you spend Christmas with your mom?

25          A     Yeah.

1 Q Okay. You mentioned that Taharah got in trouble  
2 for being outside she had gone over to talk to some -- you  
3 referred to them as some dudes. Do you remember that?

4 A Yes.

5 Q Were they older guys? Older than Taharah?

6 A Yeah.

7 Q Okay. Do you know how much older they were?

8 A No.

9 Q How many were there?

10 A I can't remember how many.

11 Q Okay. Do you remember an instance of Taharah  
12 taking some inappropriate pictures of herself on a cell phone  
13 and Ann catching her?

14 A I don't remember.

15 Q You don't remember? Okay. You don't remember Ann  
16 taking the phone away after finding the pictures?

17 A I don't remember.

18 Q Okay. Do you remember in December of 2011 -- I  
19 believe you do remember talking to Bobbie Tibbs?

20 A Yes.

21 Q She was from CPS, is that right?

22 A Yes.

23 Q And prior to speaking with Bobbie Tibbs, you spoke  
24 with Detective Aguiar from Henderson, is that correct?

25 A Yes.

1           Q     And did they explain to you when they sat down to  
2 talk to you what they did for a living? Did Detective Aguiar  
3 tell you he was a police officer?

4           A     Yes.

5           Q     Okay. And did Bobbie tell you that she was from  
6 Child Protective Services?

7           A     Yes.

8           Q     Okay. And you had previous involvement with Child  
9 Protective Services in Utah, isn't that right?

10          A     Yes.

11          Q     Okay. So at this point you sort of understood what  
12 CPS does?

13          A     Yes.

14          Q     Okay. You understand that CPS was there to take  
15 you out of the home if something bad was going on, is that  
16 right?

17          A     Yes.

18          Q     When you spoke to Bobbie Tibbs, do you recall  
19 telling her you did not want to go back and live with your  
20 mom, Tina?

21          A     I don't recall that.

22          Q     Do you recall telling her that you don't -- or that  
23 you didn't believe your sister, Victoria, when she claimed  
24 that she was raped?

25          A     I don't recall that.

1 Q Do you recall telling Bobbie that you liked living  
2 with Fred and Ann and that you felt safe there?

3 A I don't recall that.

4 Q Okay. And Bobbie didn't come in the middle of the  
5 night, did she? She came on a Monday morning between like  
6 10:00 and 11:00 or 9:00 and 10:00. Do you remember that?

7 A I don't remember when she came.

8 Q You were on Christmas break from school?

9 A I don't remember.

10 Q And when you spoke to her, it wasn't, you know, the  
11 middle of the night like Detective Aguiar, is that right?

12 A That's right.

13 Q It was during the day, is that right?

14 A That's right.

15 Q And you were taken away from Fred and Ann to talk  
16 to her, isn't that correct?

17 A Correct.

18 Q Okay. And did she make you feel comfortable? Was  
19 she a nice lady?

20 A Yes.

21 Q And did she explain that she would protect you and  
22 help you if anything was going on?

23 A Yes.

24 Q Okay. When you were taken away from your mom in  
25 Utah, was that pretty traumatic?

1           A     I don't remember how I was feeling.

2           Q     You don't remember how you felt when you were taken  
3 away from your mother?

4           A     No.

5           Q     Okay. So you don't remember being bothered by it  
6 at all?

7           A     No.

8           Q     Okay. Were you concerned when you gave the  
9 statement to Detective Aguiar that you were going to be taken  
10 away from that home? Were you worried about that?

11          A     No.

12          Q     Okay. He asked you if you felt safe there, living  
13 there. Do you remember that?

14          A     Which one was this?

15          Q     Detective Aguiar in December of 2011, he asked you  
16 if you felt safe living there. Do you remember? Do you  
17 remember that?

18          A     Who interviewed me?

19          Q     Detective Aguiar from Henderson Police Department,  
20 and he asked you if you felt safe there. Do you remember  
21 that?

22          A     This is the one in the middle of the night?

23          Q     Yes.

24          A     Oh. I don't remember.

25          Q     Okay. Do you remember your answer was, "Kind of?"

1           A     Yeah.

2           Q     Okay.  So you do remember if he asked you if you  
3 felt safe living there?

4           A     On the paper I do.

5           Q     Okay.  And he goes on to ask you more, like a few  
6 more questions about that, do you remember?  About feeling  
7 safe living there, do you remember that?

8           A     No.

9           Q     Okay.  All right.  So do you remember -- you do  
10 remember him asking you about:  "Do you feel safe living  
11 here?"  And you said, "Kind of."  You remember that, right?

12          A     Yes.

13          Q     Okay.  And he said, "How come?"  And you said, "A  
14 little bit."  Do you remember that?

15          A     Yes.

16          Q     Okay.  And he said, "How come just kind of?"  And  
17 you said, "Because I don't know, like, what's going to  
18 happen."

19          A     Yes.

20          Q     Okay, you remember that.  All right.  Do you  
21 remember him saying to you, "I'm a nice person, all right.  
22 I just -- I have to come out and make sure -- somebody called  
23 us and I've got to make sure you and your sister are safe.  
24 That's my only job tonight."  Do you remember him telling you  
25 that?



1           A     On the paper, yeah.

2           Q     So you remember it on the paper, but you don't

3 remember it when you actually spoke with him?

4           A     I remember a little bit of that night when I spoke

5 to him, but most of the stuff that you asked me on the paper

6 I remember.

7           Q     You don't remember. Okay.

8           A     I do remember on the paper.

9           Q     Okay. Do you remember testifying last year at a

10 preliminary hearing?

11          A     Like this?

12          Q     Something like this, yes. Do you remember --

13 except we were downstairs, do you remember that?

14          A     Yes.

15          Q     Okay. Do you remember testifying that -- well,

16 do you remember testifying when you were asked how often you

17 went to your mom's house you said, "I would go every other

18 weekend"?

19          A     Yeah.

20          Q     Okay. Do you recall testifying that Fred pulled

21 out a knife and stuck it to your throat? Do you remember

22 that?

23          A     Yes.

24          Q     Okay. You didn't testify to that today, is that

25 correct?

1           A     Yes.

2           Q     When did you testify to that today? Did Ms. Rhoades  
3 ask you any questions about that?

4           A     No.

5           Q     Okay. So the knife to your throat, this is the  
6 first time you're talking about this today, isn't that  
7 correct?

8           A     Yes.

9           Q     Okay. And do you remember, I asked you back at the  
10 preliminary hearing if you told anybody about this. Do you  
11 remember?

12          A     Yes.

13          Q     And do you remember who you told me that you told?

14          A     My counselor, Ms. House.

15          Q     Ms. House. Okay. What else did you tell Ms. House?

16          A     Everything that happened.

17          Q     Which would be what?

18          A     I think I told her the thing about Shabazz.

19          Q     What thing about Shabazz?

20          A     I'm not sure which one.

21          Q     Okay. You told her about Shabazz being repeatedly  
22 punched by Fred. Do you remember testifying to that?

23          A     Yes.

24          Q     Okay. So you told Ms. House about Shabazz being  
25 repeatedly punched by Fred. You remember telling her that?

1           A     Yes.

2           Q     Okay.  What else did you tell her?

3           A     I'm not sure.

4           Q     Did you tell her about Taharah?

5           A     I'm not sure.

6           Q     Did you tell her anything about your mom?

7           A     I'm not sure.  I don't remember what else I told

8 her.

9           Q     Okay.  What about Victoria?  What about all

10 the stuff that happened with Victoria, did you tell her

11 that?

12          A     I don't think so.

13          Q     But you definitely told her about Fred holding

14 a knife to your throat and threatening to kill you; right?

15          A     Yes.

16          Q     Okay.  And you definitely told her about Shabazz

17 being beaten?

18          A     I don't remember if I told her definitely about

19 Shabazz.

20          Q     Okay.  Would it refresh your recollection to look

21 at your testimony from last year?

22          A     Yes.

23                MS. ALLEN:  May I approach, Your Honor?

24                THE COURT:  You may.

25                MS. ALLEN:  Page 185.

1 BY MS. ALLEN:

2 Q Did you have a chance to review that?

3 A Yes.

4 Q Okay. Does that refresh your recollection?

5 A Yes.

6 Q Okay. So last year you did testify in fact that

7 you told Ms. House about that, is that correct?

8 A Yes.

9 Q Okay. But you can't remember if you told her about

10 the other things, is that right?

11 A Yes.

12 Q Or about any of the sexual abuse allegations, you

13 don't remember if you told her any of those things, is that

14 right?

15 A That didn't happen until last year, so.

16 Q So the sexual abuse happened last year in 2013?

17 A It didn't happen until fifth grade, and I remember

18 I didn't talk to her when I was in fifth grade.

19 Q You didn't talk to Ms. House, but you were at H.P.

20 Fitzgerald, is that right?

21 A Yes.

22 Q Okay. The instance or incident with Taharah where

23 you see what's going on through the mirrors with the bed, is

24 that right? You remember that?

25 A Yes.

1 Q Okay. And you said no one else was home but you  
2 and Taharah and Fred, is that right?

3 A Yes.

4 Q You came home from school. Do you remember what  
5 time you got home?

6 A No.

7 Q What time do you usually get home?

8 A Around 3:30.

9 Q 3:30. Okay. And you said you fell asleep, is that  
10 right?

11 A Yes.

12 Q And how long were you asleep?

13 A I'm not sure.

14 Q Okay. When you woke up, was it still light out?

15 A No.

16 Q It was already dark?

17 A It wasn't dark, it was the thing before it gets  
18 dark.

19 Q Okay. So the sun wasn't down yet, is that right?

20 A It was down.

21 Q The sun was down?

22 A Yes.

23 Q But it wasn't dark?

24 A Correct.

25 Q Okay. And so you don't know how long you had been

1 sleeping, is that right?

2 A Correct.

3 Q But you see your sister leave the room, is that

4 right?

5 A Correct.

6 Q And you said you can see into the hallway because

7 of these mirrors that are on the --

8 A Yes.

9 Q Okay. And you can see everything that sort of

10 happens in the hallway because of those mirrors, is that

11 right?

12 A Yes.

13 Q And you said you see something in the laundry room

14 through a crack in the door, is that right?

15 A Yes.

16 Q Okay. How widely was the door cracked?

17 A Big enough for me to see their hand.

18 Q Which would be how much?

19 A I don't know.

20 Q Well, can you estimate? You're holding your hand

21 up. Can you hold it up for the jury, please? Hold your hand

22 up.

23 A Oh, no, I wasn't doing it for you all. I was --

24 Q Oh, you weren't?

25 A No.

1           Q     Okay. Can you estimate for me how widely the door  
2 was cracked?

3           A     I don't remember how large it was cracked, but it  
4 was cracked enough for me to see their hand, and it wasn't a  
5 little crack.

6           Q     It wasn't a little crack?

7           A     No.

8           Q     Okay. Do you recall telling CPS that it was  
9 halfway open?

10          A     No.

11          Q     Certainly if it was halfway open you would have  
12 seen everything that was going on in that room, correct?

13          A     Correct.

14          Q     Okay. So it wasn't halfway open --

15          A     No.

16          Q     -- is that right? Okay. So that was incorrect  
17 what you told CPS; is that correct?

18          A     Correct.

19          Q     And you can't estimate as you sit here how big the  
20 crack was in the door; right?

21          A     Right.

22          Q     Can you tell me how big the laundry room was?

23          A     It was like medium size.

24          Q     Okay. Was it -- were the washer and dryer one on  
25 top of the other or were they side by side?

1           A     Side by side.

2           Q     Okay. So the washer and dryer were side by side  
3 on one wall, is that right?

4           A     Yeah.

5           Q     And then you had the rest of the laundry room  
6 there, is that correct?

7           A     Correct.

8           Q     How many people could fit in that laundry room?  
9 Aside from the washer and dryer, how many people, other  
10 people could fit in the laundry room?

11          A     It depends on how big they are.

12          Q     Okay. Let's say everybody is about your size.  
13 How many people would fit in there? Your height, your size.

14          A     Maybe five.

15          Q     Maybe five of you?

16          A     Uh-huh.

17          Q     Okay. So it's a pretty good size room, is that  
18 right?

19          A     Yes.

20          Q     Okay. And that includes five of you plus the  
21 washer and dryer, is that correct?

22          A     Yes.

23          Q     So if you took the washer and dryer out, it would  
24 be even bigger, correct?

25          A     Yes.



1           Q     The room would be even bigger. And so maybe like,  
2 what, three or four more people could fit in there if the  
3 washer and dryer were gone?

4           A     No.

5           Q     Okay. All right. The summer of -- well, let's go  
6 back. So you see Taharah coming out of the bathroom, is that  
7 right?

8           A     Yes.

9           Q     And you've been walking sort of up and down the  
10 hall and gone back to your bedroom and hadn't really seen  
11 anybody, right? You saw their hands, is that correct, but  
12 you didn't really see anybody, is that right?

13          A     Correct.

14          Q     Okay. And Taharah comes back to the bedroom at  
15 some point, is that right?

16          A     Yes.

17          Q     Okay. And you said that she wasn't crying, is that  
18 right?

19          A     Correct.

20          Q     And she acted like nothing had happened, is that  
21 right?

22          A     Correct.

23          Q     Okay. And you said that you had a discussion with  
24 her that same day?

25          A     Yes.

1 Q Okay. How much later was that discussion?

2 A When she came back in the room.

3 Q Okay. Not crying and acting like nothing had

4 happened, is that right?

5 A Uh-huh. Yes.

6 Q Yes. Okay. And then you told Ms. Ann the same day,

7 is that right?

8 A Yes.

9 Q Taharah didn't tell her, you did?

10 A Yes.

11 Q And you didn't tell Ann together, is that correct?

12 A Correct.

13 Q It was just you and Ms. Ann?

14 A Yes.

15 Q Okay. Back when you -- when this thing happened

16 with Taharah, that was like May, right? May of 2012, is that

17 correct?

18 A Correct.

19 Q And Victoria and Mahlica, Shabazz and your mom are

20 living in Henderson, is that correct?

21 A Correct.

22 Q And you had seen them throughout the year, the

23 school year, like 2011 and 2012, is that correct?

24 A Correct.

25 Q And then that summer of 2012 you and your sister

1 spent the entire summer or almost the entire summer at your  
2 mom's house, didn't you?

3 A Correct.

4 Q And who was living there at the time you spent the  
5 summer at your mom's house?

6 A It was Shabazz, Mahlica, Vicky and mom.

7 Q And you and Taharah?

8 A Yeah.

9 Q Okay. So Victoria was living in the home at this  
10 time, is that right?

11 A Yes.

12 Q Okay. And then you go back to Fred and Ann's house  
13 at the end of the summer, is that correct?

14 A Correct.

15 Q And shortly thereafter you're taken out by CPS;  
16 right?

17 A Right.

18 Q Okay. Fast-forward to June of 2013 when you  
19 testified. Do you remember testifying downstairs in June of  
20 2013?

21 A Yes.

22 Q Were you in contact with Victoria a lot?

23 A When?

24 Q In June of 2013. June of 2013, were you in contact  
25 with Victoria?

1 A No.

2 Q Not at all?

3 A I didn't see her, no.

4 Q CPS was not arranging visits with your mom and  
5 Victoria and you and your sister?

6 A They was, but she didn't come.

7 Q She never came to any visits?

8 A Probably some.

9 Q Okay. So she did come to some visits?

10 A Yeah. Some.

11 Q All right. When did Victoria move to California?

12 A I don't know.

13 Q You have no idea when Victoria moved to California,  
14 is that right?

15 A Correct. I don't know when she moved.

16 Q Okay. And since at least November of 2013 you've  
17 been living with your mom, is that correct?

18 A Correct.

19 Q And Victoria is not living with you, is she?

20 A No.

21 Q Okay. The summer that you lived with your mom and  
22 Mahlica and Shabazz and Victoria, was Victoria taking care of  
23 you and your sister a lot?

24 A Yeah.

25 Q Your mom was gone a lot, wasn't she?

1           A     Yeah.

2           Q     And so Victoria was taking care of the family?

3           A     Yeah.

4           Q     Okay. Was she the one making sure everybody did

5 everything they were supposed to do?

6           A     Yeah.

7           Q     During your direct examination you said -- you were

8 talking about something and you said the plan didn't work

9 out. Do you remember saying that?

10          A     Yes.

11          Q     Okay. The plan -- you were talking about calling

12 CPS -- DFS, do you remember that?

13          A     Yes.

14          Q     Do you remember saying that you called DFS from

15 your friend's house, is that right?

16          A     My play cousin.

17          Q     Okay, your play cousin. But that's where you

18 called from?

19          A     Yes.

20          Q     You called from her house. And who told you that

21 you should call?

22          A     Myself.

23          Q     Okay, yourself. No one told you you should call?

24          A     No.

25          Q     Okay. Did you call representing yourself to be an

1 aunt or did you call saying that you were Taquanda Duke? Did  
2 you call saying you were someone else?

3 A No.

4 Q Okay. You said you were yourself?

5 A Yes.

6 Q Okay. And you called CPS because you wanted to --  
7 the plan hadn't worked out and so now you were calling CPS,  
8 is that right?

9 A Yes.

10 Q Okay. Did the plan involve Victoria?

11 A No.

12 Q The plan never involved Victoria?

13 A No.

14 Q Okay. What was the plan?

15 A Okay. So Ann said that --

16 Q No, don't tell me what Ann said. Don't tell me  
17 what Ann said.

18 MS. RHOADES: Your Honor, that's what the plan is,  
19 what Ann said.

20 THE COURT: Well, if she can --

21 BY MS. ALLEN:

22 Q Yeah. Can you tell me without saying what Ann  
23 said?

24 THE COURT: Thank you.

25 THE WITNESS: It's exactly what she said.

1 BY MS. ALLEN:  
2 Q Okay. Can you tell me what the plan was without  
3 telling me what Ann said?  
4 MS. LUZAICH: Can we approach?  
5 (Bench Conference)  
6 THE COURT: I think she already said what the plan  
7 was.  
8 MS. LUZAICH: She did. She testified on direct.  
9 THE COURT: She said we were going to get an  
10 apartment and then she was losing the apartment.  
11 MS. LUZAICH: And you never objected. She said Ann  
12 said we're going to get an apartment.  
13 THE COURT: Yeah.  
14 MS. LUZAICH: Ann said we were going to do this and  
15 then she didn't move.  
16 MS. ALLEN: All right.  
17 THE COURT: She went and got it and then she lost  
18 the apartment. And then she was upset because the plan  
19 didn't work out.  
20 MS. ALLEN: Okay, I'll leave it alone then. That's  
21 okay.  
22 MS. LUZAICH: Well, no, I'd ask that the answer  
23 come in.  
24 (End of Bench Conference)  
25 /////

1 BY MS. ALLEN:

2 Q Did your sister Victoria want --

3 MS. RHOADES: Your Honor, the witness did not answer  
4 the question about the plan.

5 MS. ALLEN: Then I'll withdraw the question, Your  
6 Honor.

7 THE COURT: Okay.

8 MS. ALLEN: Thank you.

9 BY MS. ALLEN:

10 Q Did your sister Victoria want you guys to move back  
11 with her and her mom -- your mom, Tina, in the house, the  
12 apartment on Center Street?

13 A Yes.

14 Q Okay. Victoria wanted you guys back in the house,  
15 didn't she?

16 A Yes.

17 Q Okay. Did she express that to you a lot?

18 A Yes.

19 Q Okay. Did she also express a lot of hatred towards  
20 Fred?

21 A Yes.

22 Q Okay. Did Victoria --

23 MS. ALLEN: I'll withdraw the question, Your Honor.  
24 If I can have a moment.

25 (Pause in the proceedings)



1 BY MS. ALLEN:  
2 Q Have you seen Victoria in the last week, week and  
3 a half?  
4 A Yes. She was here.  
5 Q She came into town, is that right?  
6 A Yes.  
7 Q Did she stay with you guys, you and your mom?  
8 A No.  
9 Q She didn't stay with you guys?  
10 A No.  
11 Q Okay. Do you know where she stayed?  
12 A She stayed at the Golden Nugget.  
13 Q Okay. All right. Did you guys stay with her?  
14 A No.  
15 Q You didn't visit her at all?  
16 A We did, but --  
17 Q You didn't sleep there?  
18 A No.  
19 Q Okay. How many days did you see her?  
20 A Only one.  
21 Q Only the one day? Did you see her Monday evening,  
22 early evening, like from five o'clock?  
23 A Is that when she came?  
24 Q I'm asking you, did you see her Monday evening  
25 around five o'clock?

1           A     I only saw her when she came.

2           Q     Okay. You don't remember the day that you saw your  
3 sister?

4           A     It was yesterday, so no.

5           Q     You believe you saw Victoria yesterday?

6           A     Oh, no, the day before yesterday.

7           Q     So what would the day before yesterday be?

8           A     Wednesday.

9           Q     Okay. You believe you saw your sister on Wednesday,  
10 is that right?

11          A     Yes.

12          Q     Okay. And you met her downstairs, down here at  
13 this courthouse downstairs. Do you remember that?

14          A     Yes.

15          Q     And you were with your mom, is that right?

16          A     Yes.

17          Q     And you were with I think Mahlica?

18          A     Yes.

19          Q     And maybe Taharah, is that correct?

20          A     Yes.

21          Q     Okay. And when Victoria came out the doors of  
22 the courthouse, everybody gave her a hug. Do you remember  
23 that?

24          A     Yes.

25          Q     Does Victoria call home very often?

1 A No.

2 Q She doesn't talk to you guys very much?

3 A No.

4 Q Okay.

5 A Why would you ask me did I see her on Monday?

6 THE COURT: You don't get to ask her questions.

7 THE WITNESS: Oh.

8 MS. ALLEN: I apologize, I thought it was Monday.

9 BY MS. ALLEN:

10 Q So you would be correct then, it would be

11 Wednesday. You saw Victoria on Wednesday, is that right?

12 A Yes.

13 Q And when she came out she gave your mom a hug, is

14 that right?

15 A Yes.

16 Q And you?

17 A Yes.

18 Q And all the other kids. Shabazz wasn't there

19 though, right?

20 A No.

21 Q Okay. So she gave the other kids a hug, is that

22 right?

23 A Yes.

24 Q When you testified last year in the same building

25 downstairs, did Shabazz come with you?

1 A No.

2 Q Do you know if Shabazz ever testified?

3 A I don't know.

4 Q You don't know. But you never saw him here, is  
5 that right?

6 A Correct.

7 MS. ALLEN: Court's indulgence. Thank you, Your  
8 Honor, I'd pass the witness.

9 THE COURT: Okay. Redirect?

10 MS. RHOADES: Yes, Your Honor.

11 MS. ALLEN: You know what, I did forget to ask a  
12 question. I'm so sorry.

13 MS. RHOADES: Oh, that's okay.

14 THE COURT: Go ahead.

15 MS. ALLEN: I apologize. One question.

16 THE COURT: No, go ahead.

17 BY MS. ALLEN:

18 Q Do you recall going to see Dr. Gondy, Anita Gondy?

19 A I don't remember.

20 Q She was an OB/GYN. You saw her in maybe June of  
21 2012.

22 A What does she look like?

23 Q Well, you don't remember Dr. Gondy, is that right?

24 A Correct.

25 Q Okay. So you don't remember going to see an OB/GYN

1 in June of 2012, right?

2 A Correct.

3 Q You and your sister. One last question. Did you

4 know Marcus?

5 A Correct.

6 Q You did?

7 A Yes.

8 Q What does Marcus look like?

9 A He's dark skinned. He looks like Ms. Ann.

10 Q He looks like Ms. Ann?

11 A Uh-huh.

12 Q Short hair?

13 A Fade. Yeah.

14 Q Okay, thank you.

15 MR. MACARTHUR: Betsy, hold on.

16 MS. ALLEN: Oh, wait.

17 (Mr. MacArthur confers with Ms. Allen)

18 BY MS. ALLEN:

19 Q You don't recall seeing a doctor who had a red dot

20 on her head, on her forehead? Do you remember seeing a

21 doctor with a red dot on her forehead?

22 A I don't remember.

23 MS. ALLEN: Thank you.

24 THE COURT: Okay. Redirect.

25 MS. RHOADES: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MS. RHOADES:

Q Taquanda, how old were you when you lived in Utah?

A Six.

Q Were you going to school in Utah? You probably already answered this.

A Yes.

Q And what grade were you in?

A Kindergarten.

Q You said that Markiah lived you guys here in Las Vegas. Do you remember that? Do you remember saying that?

A She didn't live, she just came to visit.

Q Okay. When did she come to visit and where?

A Like, there was a time she did live there, but when she came to visit she came to visit Ms. Ann and Sha'karia.

Q When would she come to visit Ms. Ann and Sha'karia?

A When she wasn't living there.

Q The whole time that she wasn't living there she would come over to visit?

A Yes.

Q And are you talking about the Blankenship house?

A Yes.

Q When did she live there?

A I don't know what year it was.

Q Was it closer to when you moved her from Utah or

1 further away in time?

2 A I can't remember that.

3 Q When did you read your statements?

4 A That day I came sometime this week. It was either  
5 Monday -- whenever I came, the first day I came.

6 Q In your statement to the Henderson Police in  
7 December 2011, did you give specific examples of what Fred  
8 would do to Shabazz and Taharah?

9 A Which interview was this?

10 Q The one in the middle of the night. The one to the  
11 Henderson police, did you give them a specific example of  
12 what Fred did to Shabazz?

13 A I don't remember.

14 Q How about Taharah, do you remember giving them a  
15 specific example of what Fred did to Taharah?

16 A I don't remember.

17 Q Did Fred do either of the things that you told the  
18 Henderson Police about to you? That probably was a bad  
19 question. Did Fred ever do the things that you described to  
20 the police in the middle of the night, those specific things,  
21 did he do those specific things to you?

22 A No.

23 MS. ALLEN: Judge, objection. I believe it's sort  
24 of a compound question, and I would object as to leading.

25 THE COURT: Sustained.

1 MS. ALLEN: Okay.

2 BY MS. RHOADES:

3 Q When you saw Vicky when she was here, where were  
4 you guys at?

5 A We was in the victim room, like the one where you  
6 get the thing to get paid.

7 Q Was it in this building?

8 A Yes.

9 Q Did you see Vicky when she was here anywhere else  
10 except for this building?

11 A We went to go get pizza for lunch.

12 Q And is that it?

13 A That's it.

14 Q On cross-examination you talked about when you saw  
15 Fred choking Mahlica. What did you do while you saw this  
16 happening?

17 A Look.

18 Q I'm sorry, I didn't hear you.

19 A All I was doing was looking; just sitting there.

20 Q How were you feeling at the time?

21 A Scared.

22 MS. RHOADES: Your Honor, may I approach your clerk?

23 THE COURT: Uh-huh. You may.

24 MS. RHOADES: Thank you. And may I approach the  
25 witness?



1 THE COURT: You may.

2 BY MS. RHOADES:

3 Q Okay. Taquanda, I'm going to show you what's been  
4 previously admitted as Defendant's Exhibit D.

5 A What's that?

6 Q I'm going to show them to you, okay.

7 A No, what you were saying.

8 Q I'm going to show you some photographs. They have  
9 already been admitted. I'm just trying to make a record of  
10 what they are. Defendant's Exhibits D -- it looks like D  
11 through Q. Those are some photographs. Can you first look  
12 through the photographs and tell me if you see the door that  
13 you described Fred busting in any of those photographs. Did  
14 you get a chance to look through all of those photographs?

15 A I'm going to re-check. I'm done.

16 Q Okay. Did you see a photograph of the picture that  
17 Fred -- a picture of the door that Fred busted in there?

18 A No.

19 Q Did you see a photograph of the laundry room in  
20 there?

21 A Yes.

22 Q Which one is a photo of the laundry room?

23 A I didn't find a picture of where the door was  
24 busted down with the spot on the door, but I found the door,  
25 where the door was.

1 Q Okay. And for the record is this -- Defendant's  
2 Exhibit I, is that the photograph of the door?

3 A Yes.

4 Q Is that the only photograph of the door that you  
5 saw in the bunch of photos, just this one, no others?

6 A Those are the pictures of the door -- not the door  
7 because they didn't show the door, but that's the room door  
8 it was.

9 Q How many photos of the laundry room did you see in  
10 these pictures?

11 A Two.

12 Q Which two showed the laundry room?

13 A These two.

14 Q And that's Defendant's Exhibit J and Defendant's  
15 Exhibit D, is that right?

16 A Yes.

17 MS. RHOADES: Your Honor, permission to publish some  
18 of these?

19 THE COURT: Do you want to admit them first?

20 MS. RHOADES: I believe they've already been  
21 admitted. They're defendant's exhibits.

22 THE COURT: They're already admitted?

23 MS. ALLEN: Oh, they're already admitted, Your  
24 Honor. No objection.

25 THE COURT: Okay, perfect. You can publish.

1 MS. RHOADES: Thank you, Your Honor.

2 BY MS. RHOADES:

3 Q Let me try to -- better like that, huh? Can you  
4 see that, Taquanda?

5 A Yes.

6 Q And for the record, this is Defendant's Exhibit I.  
7 What is that a photograph of?

8 A That's a photograph of -- there's a room and inside  
9 the room you can see that the curtain is tied up and you can  
10 see the mirror.

11 Q Is there anything significant about the door that  
12 would be there?

13 A It's gone, or it's open.

14 Q Do you recognize that door? Well, do you recognize  
15 where the door would be?

16 A Yes.

17 Q Is that the door that Fred hit?

18 A Yes.

19 Q What room is that? What room was that while you  
20 were living there?

21 A That was at a time that was my room, and then that  
22 was my mom's room and then that was Ronnie's room. And  
23 that's all I can think of.

24 Q Who's Ronnie?

25 A Ms. Ann's cousin.

1 Q At the time that Fred busted it, whose room was it?  
2 A My mom's.  
3 Q I'm going to show you Defendant's Exhibit J. What  
4 is that a photograph of?  
5 A The laundry room. There's --  
6 Q In this photo -- oh, go ahead.  
7 A That was the dryer and then it looks like some  
8 Christmas stuff on top of it. And then you can see the  
9 washing powder and you can see that a cabinet is open.  
10 Q In this photograph, Taquanda, do you see where you  
11 saw Fred and Taharah's hands?  
12 A Yes.  
13 Q Can you point to that for us?  
14 A Right there. It was somewhere in that area. It  
15 was up.  
16 Q How did you know that those hands belonged to Fred  
17 and Taharah?  
18 A 'Cause I know what his hands look like and there  
19 was a difference. Like, you can see the big one and then you  
20 can see the little one.  
21 Q I'm going to show you Defendant's Exhibit D. That  
22 is another photograph of the laundry room?  
23 A Yes.  
24 MS. RHOADES: May I approach your clerk, Your  
25 Honor?

1 THE COURT: You may.

2 MS. RHOADES: Thank you.

3 BY MS. RHOADES:

4 Q On cross-examination Ms. Allen asked you if you  
5 told the interview -- during the interview that you had with  
6 CPS, if you told them that the laundry door was halfway open.  
7 Do you remember that? Do you remember talking about the door  
8 being halfway open with Ms. Allen?

9 Q I don't remember the interview.

10 A Would it refresh your recollection as to exactly  
11 what you told CPS regarding the door if I showed you a  
12 transcript of your interview with them?

13 Q Yes.

14 MS. RHOADES: May I approach the witness?

15 THE COURT: You may.

16 MS. RHOADES: Page 17.

17 BY MS. RHOADES:

18 Q If you could just look at that top sentence. You  
19 can look at me when you're done. Does that refresh your  
20 memory as to what you told them about the door?

21 A Yes.

22 Q What exactly did you tell CPS about the door?

23 A I said it was like halfway open.

24 Q Did you say that it was cracked and like halfway  
25 open?

1           A     Yes.

2           Q     This incident in the laundry room happened in May,  
3 is that right?

4           A     Yes.

5           Q     And you testified on direct that Ann took you and  
6 Taharah to a doctor in June, is that right?

7           A     I don't know exactly when she took us.

8           Q     Did she take you to the doctor before you went to  
9 stay with your mom in the summer?

10          A     I can't remember, but I know we went to a doctor.

11          Q     This plan that you talked about on cross-  
12 examination, whose plan was that?

13          A     Ms. Ann's.

14          Q     What was the plan?

15          A     The plan was for us to move out.

16          Q     When did Ms. Ann make this plan?

17          A     A couple of days after I told her.

18          Q     What month would that have been in?

19          A     Maybe May.

20          Q     Was this before you went to your mom's for the  
21 summer that year?

22          A     Yes.

23          Q     And when you say to move out, who was supposed to  
24 move out?

25          A     Just me and Taharah and her.

1           Q     And you guys were supposed to move out of the  
2 Blankenship house?

3           A     Yes.

4           Q     When did you come back to the Blankenship house  
5 from being with your mom in the summer?

6           A     I don't know, but it was before school was going  
7 to start.

8           Q     When did school start that year? Do you know what  
9 month?

10          A     August.

11          Q     And when you came back for the school year, were  
12 you guys moved out of the house?

13          A     No.

14          Q     Were you guys going to move out of the house?

15          A     Yes.

16          Q     But did you end up doing that?

17          A     No.

18          Q     You called CPS at the end of September, is that  
19 right?

20          A     Yes.

21          Q     Is this after you had been in Blankenship for  
22 almost two months?

23          A     Yes.

24                MS. RHOADES:  Nothing further, Your Honor.

25                THE COURT:  Recross?

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RECROSS EXAMINATION

BY MS. ALLEN:

Q Okay. So your testimony is that you and Ms. Ann and Taharah had a plan to move, is that right?

A Yes.

Q And this was in May of 2012, correct?

A Yes.

Q And in June when school gets out, you go to your mom's house and you leave for the entire summer, isn't that right?

A Yes.

Q Okay.

A Not the entire; almost all.

Q Almost the entire summer. You spent almost the entire summer at your mom's house. When did you come back to Ms. Ann's house?

A Before school started.

Q Which would be when?

A I don't know exactly when.

Q Okay. You don't know when school starts?

A August.

Q Okay. And so the beginning of August, the end of August, middle?

A Like the end.

Q Okay. You come back and you're living -- you're



1 still living obviously in Ms. Ann's house, is that right?

2 A Yes.

3 Q At Blankenship?

4 A Yes.

5 Q Okay. And you don't -- you call towards the end of  
6 September, correct?

7 A Yes.

8 Q Okay. You're aware of the fact that Victoria had,  
9 without going into what she said, but she previously reported  
10 something back in December of 2011, is that right?

11 A Yes.

12 Q You were aware of that because you were interviewed  
13 as a result of that, isn't that correct?

14 A Correct.

15 Q Okay. And as a result of her allegation and then  
16 all the interviews, or at least you were interviewed, you  
17 weren't taken out of the home, is that right?

18 A Say that again.

19 Q You weren't taken out of the home in December of  
20 2011, were you?

21 A No.

22 Q Okay. In fact, you weren't taken out of the home  
23 until almost a year later, is that correct?

24 A Correct.

25 Q And at that point in time you made a different

1 statement or a separate statement to CPS, is that right?

2 A Yes.

3 Q And are you aware that everybody -- Mahlica and  
4 Victoria and your mom had also made different statements or  
5 secondary statements to CPS? Are you aware of that?

6 A Yes.

7 Q Okay. And those came after the summer that you and  
8 Taharah spent with your mom, is that right?

9 A If that's when it is, then yes.

10 Q Well, do you remember when you made the statement?

11 A No.

12 Q Okay. Would they have been after you called CPS in  
13 September?

14 MS. RHOADES: Foundation, Your Honor. What  
15 statement is she referring to?

16 MS. ALLEN: The one from CPS is the one I was --

17 THE COURT: Okay.

18 MS. ALLEN: I had referred to that, Your Honor.

19 BY MS. ALLEN:

20 Q So the one from CPS, this was in September of 2012,  
21 is that right?

22 A Is it the one when I called or when he came to the  
23 house in the morning? Which one?

24 Q Okay. You called CPS in September of 2012, correct?

25 A Correct.

1 Q And after that you were interviewed?

2 A Yes.

3 Q Do you remember her name? Was her name Sholeh?

4 A Yes.

5 Q Okay. Sholeh interviewed you, is that right?

6 A Yes.

7 Q Okay. Different from Bobbie, correct?

8 A Yes.

9 Q Okay. Bobbie interviewed you almost a year prior

10 to that in December of 2011, is that right?

11 A Yes.

12 Q Okay. Do you recall during 2011 and 2012, that

13 time frame, do you recall Sha'karia accusing you of stealing

14 something from her?

15 A Yes.

16 Q And what that?

17 A A dildo.

18 Q Okay. And do you recall blaming Taharah?

19 A I don't -- I can't remember.

20 Q You can't remember who you blamed?

21 A I don't even remember if I blamed someone.

22 Q Okay. They found it in your dresser, didn't they?

23 A Yes.

24 MS. ALLEN: Okay. Thank you. Pass the witness.

25 THE COURT: Okay. Do you have more?

1 MS. RHOADES: Yeah, just briefly, Your Honor.

2 THE COURT: Okay.

3 FURTHER REDIRECT EXAMINATION

4 BY MS. ALLEN:

5 Q Your -- when you talked with Bobbie Tibbs from CPS,  
6 that interview was not recorded, is that right?

7 A I can't remember.

8 Q When the police came in the middle of the night  
9 and recorded an interview at Blankenship --

10 A Yes.

11 Q -- was Bobbie Tibbs there?

12 A No.

13 Q Do you remember the name of the person that  
14 interviewed you at CPS?

15 A After I called?

16 Q Yes.

17 A The one she was talking about?

18 Q Yes.

19 A Ms. Sholeh.

20 Q Would it refresh your recollection as to the name  
21 of who actually interviewed you if I showed you a copy of  
22 your transcript?

23 A I don't think I remember her name.

24 Q Does Michelle Fisher sound familiar to you?

25 MS. ALLEN: Objection, Your Honor, leading.

1 THE COURT: Sustained.

2 MS. RHOADES: Now it's an inconsistent statement.  
3 I'm just -- it doesn't matter. That's fine, Your Honor,  
4 nothing else.

5 THE COURT: Okay. Thank you very much for your  
6 testimony. You can step down and you are excused. Thank you  
7 for being here.

8 THE WITNESS: You're welcome.

9 THE COURT: You can go now. You just leave the  
10 microphone there.

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

20 We'll be in recess for fifteen minutes.

21 (Court recessed from 3:35 p.m. until 3:57 p.m.)

22 (Jury is not present)

23 MS. LUZAICH: Judge, I have one more witness and  
24 that's it.

25 THE COURT: That's it?

1 MS. LUZAICH: Yeah. But I mean, I don't know if --  
2 THE COURT: But which witness is it?  
3 MS. LUZAICH: No, Rose Smith.  
4 MR. MACARTHUR: Rose Smith.  
5 MS. LUZAICH: It's not one of the kids. It's not  
6 one of the kids.  
7 THE COURT: Okay.  
8 (Jury is present)  
9 THE COURT: Do the parties stipulate to the  
10 presence of the jury panel?  
11 MS. ALLEN: Yes, Your Honor.  
12 MS. LUZAICH: Yes.  
13 THE COURT: Okay. Do you want to call your next  
14 witness?  
15 MS. LUZAICH: The State calls Rose Smith.  
16 ROSE SMITH, STATE'S WITNESS, SWORN  
17 THE CLERK: Thank you. Please be seated. Would  
18 you please state your full name, spelling your first and last  
19 name for the record.  
20 THE WITNESS: Rose Marie Smith. R-O-S-E S-M-I-T-H.  
21 THE CLERK: Thank you.  
22 MS. LUZAICH: Thank you.  
23 DIRECT EXAMINATION  
24 BY MS. LUZAICH:  
25 Q Good afternoon, ma'am. May I call you Rose?

1           A     Yes.

2           Q     Thank you.  Rose, do you live here in Las Vegas?

3           A     Yes, ma'am.

4           Q     Are you involved with your church?

5           A     Yes.

6           Q     How involved with your church are you?

7           A     We go to different churches to do noon day prayer  
8 to bring the community in, to help the community grow, the  
9 churches to grow with more people and to help the community  
10 with the children.

11          Q     Okay.  And when you say "we," who is "we"?

12          A     My spiritual mother, which she has been made --  
13 she's like Nevada's -- I can't remember.  She's been made  
14 like -- she's been granted an award to helping from the  
15 State.

16          Q     Okay.  And you and your spiritual mother travel  
17 around to different churches every day?

18          A     Like three days a week.

19          Q     But a different church each day?

20          A     Yes, ma'am.

21          Q     Okay.  And in doing this, did you meet a lady that  
22 was known to you as Tina Duke?

23          A     Yes, ma'am.

24          Q     Do you remember around when was that?

25          A     October 2010.

1           Q     In October of 2010, can you describe for us how you  
2 actually met Ms. Duke?

3           A     Yes. We were in prayer and she came into the  
4 service and after the service she told us that God told her  
5 to come into the church and that someone was going to help  
6 her. And we didn't know what kind of help she needed, and  
7 she wound up saying that she needed thirty-five bucks for  
8 a bus pass to get back and forth to work. So one of the  
9 gentlemen gave her thirty-five bucks and we offered to give  
10 her a ride home and we took her to her apartment.

11          Q     Now, when you say we offered to give her a ride  
12 home, who is "we"?

13          A     My spiritual mother and I.

14          Q     And just so that it's easier for me, what's your  
15 spiritual mother's name?

16          A     Sister Johnson.

17          Q     Sister Johnson.

18          A     Uh-huh.

19          Q     Okay. So yourself and Sister Johnson gave Tina a  
20 ride home. Where was it that you took Tina at the time?

21          A     It was right off of Craig and -- I don't remember  
22 the side street. I just --

23          Q     Commerce, maybe; Craig and --

24          A     Yes. Yes, it is Commerce.

25          Q     -- Commerce-ish?



1           A     Commerce.  Yes.

2           Q     Okay.  And this nice lady in front of you is kind  
3 of taking down everything we say, so we just can't talk on  
4 top of each other.

5           A     Okay.

6           Q     So when you and Sister Johnson took Tina home to  
7 that location, were there other people at her home?

8           A     No.  When we got there no one was there.

9           Q     What, like time of day, day of the week was it?

10          A     It was a Wednesday about 1:30 when we approximately  
11 took her to the house because prayer is 12:00 to 1:00, and  
12 by the time we got her there it was 1:30.

13          Q     Okay.  And when you took her to the home, did you  
14 go inside?

15          A     Yes, ma'am.

16          Q     What was inside the home, if anything?

17          A     Well, we asked her could we come in and bless her  
18 house, and there was actually literally nothing inside the  
19 home but blankets on the floor with a pillow.  And in two  
20 bedrooms there was a blanket and a pillow in one room and a  
21 blanket and pillow in another room.

22          Q     Okay.  Was there anything observable in the kitchen?

23          A     No.

24          Q     Had you had any conversation with her about her  
25 family?

1           A     She said -- I asked her --

2           Q     Without telling me what she said. I mean, had you

3 had a conversation with her about her family?

4           A     Yes.

5           Q     Did she make you aware that she did in fact have

6 kids?

7           A     Yes, ma'am.

8           Q     Okay. Was that the extent of your contact with her

9 that day?

10          A     Yes.

11          Q     Did you have contact with her or her family again

12 after that?

13          A     Yes, ma'am.

14          Q     How did that come about?

15          A     Because it was on my heart to help her, I wind up

16 going back to my home and I gave them a loveseat and a chair,

17 a blow-up mattress for the children, a regular full size

18 mattress, I think it's a single mattress, and some pillows,

19 blankets and some food and some dishes. I kind of like took

20 pictures off my wall and just kind of like blessed their

21 house with them to make it home for the children.

22          Q     Okay. Did you at this time in October of 2007 (sic)

23 live near her?

24          A     Yes, ma'am.

25          Q     Ten. I'm sorry. October 2010. Is that what you

1 said, it was 2010?

2 A Yes, 2010. Yes.

3 Q Sorry about that. How close to her did you live?

4 A About five minutes.

5 Q Okay. So easy to get things to her house?

6 A Yes. Uh-huh.

7 Q When did you bring that stuff back to her?

8 A The following day.

9 Q When you went back, what time of day was it?

10 A It was about 5:00 in the afternoon.

11 Q Were there other people there at that time?

12 A Just the three children.

13 Q Which three children were there?

14 A Mahlica, Shabazz and Victoria.

15 Q Did you stay and talk to the kids at that point?

16 A Yeah, I kind of was talking to them, introduced

17 myself and was trying to see what other needs that they

18 needed to try to help them.

19 Q Okay. Did you stay for awhile or was it just, hi,

20 I'm Rose, here's some stuff and bye?

21 A No, we stayed for awhile because I wanted to get to

22 know the children and to help them because I just felt a need

23 to help them.

24 Q Did it appear to you that they needed some help?

25 A Yes. Uh-huh.

1           Q     Did Tina ever get home that particular day that you  
2 brought the stuff while you were there?

3           A     No, I never seen her that day.

4           Q     Did you continue to have contact with the family?

5           A     Yes, ma'am.

6           Q     Tell me about the contact that you continued to  
7 have with the family.

8           A     It was on like a regular basis because they had a  
9 home phone and I would call and keep in contact with the  
10 kids. And I started bringing -- asking could they come over  
11 to my house for cookouts, and so they were allowed to. And  
12 then it became more of asking could Victoria stay for the  
13 weekends with me.

14          Q     Now, do you have children yourself?

15          A     Yes, ma'am.

16          Q     How many children do you have?

17          A     I have two.

18          Q     Ages?

19          A     Thirteen and twenty-two.

20          Q     Your 22-year-old, boy or girl?

21          A     A boy.

22          Q     And is your son kind of close in age to Victoria?

23          A     Yes.

24          Q     And then your 13-year-old, boy or girl?

25          A     It's a girl.

1 Q Is your daughter -- well, who was Victoria closer  
2 to?

3 A My daughter. My daughter and I.

4 Q Did Victoria spend a lot of time with your daughter?

5 A Yes. Uh-huh.

6 Q And did you notice anything about Victoria and how  
7 she interacted with your daughter?

8 A Uh, she told me that she reminded her of her sister  
9 and so that she just loved her.

10 Q If your daughter is 13 now, does that mean she's  
11 about eight years younger than Victoria?

12 A Correct.

13 Q Did your daughter and Victoria play together on a  
14 somewhat similar mental and emotional level?

15 MR. MACARTHUR: Objection, Your Honor, leading.

16 THE COURT: You're leading.

17 BY MS. LUZAICH:

18 Q Okay. Did you notice anything about Victoria and  
19 your daughter and how they would play together or communicate  
20 together?

21 A Uh, they had a lot of fun and they were just like  
22 -- to me it was kind of like they were around the same age  
23 and having a lot of fun playing games and enjoying movies and  
24 stuff.

25 Q You spent -- it sounds like you spent a lot of time

1 with Victoria over the course of time.

2 A Yes, ma'am.

3 Q What, if anything, did you notice about Victoria  
4 and her ability to communicate and get on in the world?

5 A Uh, Victoria is a very bright young lady. I  
6 noticed she was a little shy. And then she'd wind up opening  
7 up and very spoken with us and friendly. She's very -- had  
8 a lot of dreams. Had a lot of dreams; like she wanted to do  
9 a lot.

10 Q Okay. Were her dreams realistic?

11 A Yeah. She wanted to be a designer and we would do  
12 things, arts and crafts, and she would do some different  
13 designs and stuff, so going to design school would be the  
14 best for her.

15 Q Okay. Did you find Victoria to be a little slow  
16 at times?

17 A Not really slow, but she would be hesitant. Like  
18 she would think about before she speaks.

19 Q Okay. What about Mahlica, did you spend much time  
20 with Mahlica?

21 A Not as much with Mahlica. Every time I spent with  
22 Mahlica it was like picking up Victoria and probably like  
23 twenty minutes just spending time with them there and then  
24 leaving.

25 Q Okay. And what about Shabazz?

1           A       The same. Really not much time with Shabazz.  
2       Probably a total of time would probably be like 24 hours with  
3       Shabazz and Mahlica together, like coming to the cookouts a  
4       couple times and going to church.

5           Q       Okay. Did you notice anything about Shabazz?

6           A       I tried to -- Shabazz was like the man of the  
7       house. Like, he wouldn't let Victoria come even if I said  
8       her mom said she could and stuff like that. But just kind  
9       of, you know, typical for the only child being in the house  
10      that's a man, to try to be.

11          Q       And did you notice anything about Shabazz' mental  
12      abilities?

13          A       I actually did. I bought the children bibles and  
14      Shabazz was telling me that he couldn't read. So I went and  
15      got him a DVD bible that talks -- the DVD that will read the  
16      bible to you word for word, so I purchased that for him.

17          Q       Okay. Now, you said that Victoria would come over  
18      to your house and the kids at times for cookouts.

19          A       Uh-huh.

20          Q       For how long did that continue?

21          A       Uh, all the way until I guess -- for a lot, for  
22      like a year or more.

23          Q       Okay. And would you also go to their house?

24          A       I would go there to spend time with Victoria if she  
25      couldn't come over, but I really pretty much picked her up

1 and brought her to my house.

2 Q Did you notice anything about their house as you  
3 went there?

4 A When I was there -- it seemed like every time I was  
5 there the house -- like, they never had food in their house.  
6 They never had food, they didn't have like a lot of clothing  
7 and like just necessities, things that you need on a daily  
8 basis, deodorant, stuff like that, toothpaste.

9 Q Did you see Tina very much?

10 A Hardly never at all.

11 Q Were you aware whether or not Tina was working at  
12 the time?

13 A Well, the children -- I would always ask where  
14 their mom was and they would say she's working or she has a  
15 part-time job, and then the children had told me that she had  
16 a new boyfriend.

17 Q Okay. But you at least had heard that she was  
18 working?

19 A Uh-huh.

20 Q Is that a yes?

21 A Yes, ma'am. Sorry.

22 Q Did there come a time that you actually lost  
23 contact with Victoria?

24 A Yes, I did.

25 Q Around when was that?



1           A     Oh, goodness, probably about June 2011; about June.  
2           Q     Okay. And after June of 2011 when you lost contact  
3 with Victoria, did you somehow get back into contact with  
4 Victoria?  
5           A     Yes. My son was on a bus and he seen Victoria on  
6 the bus and he got her number and we called her.  
7           Q     When about was that?  
8           A     Uh, I think it was about in November 2011.  
9           Q     Okay. And when you got back into contact with  
10 Victoria, did you continue to see her?  
11          A     Uh-huh. Yes, ma'am.  
12          Q     Is that a yes?  
13          A     Yes.  
14          Q     And would she stay at your house?  
15          A     Yes, ma'am.  
16          Q     Did there come a time that you learned something  
17 from Victoria that caused you concern?  
18          A     Yes, ma'am.  
19          Q     How did that come about?  
20          A     Uh, I woke up at 4:30 in the morning and Victoria  
21 was still awake. And I asked her, what are you doing up,  
22 honey, what are you still doing up? And she said, Ms. Rose,  
23 I hardly sleep anymore. I said, what do you mean, you hardly  
24 sleep? She said I sleep two hours a day, two to three hours  
25 a day and then I go to school. I said, how do you go to

1 school so tired? I said you need eight hours of rest before  
2 you go to school. You're ready to graduate and you can go  
3 to college or do what you need to do. And that's when I was  
4 talking to her and I said, were you texting that boy all  
5 night? And she's like, no, Ms. Rose. I said, well, you know  
6 you have to wait for God to send you your husband. And she  
7 told me, yes, Ms. Rose, I know. And I asked her and I was  
8 telling her, you know, God is going to bless you with a nice  
9 husband, you'll have a family and everything is going to  
10 work out good for you and you're going to have a good career.  
11 And I was encouraging her to go to college and stuff.

12 And I said -- I asked her if she was still a  
13 virgin. And she said, Ms. Rose -- I said what, honey? She  
14 said, if I tell you something, will you promise not to say  
15 anything? And I said, yes, I promise, honey, I won't say  
16 anything. And she said, Ms. Rose, you promise? I said yes,  
17 honey, I promise. And she told me ever since she was 11  
18 years old that her mom's boyfriend has been sexually  
19 molesting her and taking advantage of her and abusing her  
20 and hurting her.

21 Q What did you do when you found that out?

22 A I was crying and she was crying, and I held her for  
23 an hour and a half. She cried so hard and for so long. It  
24 was just all I could do was cry and hold her. And I held her  
25 and I told her when she finally calmed down, I said Victoria,

1 honey, Ms. Rose is sorry but there's no way I can keep this  
2 promise. I said, I cannot keep this promise for you. I  
3 apologize, but this has to be told. There's no way that Ms.  
4 Rose is going to let this guy keep continually abusing you.  
5 I love you too much for this guy to hurt you, and I can't  
6 believe that this has been going on all this time and you  
7 haven't told me.

8 Q So what did you do?

9 A I asked her to please, let's get some rest, and I  
10 told her, I said, Victoria -- I let her get some rest and I  
11 waited for her to get up and I said, Victoria, we have to go  
12 to the police with this. And she told me no, that she was  
13 afraid, that he had told her that he would kill her, her  
14 whole family. And I told her, honey, we are going to go to  
15 the police, Victoria. We have to. We don't know how many  
16 other little girls that he has been hurting and who; we don't  
17 know.

18 And she said -- she told me that him and his wife  
19 had custody of her two little sisters that were 11 and 13.  
20 And I just -- it was so heavy on my heart. I said, Victoria,  
21 he has custody of your sisters? This is the guy that has  
22 custody of your sisters? And she told me, yes, ma'am. And I  
23 said, Victoria, he's probably molesting your sisters as well,  
24 honey. We have to go to the police and stop this because  
25 what if he's doing the same thing to your sisters as he was

1 doing to you? And she said, I don't know if he is or not,  
2 Ms. Rose. I said it doesn't matter if he is, honey, he has  
3 to be stopped. This can't continue to go on. I said I'm not  
4 going to let this man keep hurting you. He'll never touch  
5 you again. Let's just go to the police.

6 Q Did you go to the police?

7 A Yes, ma'am.

8 Q When did you do that?

9 A Oh, I don't --

10 Q I mean, was it that same day, was it later --

11 A Yeah, it was later on that day. Yes, ma'am.

12 Q And how did you do that? Where did you go?

13 A I went to the one police department in north town  
14 and they were closed and they told me to go to the other one.  
15 And I can't remember exactly where they told me to go, but I  
16 know where to go and I took her there.

17 Q Okay. Did you go to the Henderson Police  
18 Department?

19 A Yes, the Henderson Police Department. Yes, ma'am.

20 Q Now, at that time had Victoria and her brother,  
21 sister and mother moved to Henderson?

22 A Yes, ma'am.

23 Q And I'm sorry to go back for one second. At the  
24 time that you lost track of Victoria, was she still living at  
25 Craig and Commerce or had they already moved?

1           A     They had already moved.

2           Q     Okay.  So it was when they moved that you lost  
3 track of her?

4           A     Yes, ma'am.

5           Q     Okay.  So you went to the Henderson Police  
6 Department?

7           A     Yes, ma'am.

8           Q     What happened when you went to the Henderson Police  
9 Department?

10          A     I told -- I went and told the gentleman that I have  
11 a young lady that just confessed to me that she has been  
12 being molested and raped and abused from a gentleman for --  
13 since she's been 11 years old, and that I needed to speak --  
14 let her speak to an officer to tell him what was going on.

15          Q     Okay.  So you talked to a detective?

16          A     Uh-huh.  Yes, ma'am.

17          Q     Is that a yes?

18          A     Yes, ma'am.

19          Q     And did you remain there while Victoria then talked  
20 to a detective?

21          A     Yes.

22          Q     And did you go with Victoria somewhere from the  
23 police department?

24          A     Yes.  From the police department we went to her  
25 apartment.

1 Q Would that be on Center Street in Henderson?

2 A Yes, ma'am.

3 Q Did the police also go there?

4 A Yes, ma'am.

5 Q And what happened while you were at that apartment?

6 A While we were there I told Victoria to take all of

7 her belongings because come to find out the gentleman that

8 has been taking advantage of her had a key to the apartment,

9 so that's why she couldn't sleep. So I told her to get all

10 of her belongings and come with me. And while she was

11 packing up her stuff, the detectives and the police wind up

12 getting evidence from her room.

13 Q And they talked -- did they also talk to -- were

14 Shabazz and Mahlica there?

15 A Yes, ma'am.

16 Q Did the detectives talk to Shabazz and Mahlica?

17 A Yes, ma'am.

18 Q Was Tina there?

19 A No.

20 Q Did you bring Victoria back to your house?

21 A Yes, ma'am.

22 Q And did she stay with you for awhile?

23 A Yes, ma'am.

24 MS. LUZAICH: Thank you. I would pass the witness.

25 THE COURT: Cross?

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CROSS-EXAMINATION

BY MR. MACARTHUR:

Q Good afternoon, Ms. Smith.

A Good afternoon.

Q Are you doing all right?

A Yeah.

Q All right. My name is Jonathan MacArthur. I'm  
counsel for the defense. I just have a few questions for  
you.

A Okay.

Q At the beginning of your testimony you were saying  
that upon your first contact with the Duke family you noticed  
that they didn't have anything.

A Uh-huh.

Q They were sleeping on blankets?

A Uh-huh.

Q And this is on -- in an apartment in North Las  
Vegas?

A Correct.

Q Now, do you know if that apartment complex was  
called St. Andrews, perhaps?

A Uh, I don't remember the name of the apartment  
complex, but I know exactly where it was; how to get there.

Q Okay. Craig and Commerce; that vicinity?

A Yes, Craig and Commerce. Exactly.

1           Q     Okay. And it's in fact true that you gave them  
2 clothes, furniture and prayer when you saw the condition they  
3 were in?

4           A     Yes, and food.

5           Q     And food.

6           A     Yes.

7           Q     You met Tina through your contacts with your  
8 church, is that correct?

9           A     No, she just walked in the church. We never knew  
10 her until she came into the church.

11          Q     She came into the church and you met her there?

12          A     Yes.

13          Q     At least geographically --

14          A     Yeah.

15          Q     -- you came to know her from the church?

16          A     Yes.

17          Q     Okay. I get the sense that your faith is very  
18 important to you.

19          A     Uh-huh.

20                THE COURT: Is that a yes?

21                THE WITNESS: Yes. Sorry.

22 BY MR. MACARTHUR:

23          Q     You also testified that while Victoria was staying  
24 with you that she had told you some things about having  
25 sleeping problems.



1           A     Uh-huh.  Yes.

2           Q     Okay.  Now, this isn't when you first met her,  
3 right?  This is -- you had known her for some time when she  
4 told you that?

5           A     Yes.

6           Q     Okay.  And do you recall that she hadn't had these  
7 sleeping problems before?

8           A     Correct.

9           Q     It was something that developed after you had come  
10 to know her and she had stayed at your place, is that  
11 correct?

12          A     Correct.  Yes.

13          Q     Okay.  Now, after having had this information given  
14 to you by Victoria, you talked about having gone to the  
15 police and giving a statement, is that correct?

16          A     Yes.

17          Q     Do you know if that was December 17th of 2011?

18          A     I'm not sure the exact date, but I know it was in  
19 December 2011.

20          Q     Okay.  Does that sound about right?

21          A     Yes, that sounds about right.

22          Q     Okay.  And did you only give one statement or one  
23 recorded statement?

24          A     Yes, I believe so.

25          Q     Okay.  And so -- I'm sorry, I didn't --

1           A     I said yes, I believe so.

2           Q     Okay. And so if that statement, if the transcript  
3 said December 17th, 2011, any reason to disagree with that?

4           A     Excuse me?

5           Q     If the transcript of the statement says December  
6 17th, 2011, is there any reason to disagree with that?

7           A     No.

8           Q     Okay. Ms. Rose -- I apologize, would you prefer  
9 that I call you Ms. Rose or Ms. Smith?

10          A     Ms. Rose is fine. Everyone calls me Ms. Rose.

11          Q     All right. Do you recall telling the police that  
12 you believed that Fred might have been molesting Taharah and  
13 Taquanda?

14          A     Yes, I do.

15          Q     Okay. And you just testified to that, right?

16          A     Yes, I did.

17          Q     And is it fair to say that this feeling you had  
18 was related to the allegation that Fred had been molesting  
19 Victoria since she was 11 years old?

20          A     Well, it was on my heart, heavy on my heart that  
21 something was happening with the children. It was just a --  
22 it just came to me that these children were being hurt and my  
23 heart was really heavy and concerned for the children, and I  
24 didn't even know the kids.

25          Q     Okay. And just so that I understand what you were

1 telling the police, this isn't something that Taharah and  
2 Taquanda had told you?

3 A No, sir.

4 Q This was a fear that you had because you wanted to  
5 potentially protect them if they could be victims?

6 A Yes.

7 Q Okay. This isn't something that Victoria told you  
8 was happening. Again, it was a concern of yours that it  
9 could happen?

10 A Well, it was a concern of mine that it could  
11 happen, but Victoria told me that she believed that he was  
12 doing the same thing to her sisters as well. And she has  
13 questioned them in prior times and they wouldn't say anything  
14 to her. They would change the subject and wouldn't speak  
15 about it.

16 Q Okay. And so Victoria had the same concern that  
17 you did?

18 A Uh-huh.

19 Q And she said that she had talked to her younger  
20 siblings and they wouldn't confirm it or give her any  
21 information?

22 A Right.

23 Q Okay. Ms. Rose, do you remember telling the police  
24 that --

25 MR. MACARTHUR: Court's indulgence.

1 BY MR. MACARTHUR:

2 Q Ms. Rose, did you tell the police something about  
3 Fred was able to manipulate or continue to sexually abuse  
4 Victoria by bribing her with like, say, a car or college  
5 tuition?

6 A Yes, I remember.

7 Q Could you give me a little bit of information about  
8 what that was and why you said that to the police?

9 A Well, because Victoria had told me. I asked her  
10 why -- I asked Victoria how come she hasn't told her mom, and  
11 she said her mother had knew and that if -- she said that he  
12 would tell her that if she wouldn't have sex with him that he  
13 wouldn't pay for her college or wouldn't buy her a car. And  
14 sometimes he would lock her in her room and wouldn't even let  
15 her out of the room until he would have sex with her.

16 Q I see. And all this weighed heavily on you of  
17 course to hear; is that fair?

18 A Yes, because I love Victoria as my own daughter.  
19 I mean, my daughter was 11 at the time, you know, and this  
20 has been happening to her since she's been 11.

21 Q Sure.

22 A So it was like --

23 Q Of course. Okay. Now, based on your interactions  
24 with the Duke family and seeing that they had so little, did  
25 you arrive at the conclusion that their mother didn't have

1 any money?

2 A Yes, I believe that, that she didn't have any  
3 money.

4 Q Okay. And in fact, did you say to the police that  
5 you thought that Fred must have been taking it because it was  
6 really the only explanation you could think of as to why Tina  
7 had no money?

8 A No, it wasn't the only explanation I could think  
9 of, it's because that's what Victoria told me. Like, he  
10 would monitor how much food came into the house, like very  
11 little at a time, to where if she didn't cooperate and have  
12 the sexual -- sex things with him, then they wouldn't be able  
13 to eat and things like that, so.

14 Q I see. Ms. Rose, based on your interactions with  
15 Tina Duke, do you know anything about whether she had any  
16 addictions to, say, cocaine or downers or sleeping pills?

17 MS. LUZAICH: Objection.

18 THE COURT: Sustained.

19 BY MR. MACARTHUR:

20 Q Based on your interactions with Ms. Duke, are you  
21 aware of any substance abuse on her part?

22 MS. LUZAICH: Objection.

23 THE COURT: Sustained.

24 MR. MACARTHUR: Court's indulgence. Your Honor,  
25 permission to approach?

1           THE COURT: Absolutely.

2                           (Bench Conference)

3           THE COURT: The record will reflect all four

4 lawyers are present. The question is not necessarily

5 objectionable. It's the person you're asking it of. You had

6 Tina here. You could have asked her.

7           MR. MACARTHUR: We talked about it.

8           MS. ALLEN: She admitted it.

9           MR. MACARTHUR: She already admitted that she had

10 those addictions.

11           THE COURT: Okay.

12           MS. LUZAICH: Right. But she can't --

13           THE COURT: This woman can't --

14           MS. LUZAICH: This woman has met her like twice.

15           THE COURT: Yeah.

16           MS. ALLEN: Yeah, but it comes to the money issue.

17           MR. MACARTHUR: Then she just says I don't know

18 anything about it. If she doesn't know anything about it,

19 she doesn't know anything about it.

20           THE COURT: This woman can't testify about that.

21           MS. ALLEN: This comes down to the money issue.

22 She said that the woman never had any money because Fred was

23 taking it. Addictions would account for that as well.

24           THE COURT: Okay, but you already have that.

25           MS. LUZAICH: But you can argue that.

1 THE COURT: You already have that. So the  
2 objection is sustained.

3 MS. LUZAICH: I mean, I'm not going to disagree  
4 with that. I'm not going to disagree with that.

5 THE COURT: Okay.

6 MR. MACARTHUR: Okay. Then for the record, what  
7 was the nature of your objection? Relevance?

8 MS. LUZAICH: Foundation. Speculation and  
9 relevance.

10 THE COURT: Relevance. It's not relevant. And  
11 she's not the appropriate witness to testify about it.

12 MR. MACARTHUR: Okay.

13 (End of Bench Conference)

14 BY MR. MACARTHUR:

15 Q Ms. Rose, were you aware of what full time and  
16 part-time jobs Ms. Duke had?

17 A She had one at a pizza place in a casino, one of  
18 the casinos.

19 Q Is that the full time job?

20 A Yes, sir.

21 Q Okay. Do you have any idea what the part-time job  
22 was?

23 A No, I have no idea.

24 Q Did there come a time where you took Victoria  
25 around town to get her job applications?

1           A     Yes, sir.

2           Q     Was she successful in being able to get a job with  
3 your help?

4           A     Not at the time, no.

5           Q     Ms. Rose, is it in fact the case that you had told  
6 the police during your interview that it was your intention  
7 to take Victoria with you or under your wing and protect her  
8 for as long as possible?

9           A     Yes, sir.

10          Q     Okay. And did she remain with you for some time?

11          A     Yes, sir.

12          Q     Okay. And how long was that?

13          A     Uh --

14          Q     Just so I'm clear, if you could give me a start  
15 date and an ending date for --

16          A     I don't know exactly the ending date. I just know  
17 it was in December the day that we went to the police  
18 department.

19          Q     Okay.

20          A     And for about maybe four or five months.

21          Q     Four or five months. Okay. And did you also live  
22 in Henderson?

23          A     No, I didn't live in Henderson.

24          Q     Understood. I guess my question put another way,  
25 without specifically asking you where you live, did you live



1 in close proximity to the Duke family or was it something of  
2 a drive?

3 A It was about a thirty minute drive to go there and  
4 back.

5 Q Okay.

6 A I mean, from there -- thirty minutes there.

7 Q Ms. Rose, do you remember telling the police that  
8 Fred may have tried to force himself on Mahlica, the next  
9 daughter down? Well, let me rephrase that. Do you know who  
10 I'm talking about when I say Mahlica?

11 A Yes, her sister.

12 Q You're on decent terms with her as well, is that  
13 correct?

14 A Yes. Uh-huh.

15 Q You get along?

16 A Yes.

17 Q Okay. Did you tell the police that Fred had tried  
18 to force Mahlica to have sex with him in the shower about  
19 three days before your voluntary statement?

20 A I remember Victoria had told me that Mahlica was in  
21 the shower and that he tried -- he came in the shower while  
22 she was in there, but Mahlica always has a knife with her, so  
23 she always had carried a knife and slept with a knife at all  
24 times.

25 Q I understand. So this isn't something that Mahlica

1 had told you?

2 A No.

3 Q Okay. This was something -- the forced sex in the  
4 shower and the knife thing was something that was told to you  
5 by Victoria?

6 A Yes. But Mahlica did tell me when we were there  
7 the night -- when I was getting all of Victoria's things that  
8 he had tried before and that he knows that she will stab him,  
9 is what she said.

10 Q Mahlica said she knows that she'll stab him?

11 A Yeah, that he knows. That's why he won't try again  
12 because she will stab him.

13 Q Okay. And was Victoria present for that?

14 A I don't think so. I think Victoria was packing her  
15 things. Or she might have been -- we were all in the same  
16 room, I think. Yeah, we were all in the same room 'cause  
17 they shared --

18 Q Okay. So Victoria may not have been actually in  
19 on that conversation but you were all in the same room --

20 A Yes.

21 Q -- when Mahlica --

22 A She was packing, getting her things, and Mahlica  
23 and I were talking because I was trying to get Mahlica to  
24 come with me because I was afraid that he was going to try to  
25 do her, and that's when she was letting me know that he tried

1 but he won't succeed because she'll stab him and he knows  
2 this.

3 Q Okay. And when you said -- when you were telling  
4 that to the police you said that it had been the last  
5 Wednesday. Do you remember giving this statement to the  
6 police on a Saturday?

7 A Correct.

8 Q Okay. And so the previous Wednesday had been the  
9 14th of December?

10 A Okay. Yes, I guess.

11 Q Does that make sense if you count backward --

12 A Yes, it makes sense.

13 Q -- so Friday, Thursday, Wednesday?

14 A Yes.

15 Q Okay, the 14th. And so the 14th would have been  
16 the day that, if this happened with Fred and Mahlica, it  
17 would have been that day, the Wednesday the 14th, three days  
18 before the police interview?

19 A Yes.

20 MR. MACARTHUR: Okay. Thank you very much, Ms.  
21 Smith. I have no further questions for you.

22 THE COURT: Any redirect?

23 MS. LUZAICH: No. Thank you.

24 THE COURT: Okay. Thank you very much for your  
25 testimony here today. You may step down.

1 THE WITNESS: Thank you.

2 THE COURT: You are excused.

3 It doesn't look as though they have any questions.

4 Does the State have any further witnesses they intend to

5 call?

6 MS. LUZAICH: Well, not today. It's 4:30.

7 THE COURT: I'm sorry?

8 MS. LUZAICH: It's 4:30.

9 THE COURT: Okay. All right, so we will conclude

10 for the day. During this recess you are admonished not to

11 talk or converse among yourselves or with anyone else on any

12 subject connected with this trial, or read, watch or listen

13 to any report of or commentary on the trial or any person

14 connected with this trial by any medium of information,

15 including without limitation newspapers, television, Internet

16 and radio, or form or express any opinion on any subject

17 connected with this trial until the case is finally submitted

18 to you.

19 And we'll start again on Monday at 10:00 a.m.

20 Monday, 10:00 a.m.

21 MS. LUZAICH: Judge, are you -- you know what, can

22 we approach real quick?

23 THE COURT: Sure.

24 (Bench Conference)

25 THE COURT: I apologize, I thought you said this

1 was your last witness.

2 MS. LUZAICH: No, just for the day, but I thought  
3 I was going to be (inaudible).

4 THE COURT: I think you meant today, so I'm sorry.

5 MS. LUZAICH: Are you going to tell them that we're  
6 not going to be in session Tuesday?

7 MS. ALLEN: Tuesday.

8 MR. MACARTHUR: Right.

9 THE COURT: Okay, I'll tell them that.

10 MR. MACARTHUR: They also don't know that -- well,  
11 I guess they know that we're going into next week now.

12 THE COURT: Yeah, they know. The hands started  
13 going up.

14 MS. ALLEN: You just try to slip past and run?

15 THE COURT: I just try.

16 MS. LUZAICH: Oh, if you don't want to. Yesterday  
17 you said you were going to at the end of the day.

18 THE COURT: No. I'll tell them we'll be dark on  
19 Tuesday, okay.

20 (End of Bench Conference)

21 THE COURT: All right. I assume everyone has  
22 figured out that we're not done and we're going to go into  
23 next week. I also just want to inform you that on Tuesday  
24 we will be dark. So we'll be here Monday. If we have to go  
25 further than Monday, then it will be Wednesday.

1           So again, I want to thank you very much for your  
2 willingness to be here and I apologize that it's taking  
3 longer than we anticipated. But again, thank you very much.  
4 I hope you have a great weekend and we'll see you on Monday,  
5 10:00 a.m.

6           (Court recessed at 4:31 p.m. until Monday,  
7           April 7, 2015 at 10:00 a.m.)

8                   \* \* \* \* \*

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\* \* \*

EXHIBITS

<u>DESCRIPTION:</u>	<u>ADMITTED</u>
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**CERTIFICATION**

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

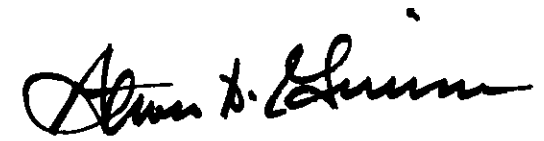
**AFFIRMATION**

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

**FLORENCE HOYT  
Las Vegas, Nevada 89146**

  
\_\_\_\_\_  
Liz Garcia, Transcriber





CLERK OF THE COURT

TRAN

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

THE STATE OF NEVADA

Plaintiff

vs.

FREDERICK HARRIS, JR.

Defendant

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CASE NO. C-291374

DEPT. NO. XII

**Transcript of  
Proceedings**

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

**JURY TRIAL - DAY 8**

FRIDAY, APRIL 4, 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, FRIDAY, APRIL 4, 2014, 9:11 A.M.

2 (Court was called to order)

3 (Jury is not present)

4 THE COURT: Good morning.

5 MS. ALLEN: Good morning.

6 THE COURT: Let the record reflect this hearing is  
7 taking place outside the presence of the jury panel. It's my  
8 understanding the defense has something.

9 MS. ALLEN: Yes, Your Honor. Well, my first witness  
10 today, because we're taking her out of order, is Shrdy, my  
11 client's daughter.

12 THE COURT: Okay.

13 MS. ALLEN: And Ms. -- I'm sorry, I'm tired. I'm  
14 just trying to --

15 THE COURT: That's okay.

16 MS. ALLEN: Ms. Luzaich texted me last night and  
17 said did you know that she had a battery? It was a  
18 residential burglary/battery and she pled guilty in 2014 to  
19 two misdemeanor batteries. I did not know that. So I went  
20 back and asked her about it and it actually -- the actual  
21 charge I think was from June of 2013, two days prior to --  
22 and I plan on asking her about this, but two days prior to  
23 the preliminary hearing of Victoria where she heard Victoria  
24 testify about something and she lost it in court, screamed  
25 out, you know, she's lying. I think she said I'm going to

1 kill you, that kind of thing. She got really, really upset  
2 and very emotional about it. So the case predates that by  
3 I think two or three days.

4           Nonetheless, it's two misdemeanor batteries and I  
5 don't understand why -- first of all, I don't think it can  
6 come in because they're misdemeanors, they're not felony  
7 convictions. If we open the door to it, certainly I think the  
8 State would be able to impeach her with it, but I don't think  
9 -- if the door is not opened I don't think that the State can  
10 just bring those in. It was my understanding that Lisa was  
11 going to attempt to, and so I'm asking the Court to make a  
12 ruling on that prior to Shrdy taking the stand.

13           MS. LUZAICH: I think that any time that -- well,  
14 the defense describes her as emotional. I would describe her  
15 as emotional slash violent. She actually in open court during  
16 a preliminary hearing got out of her seat, charged the witness  
17 that was -- like towards and threatened to kill her in front  
18 of the judge. So, and --

19           THE COURT: Now, when is this witness testifying?

20           MS. ALLEN: She's testifying right now.

21           THE COURT: Just a little joke.

22           MS. ALLEN: Your Honor, that's a different  
23 recollection than I have.

24           THE COURT: I'm sorry.

25           MS. ALLEN: I understand. But that's a little

1 different. Actually, when she threatened to kill her, it's  
2 in the notes. It's actually in the record, I think. She was  
3 actually by the door. The marshal was escorting her out. She  
4 yelled that out. I don't think she charged at the witness.  
5 She stood up and said, you know, like you're lying or you're  
6 a lying bitch or something like that. My recollection is just  
7 a little different.

8 THE COURT: What date was it?

9 MS. ALLEN: Oh --

10 THE COURT: That's okay.

11 MS ALLEN: What day was it? Was that June 11th?

12 MS. LUZAICH: June 11th, 2013. And Judge Marshall  
13 remanded her, held her in contempt.

14 MS. ALLEN: But I'm not saying that can't come in.

15 THE COURT: Okay.

16 MS. ALLEN: I intend to bring that up. I'm talking  
17 about the two batteries that -- the batteries -- she pled  
18 guilty to it in June of --

19 THE COURT: Her two --

20 MS. ALLEN: No, no, no, she pled guilty to it in  
21 February of 2014, but those two batteries predated this. And  
22 what would be the purpose of bringing that in? It has nothing  
23 to do with this case and they're misdemeanors. So unless the  
24 door is opened and it's used for impeachment, there isn't --  
25 I don't think they can get it in. It's precluded. It's

1 precluded by statute.

2 THE COURT: Generally it's precluded.

3 MS. ALLEN: Right.

4 MS. LUZAICH: Okay, here.

5 THE COURT: Go ahead. The June 11th transcript?

6 MS. LUZAICH: In the June 11th transcript, and I'm  
7 at -- it starts at page 61 where the judge is saying because  
8 she has gotten up and started walking towards Victoria,  
9 "Ma'am, if you want to stay in the courtroom you need to step  
10 outside because you're not going to look at the witness that  
11 way. Please step out." And she -- "Marshal, put her in cuffs  
12 right now." I mean, so the judge actually puts her in cuffs  
13 because she is being that difficult. "Are you fuckin' kidding  
14 me? I'll kill that bitch."

15 That's when we took a break and then the judge on  
16 page 64 describes, "When I directed her to refrain from making  
17 any further comments or she would be excluded, in response  
18 she was looking directly at the witness making eye contact.  
19 I would construe it as a threatening or intimidating look.  
20 And then she continued to make eye contact with the witness.  
21 That was when I had her removed from the courtroom." She  
22 was --

23 THE COURT: Okay. But I think everyone kind of  
24 agrees that she did something really bad in open court.

25 MS. ALLEN: She's not going to deny any of it. I told

1 her I'm going to ask her all of those questions and I told her  
2 to be perfectly honest about all of it. I'm asking about the  
3 batteries.

4 MS. LUZAICH: Okay. So -- but my point is that it's  
5 not -- when a witness takes the stand their credibility is  
6 always in issue and they can be impeached with many things.  
7 And misdemeanor actions -- I mean, actions involving moral  
8 turpitude are also things -- and dishonesty are also things  
9 that can be impeached with. She broke into this person's  
10 house and beat her up. Now, interestingly, I'm told that she  
11 did it --

12 MS. ALLEN: Don't disclose that right now.

13 MS. LUZAICH: Oh, okay.

14 MS. ALLEN: Please.

15 MS. LUZAICH: Can we have a minute?

16 THE COURT: Of course.

17 (Ms. Luzaich confers with Ms. Allen)

18 MS. LUZAICH: So I think that she can be asked about  
19 that. I mean, the fact that she pled to the battery, still,  
20 she broke into somebody's house and beat them up.

21 MS. ALLEN: Her -- it was her home. It was actually  
22 her home, Your Honor.

23 MS. LUZAICH: Oh, was it?

24 MS. ALLEN: Yeah, that's what I told you last night,  
25 it was her home. Without going into what Ms. Luzaich was

1 going to say, it was her boyfriend at the time. She came home  
2 and found him in bed with someone else, and when she went back  
3 to get her things, this was her home, her boyfriend had locked  
4 her out of her own home. So she was getting into her own  
5 home, which makes sense if she was charged with a residential  
6 burglary why they would have pled it down to two simple  
7 batteries.

8 Crimes of moral turpitude, Your Honor, that's a  
9 federal standard, that's not a state standard, first of all.  
10 Second of all --

11 THE COURT: Well, sometimes a misdemeanor --

12 MS. ALLEN: Right. Theft.

13 THE COURT: -- like petty theft can come in.

14 MS. ALLEN: Right. I would agree if it was a  
15 misdemeanor embezzlement, a misdemeanor theft, things like  
16 that potentially could for the purposes of lying. If she  
17 gets on the stand, which I don't expect her to do, and say,  
18 oh, no, I'm not a violent person, I would never hit anybody,  
19 then I would agree Ms. Luzaich can get into two misdemeanor  
20 batteries.

21 THE COURT: Okay.

22 MS. LUZAICH: But the report doesn't say it was  
23 her home. The report says that there were two victims, the  
24 boyfriend and the girl that he was sleeping with. The  
25 boyfriend stated he was house-sitting for his mother and the

1 girl was there visiting. So it doesn't sound like she broke  
2 into her own home, it sounds like she broke into her  
3 boyfriend's house-sitting mother's home.

4 THE COURT: Okay. So you want to ask her that on  
5 cross-examination, does she have two prior misdemeanor  
6 batteries, correct?

7 MS. LUZAICH: No. Did she break into her boyfriend's  
8 home and beat up him and a girl?

9 THE COURT: Okay. And tell me why you think that's  
10 relevant. To her credibility?

11 MS. LUZAICH: Absolutely. The fact that -- I mean,  
12 it's moral turpitude and dishonest. I mean, breaking into  
13 somebody else's home is a crime that involves dishonesty.

14 MS. ALLEN: Your Honor, she didn't plead to that,  
15 right? There's no conviction for residential burglary. We're  
16 only -- we're allowed to impeach with convictions and there's  
17 no conviction for that. There's a conviction for the  
18 batteries. We don't even have -- I mean, so we're going to  
19 try Shrday in front of the jury? Is that what we're doing?  
20 I mean --

21 THE COURT: At this point I'm going to grant the  
22 motion. If you open the door in any way --

23 MS. ALLEN: Right.

24 THE COURT: -- then obviously they're going to be  
25 able to cross-examine her on it.



1 MS. ALLEN: Thank you. Can I just advise her that --  
2 she was terrified about having to testify about that, so can  
3 I just let her know that it's not coming in?

4 THE COURT: Sure, if no one is going to ask her.

5 MS. ALLEN: Yeah, no.

6 THE COURT: You're afraid she might offer it?

7 MS. ALLEN: There's a specific reason. I can tell  
8 the Court at the bench with Ms. Luzaich.

9 THE COURT: Okay.

10 (Bench Conference)

11 MS. ALLEN: The boyfriend gave her an STD and she's  
12 terrified of having to talk about that.

13 THE COURT: Okay.

14 MS. ALLEN: And that's why she was so upset, and it  
15 was chlamydia.

16 MS. LUZAICH: My question was did the boyfriend give  
17 it to her or did she give it to the boyfriend.

18 THE COURT: All this talk about STDs. I can't take  
19 it.

20 MS. ALLEN: But it was chlamydia and she's terrified.  
21 She was crying downstairs thinking about having to talk about  
22 it. She's so upset.

23 THE COURT: Okay.

24 MS. ALLEN: That's all.

25 (End of Bench Conference)

1 THE COURT: Do we have all our jurors here now?  
2 THE MARSHAL: We do.  
3 THE COURT: Okay.  
4 MS. ALLEN: All right, we're ready.  
5 THE COURT: Okay, you can bring the panel in.  
6 MS. ALLEN: Thank you, Your Honor, by the way.  
7 THE COURT: Of course.  
8 (Pause in the proceedings)  
9 (Jury is present)  
10 THE COURT: Do the parties stipulate to the presence  
11 of the jury panel?  
12 MS. LUZAICH: Yes.  
13 MS. ALLEN: Yes, Your Honor.  
14 THE COURT: Okay. You can call your next witness.  
15 MS. ALLEN: Your Honor, if I may, we're calling a  
16 witness out of order.  
17 THE COURT: Okay. All right. So again, I just want  
18 to remind you like we did the other day, the defense is going  
19 to call a witness out of order and then we're going to go back  
20 to the State. So you can call your witness.  
21 MS. ALLEN: Shrday Green.  
22 SHRDAY GREEN, DEFENSE WITNESS, SWORN  
23 THE CLERK: Thank you. Please be seated. Would you  
24 please state your full name, spelling your first and last name  
25 for the record.

1 THE WITNESS: My whole name is Shrday Alyse Green.  
2 S-H-R-D-A-Y. Last name is G-R-E-E-N.

3 THE CLERK: Thank you.

4 THE COURT: Okay, you're going to have to scoot up  
5 and make sure you speak loudly or loud enough for everyone to  
6 hear.

7 DIRECT EXAMINATION

8 BY MS. ALLEN:

9 Q Can you repeat your name?

10 A It's Shrday. Last name Green. Did you want me to  
11 re-spell it?

12 Q Do we need it to be re-spelled? No, we're good.

13 A Okay.

14 Q Thank you. Shrday, how old are you?

15 A I'm 26.

16 Q And where do you currently reside?

17 A In Houston, Texas.

18 Q And what are you doing in Houston?

19 A I'm working for Wells Fargo.

20 Q And what is it that you do for Wells Fargo?

21 A I received a promotion, so I moved there to become  
22 a service manager.

23 Q Okay.

24 A So I will be over the tellers, basically handling  
25 all the operational side of the bank.

1 Q Okay. And when you say moved -- Okay, you have a  
2 microphone now. You moved from where?

3 A From Las Vegas, Nevada.

4 Q Okay. And how long did you live in Las Vegas?

5 A I was born and raised, so about 25 years.

6 Q Okay. And who is your mom?

7 A Mary Harris.

8 Q And is she here today?

9 A Yes.

10 Q And she's back in the courtroom, is that correct?

11 A Yes.

12 Q Okay. And who is your father?

13 A Frederick Harris.

14 Q Is he your biological father?

15 A No.

16 Q Your last name is Green?

17 A Yes.

18 Q Okay. And so is that the last name of your  
19 biological --

20 A Yes. Uh-huh.

21 Q Okay. Do you recall when you met Fred?

22 A Yes. I was about two years old.

23 Q And is that when your parents starting dating or is  
24 that when --

25 A Yes.

1 Q Okay. And then they eventually got married?

2 A Yes.

3 Q Do you remember when you -- do you remember when --

4 You call him dad, is that correct?

5 A Yes.

6 Q Do you remember when you started calling him dad?

7 A I was about four or five.

8 Q And how did that come about? Do you remember?

9 A Yeah. I asked him if I could call him dad.

10 Q Okay. Are your parents still married?

11 A No.

12 Q And do you remember when they got divorced?

13 A I was about 14.

14 Q When you were 14, were you in high school? Are you

15 okay? There's Kleenex right there. If you need a break,

16 you've got to let me know, okay, or just let the judge know,

17 all right. Your parents got a divorce when you were about 14,

18 right? You have to answer out loud.

19 A Yes.

20 Q Okay. And you were in high school?

21 A I was going into my freshman year.

22 Q Were you involved in a bunch of stuff when you were

23 in high school?

24 A Yeah. I played soccer for my high school and for

25 a club.

1 Q Okay. And what else did you do?  
2 A I was in orchestra.  
3 Q All right. After your parents divorced, did you  
4 see Fred?  
5 A Yes.  
6 Q Okay. How often?  
7 A A few times a week.  
8 Q Was he -- what was he doing when you saw him?  
9 A He would come to my soccer games, my practices.  
10 He would still come to the house and see myself and my  
11 brothers.  
12 Q Okay. And who are your brothers?  
13 A Moses Harris and also -- he's not my biological  
14 brother, but my dad's oldest son, Frederick Harris, Jr.  
15 Q Okay.  
16 A He stayed with my mom for awhile after the divorce  
17 and we all went to high school together.  
18 Q Okay. You guys all grew up together?  
19 A Yeah.  
20 Q Okay. Are you still pretty close with Moses?  
21 A Yes. Oh, yeah.  
22 Q What about Frederick?  
23 A Yes.  
24 Q Okay. So he -- Fred would come to practices, games,  
25 your orchestra recitals, that kind of thing --

1           A     Uh-huh.

2           Q     -- is that correct?

3           A     Yes.

4           Q     Okay. Growing up, were you -- was your mom -- what

5 was your mom doing when you were growing up? Was she working,

6 was she at home? What was she doing?

7           A     She was working. She was a CNA at the time.

8           Q     Okay.

9           A     So she would work in nursing homes, between the

10 hospitals. It was for a nursing agency, so it would vary

11 where she would work, but she was a CNA at that time.

12          Q     Okay. And when mom was gone and you weren't in

13 school, who would care for you?

14          A     My dad.

15          Q     You mean Fred?

16          A     Frederick. Yes.

17          Q     Okay. And when you say my dad, you mean Fred, is

18 that correct?

19          A     Yes.

20          Q     Okay. While you were growing up, did your dad have

21 a way -- do you remember being punished by your dad?

22          A     Yes.

23          Q     Okay. What would -- Can you describe sort of what

24 kinds of things he did to punish you?

25          A     I was the only girl, so I had it a little easier,

1 but push-ups. I would have to put my nose in the wall. It  
2 would really depend on the severity of what I did would really  
3 determine what punishment.

4 Q Okay. And you saw him punish your brothers, is that  
5 correct?

6 A Oh, yeah. Uh-huh.

7 Q Do you recall ever receiving a spanking or a  
8 whooping?

9 A Yes.

10 Q Do you remember, like, one occasion when it  
11 happened? Give me a time frame of when you think it happened  
12 and what you did.

13 A I was maybe four or five. So we were -- it was me  
14 and my two older brothers, so between five and seven between  
15 the three of us, and we ripped up our allowance.

16 Q You ripped up money?

17 A Yes. Cash. And we did get a spanking that day,  
18 all three of us.

19 Q When you say a spanking, can you describe what that  
20 is?

21 A Yeah, a belt to the butt.

22 Q Okay. Were your clothes on or off?

23 A On.

24 Q And what -- after the spanking, what was your  
25 physical condition?



1           A     I was fine.

2           Q     Okay.

3           A     Yeah, I was fine. Walked out of the room.

4           Q     Okay. You were able to sit on your bottom?

5           A     Oh, yes. Uh-huh.

6           Q     How many times would you say that this happened

7 during the time that Fred raised you, so two to let's say

8 eighteen?

9           A     Maybe four to five times.

10          Q     And would you characterize those four to five times

11 as something that you had done to deserve it or was it just

12 out of the blue he would just hit you?

13          A     No, I did something, yeah, to deserve it.

14          Q     Okay.

15          A     Yeah.

16          Q     Okay. Do you remember last year in June of 2013

17 coming to various court appearances for your dad?

18          A     Yes.

19          Q     And you sat in a number of those appearances, is

20 that correct?

21          A     Yes.

22          Q     Let me ask you this before we get to that. Did you

23 know any of the Duke kids?

24          A     Just the son, Shabazz, the boy.

25          Q     Okay. How do you remember knowing Shabazz?

1           A     He would always come with my dad, Frederick, to my  
2 youngest brother Moses' football games.

3           Q     Okay. And can you give me a time frame as to when  
4 that was going on?

5           A     I want to say between 2007 and 2009.

6           Q     Okay. So he would bring Shabazz to Moses' games?

7           A     Yes.

8           Q     Okay. So back to last June. You would have  
9 recognized Shabazz, is that correct?

10          A     Yes.

11          Q     Okay. Did you ever see Shabazz last year --

12          A     No.

13          Q     -- when you were coming to those appearances?

14          A     No.

15          Q     And when you were in the courtroom, did you ever  
16 see him testify?

17          A     No.

18          Q     Okay. Were you in the courtroom when Victoria  
19 testified?

20          A     Yes.

21          Q     Okay. And did Victoria say something when she was  
22 testifying that caused you to lose your mind?

23          A     Yes.

24          Q     Okay. Do you recall what she said?

25          A     Yes. I believe you asked her if my dad had a

1 daughter and she said yes, and you asked had I been raped,  
2 and she said yes. And you asked her --

3 MS. RHOADES: Objection, Your Honor. That misstates  
4 the testimony at the preliminary hearing.

5 MS. ALLEN: Well, I can -- she's just restating what  
6 she remembers, Your Honor.

7 THE COURT: Okay.

8 MS. ALLEN: It's present sense impression.

9 THE COURT: Okay.

10 MS. ALLEN: Thank you.

11 THE COURT: And then you can take it up on cross.

12 BY MS. ALLEN:

13 Q Okay, go ahead.

14 A And after you asked her had I been raped or how she  
15 knew I had been raped, she stated that my dad told her, told  
16 her that he did it all the time.

17 Q Okay. So you recall that Victoria's testimony was  
18 that she had been told by your dad that he had done this to  
19 you?

20 A Yes.

21 Q Okay. What did you do when you heard this?

22 A I believe I stood up out of my seat and I screamed  
23 that that --

24 Q You can say it.

25 A -- that bitch is lying.

1 Q Okay. All right. Were you angry?

2 A Yes, I was.

3 Q Okay. Were you emotional?

4 A Yes. Very.

5 Q Do you remember, were you crying?

6 A Yes.

7 Q Do you remember saying anything else that day?

8 A I said a few things to her, yes.

9 Q Okay. Do you remember what they were?

10 A I told her I would beat her up. I told her that

11 I would kill her.

12 Q Okay. You were really upset?

13 A Oh, yeah.

14 Q Okay. In fact, you got in trouble for that, didn't

15 you?

16 A Yes, I did.

17 Q Okay. You had to -- the judge I think held you in

18 contempt?

19 A I had contempt of court and I had to do 100 hours

20 of community service and impulse control classes and family

21 counseling.

22 Q Okay. And did you do all those things?

23 A Yeah, through my work. Uh-huh.

24 Q Through your work?

25 A Yeah.

1 Q Okay. In fact, after this happened you ended up  
2 taking some time off work, is that correct?

3 A Yeah. I spoke with my manager and he put me on a  
4 medical leave for about six weeks.

5 Q Okay. Like FMLA or something --

6 A Yes, FMLA. Uh-huh.

7 Q And that's when you completed all these things?

8 A Yes.

9 Q Okay. When did you move to Texas?

10 A I moved to Texas February 15th.

11 Q February 15th?

12 A Yes.

13 Q Of --

14 A This year.

15 Q Of this year.

16 A And I began work February 17th there.

17 Q Okay. So you just moved there?

18 A Yes.

19 Q Or you just moved to Texas?

20 A Yes.

21 Q Okay.

22 MS. ALLEN: Court's indulgence.

23 BY MS. ALLEN:

24 Q Going back to the preliminary hearing where you  
25 heard Victoria say those things, why was that so disturbing

1 to you? Why would that -- I mean, why would that cause you  
2 to act the way you did?

3 A It was like a build-up. For that entire week I had  
4 to hear, I mean, a lot of graphic stuff. And then that day  
5 I wasn't prepared, I guess, for you to ask her that, so.

6 Q Had you ever heard that before?

7 A No.

8 Q Okay. So that had never come --

9 A Yeah, it just completely blind-sided me, I guess.  
10 I was just so angry and when I heard that and it's not true,  
11 it just -- I mean, it's hard enough to hear someone say those  
12 type of things about your dad, but then to hear her say that  
13 it happened to me, I just --

14 Q And it wasn't an appropriate reaction?

15 A No, not at all.

16 Q Okay. But it just overwhelmed you?

17 A Oh, yeah.

18 Q All right. Your dad has never been inappropriate  
19 with you?

20 A No.

21 MS. ALLEN: Okay. I think that's it, Your Honor.  
22 Thank you.

23 THE COURT: Cross?

24 MS. LUZAICH: Can we approach?

25 THE COURT: Sure.

1 (Bench conference)

2 THE COURT: All four lawyers are present.

3 MS. LUZAICH: There were a lot of questions about  
4 what a fine, upstanding executive she is at Wells Fargo. She  
5 has a work card as an entertainer at Spearmint Rhino in 2012,  
6 so we want to ask her what did she do at Spearmint Rhino.

7 MS. ALLEN: I don't understand how that's relevant.

8 MS. LUZAICH: Because I think you're painting a  
9 false impression of her.

10 MS. RHOADES: Or if she got a work card in 2012.

11 MR. MACARTHUR: So working at Wells Fargo is good  
12 and working as an entertainer is bad?

13 MS. LUZAICH: Not bad. I just want to ask her what  
14 else she did.

15 MS. ALLEN: I don't understand how it's relevant.

16 MR. MACARTHUR: So what is it -- how does it become  
17 relevant?

18 MS. ALLEN: You don't even know she worked there.

19 THE COURT: Okay. I don't think it's relevant, so  
20 don't ask that.

21 MS. ALLEN: She actually didn't even work there.  
22 I asked her -- (inaudible).

23 MS. LUZAICH: (Inaudible)-- get a work card.

24 MS. ALLEN: She applied as a cocktail waitress,  
25 nothing else. But I just don't think --

1 MS. LUZAICH: She got a work card as an entertainer.  
2 MS. ALLEN: Well, you have to have -- that's all  
3 the same.  
4 MS. LUZAICH: Is it?  
5 MS. ALLEN: They're all the same. Uh-huh. It's all  
6 the same. But I don't think it's relevant.  
7 THE COURT: And I don't know, but I don't think you  
8 need to ask her if she was a stripper.  
9 MS. LUZAICH: Well, that's not how --  
10 THE COURT: Well, I know you wouldn't say that, but.  
11 MS. LUZAICH: We were just going to ask her what did  
12 you do at Spearmint Rhino.  
13 THE COURT: Well, we all know what Spearmint Rhino  
14 is, right?  
15 MS. ALLEN: I just don't think it's appropriate.  
16 THE COURT: Yeah, I'm not sure it's appropriate.  
17 (End of Bench Conference)  
18 THE COURT: Okay. You may begin with your cross.  
19 MS. RHOADES: Thank you, Your Honor.  
20 CROSS-EXAMINATION  
21 BY MS. RHOADES:  
22 Q Shrdy, what year did your mom and your dad get  
23 divorced?  
24 A I want to say it was maybe 2001, 2002.  
25 Q So the apartment that -- And you still consider him



1 your dad, right?

2 A Yes.

3 Q The apartment that your dad lived at in 2005, the  
4 apartment on Nellis, you didn't live there, right?

5 A No.

6 Q You didn't live at the house at Trish Lane, did  
7 you --

8 A No.

9 Q -- that he was at?

10 A No.

11 Q And you never lived at the house on Blankenship that  
12 he lived at?

13 A No.

14 Q And you don't know any of the Dukes, really?

15 A Just the younger, the brother.

16 Q At the hearing on June 11th of last year, 2013, when  
17 Victoria was testifying on cross-examination, isn't it true  
18 that she never said that your dad had sex with you?

19 A I'm sorry, who? Victoria?

20 Q When Victoria was testifying, isn't it true that she  
21 never testified that your dad and you had sex?

22 A No, that's not true.

23 Q Would you like to look at the transcript to see what  
24 exactly she said?

25 A Yeah, that's fine because I'm pretty sure I heard

1 her say that my dad is the one who told her that he raped me.

2 Q That's correct. Isn't it true that your dad -- that  
3 she said that your dad told her that he had sex with you?

4 A Yes.

5 Q But she never said that she saw you and your dad  
6 have sex --

7 A No.

8 Q -- isn't that right?

9 A Yes, that's true.

10 Q And she never said that you and your dad actually  
11 had sex, isn't that right?

12 A Well, maybe I'm not understanding your question,  
13 because if she said that he raped me and he told her that,  
14 then she's saying that, yes, he had sex with me.

15 Q She never testified as to any personal knowledge  
16 that you and your dad ever had sex, right?

17 A Her personal knowledge is that my dad told her.

18 Q The only personal knowledge she had was that your  
19 dad told her --

20 A So then she had personal knowledge.

21 Q -- that he had sex with you?

22 A Yes, that's what she said.

23 Q We can't talk over each other, okay.

24 THE COURT: Okay, just a minute. You can't talk --

25 You have to wait until she's done asking the question and then

1 you can answer, ma'am.

2 THE WITNESS: Okay.

3 BY MS. RHOADES:

4 Q After she said that, that's when you lost your mind  
5 and you threatened to kill Victoria, is that right?

6 A Yes.

7 Q Isn't it right you said, "Are you fuckin' kidding  
8 me?"

9 A Yes.

10 Q And isn't it right you said, "I'll kill that bitch?"

11 A Yes.

12 Q Prior to you saying, "Are you fuckin' kidding me"  
13 and "I'll kill that bitch," isn't it true that the court, the  
14 judge that was sitting that day was going to kick you out of  
15 the courtroom for the threatening and the intimidating looks  
16 that you were giving to Victoria that day?

17 MS. ALLEN: Judge, I would object as to --

18 THE WITNESS: I wasn't aware of that.

19 THE COURT: Wait, just a minute. The objection is  
20 sustained as to what the judge knew or why she did something.

21 BY MS. RHOADES:

22 Q Isn't it true that you were getting kicked out of  
23 the courtroom as you were saying these things to Victoria?

24 A As I was saying the things the judge did say -- she  
25 was telling me to leave the courtroom.

1 Q And it's it true you got put in handcuffs that day?  
2 A Yes.  
3 MS. RHOADES: Nothing else, Your Honor.  
4 THE COURT: Any redirect?  
5 MS. ALLEN: May I have a moment, Your Honor?  
6 THE COURT: Of course.  
7 REDIRECT EXAMINATION  
8 BY MS. ALLEN:  
9 Q Ms. Rhoades was asking you about that same incident  
10 back in June. It was -- that was kind of a big thing for you,  
11 is that correct?  
12 A Yes.  
13 Q And I mean the testimony bothered you?  
14 A Yes.  
15 Q Do you recall making a statement that your dad had  
16 protected you your whole life?  
17 A Yes.  
18 Q Okay. Is that true?  
19 A Oh, yeah.  
20 Q Okay. He was a very protective father, wasn't he?  
21 A Yes.  
22 Q Okay, thank you.  
23 MS. ALLEN: Your Honor, I'd pass the witness.  
24 THE COURT: Thank you. Any recross?  
25 MS. RHOADES: No, Your Honor.

1 THE COURT: Thank you very much for your testimony  
2 here today. You may step down. You're excused from your  
3 subpoena.

4 And now the State can call their next witness.

5 MS. LUZAICH: Thank you. The State would call  
6 Bobbie Tibbs or Teresa Tibbs.

7 TERESA TIBBS, STATE'S WITNESS, SWORN

8 THE CLERK: Thank you. Please be seated. Would you  
9 please state your full name, spelling your first and last name  
10 for the record.

11 THE WITNESS: Teresa B. Tibbs. First name is  
12 T-E-R-E-S-A, middle initial B, like in Boy, last name Tibbs,  
13 T-I-B-B-(that's Boy Boy)-S.

14 THE CLERK: Thank you.

15 THE COURT: You may proceed.

16 MS. LUZAICH: Thank you.

17 DIRECT EXAMINATION

18 BY MS. LUZAICH:

19 Q Good morning, Ms. Tibbs. Do you also go by another  
20 name?

21 A Yes, ma'am, I do.

22 Q What's the other name?

23 A Bobbie.

24 Q And is that what pretty much everybody calls you,  
25 Bobbie?

1           A       Yes.

2           Q       How are you employed?

3           A       Through the Department of Family Services of Clark  
4 County.

5           Q       What do you do for the Department of Family  
6 Services?

7           A       I am a Senior Service Family Specialist in the Child  
8 Sex Abuse Unit.

9           Q       What is a -- well, first of all, what's a Service  
10 Family Specialist?

11          A       It is-- I am a worker who is assigned to investigate  
12 child abuse and neglect cases.

13          Q       As a senior, what is the difference?

14          A       The difference is they have Family Service I, II  
15 and then senior. I'm just at the top out of the list of the  
16 Family Service Specialist side.

17          Q       So you've been doing it a long time?

18          A       Yes, ma'am.

19          Q       How long have you worked for the Department of  
20 Family Services?

21          A       A little over nine years.

22          Q       And in order to work at the Department of Family  
23 Services, do you get any kind of training that helps you do  
24 that?

25          A       Yes, ma'am.

1 Q What kind of training have you had?

2 A I have had training just on child welfare alone,  
3 which involves like ICWA, which is the Indian Child Welfare  
4 Act. I've had training on how to investigate child abuse and  
5 neglect cases. I also was a foster care worker, so I had  
6 training on how to case manage foster care cases. I also have  
7 had training in forensic interviews in the current position  
8 that I am in now as a sex abuse investigator. As I am also a  
9 licensed social worker with the State of Nevada, I do 40 hours  
10 of continuous educational training every two years in child  
11 welfare, which could be ethics, substance abuse, domestic  
12 violence, things of that nature.

13 Q Is Child Protective Services just a part of the  
14 Department of Family Services?

15 A Yes, ma'am.

16 Q And as far as Child Protective Services, what in  
17 general does Child Protective Services do? What are they  
18 there for?

19 A Child Protective Services is there to investigate  
20 allegations of abuse and neglect. So what happens is someone  
21 would call the child abuse and neglect hotline. The hotline  
22 worker then takes the information and makes a report. That  
23 report is then staffed with the hotline worker's supervisor  
24 and a determination is made on the priority in which an  
25 investigator would be assigned a case. Priority One is within

1 three hours, Priority Two is within 24 hours, Priority Three  
2 is within 72 hours.

3 After that determination has been made, then the  
4 case is transferred to the supervisor of the appropriate  
5 zone, which could be north, south, east, west, or there are  
6 specialized units for sex abuse and four and under cases.  
7 That's children under the age of four. After the case has  
8 been assigned to the supervisor, the supervisor then assigns  
9 the case to the investigator. There's a brief staffing of  
10 the case and then the investigator starts the investigation.

11 Q When you said that a person calls the child abuse  
12 and neglect hotline, is that pretty much the only way a case  
13 comes to CPS, a hotline call is made?

14 A No. A hotline call can be made. Someone can email  
15 the information. That's a new system that's been put up.  
16 Or the information could be faxed over to the hotline.

17 Q But it always comes in and it's filtered through  
18 the hotline, is that correct?

19 A That is correct.

20 Q And there are individuals, you said, who work the  
21 hotline. Do they also have training in things pertaining to  
22 child abuse and neglect?

23 A Yes, they do.

24 Q So it's not just a secretary who answers the phone?

25 A No, it is not.



1           Q     And when a call is made to the child abuse and  
2 neglect hotline and a worker answers the phone, do they kind  
3 of do a little bit of investigating while on the phone; you  
4 know, ask questions and things of that nature?

5           A     Yes. Their job is to gather the information to  
6 determine which allegation that child abuse -- that CPS would  
7 be investigating.

8           Q     Does CPS investigate everything pertaining to a  
9 child or are there only certain things that CPS investigates?

10          A     There are only certain things that we investigate.  
11 We investigate cases where a person who is regularly found in  
12 the home with the child, a person who is a caregiver of the  
13 child or the parents of the child.

14          Q     So if somebody sees at Walmart a person punching a  
15 child, CPS doesn't necessarily get involved; just for example?

16          A     That would be correct because it could be a  
17 stranger. We don't know if it's the parent or not.

18          Q     Okay. So a call is made to the hotline and the  
19 worker talks to the individual on the phone. Does the person  
20 who is on the phone and making the call, are they anonymous?  
21 Are they allowed to be anonymous or does everyone in the world  
22 find out who that reporting person is?

23          A     They are allowed to be anonymous. However, as CPS  
24 we are not allowed to report who the reporting source is to  
25 the parties that we are investigating.

1           Q     Okay. And you said that the hotline assigns it a  
2 priority. If something is -- Who decides what the priority  
3 is, One, Two or Three?

4           A     That will be the hotline worker and his or her  
5 supervisor.

6           Q     I guess the better question would be are there  
7 certain protocols, if this happens it's a Priority One, if  
8 that happens it's a Priority Two, if something else it's a  
9 Priority Three?

10          A     Yes.

11          Q     Okay. So it's not just a subjective thing?

12          A     No. There are protocols that are followed to  
13 schedule Priority One, Two or Three.

14          Q     Okay. And then you said that it gets assigned to a  
15 zone. Does that mean that all over the county there are CPS  
16 kind of offices where investigators work out of and they may  
17 investigate a geographical area?

18          A     Yes, that is correct. When assigned to a zone,  
19 we have a list of zip codes. So, for example, 89110 is  
20 considered an east, where like 89145 would be considered west.  
21 So they're assigned by zip codes to the zone, north, south,  
22 east, west, central and then the specialized units.

23          Q     So then you said there's also Sex Abuse and Four and  
24 Under. Does that mean the zones do not investigate anything  
25 pertaining to a child if there's sexual abuse involved?

1 A That is correct. That comes to the special unit.

2 Q Or if the children are four and under?

3 A It has been on rare occasions that a zone will get  
4 a four and under, but primarily that is Four and Under's role  
5 is to investigate those cases.

6 Q Why are there those two specialized units, Sex Abuse  
7 and Four and Under?

8 A We have additional training in order to be able to  
9 investigate those cases.

10 Q Okay. So the zones investigate physical abuse  
11 pretty much?

12 A They'll do physical abuse, environmental neglect,  
13 educational neglect, things of that nature.

14 Q Okay. Now, you mentioned that you are currently  
15 assigned to the Sexual Abuse Unit?

16 A Yes.

17 Q What else have you done in the course of your time  
18 with DFS?

19 A I have done foster care work and CPS sex abuse.

20 Q How long have you been doing sex abuse?

21 A Six years.

22 Q When a case gets assigned to the sex abuse unit,  
23 you mentioned you are an investigator, so what do you do?

24 A When a case gets assigned to an investigator we take  
25 the report and we review it and staff it with our supervisor.

1 During that time we review what's called Unity. That is our  
2 system that stores information. We see if the family has  
3 had prior cases, if they have not had prior cases, what the  
4 outcome of the prior cases was, things of that nature. Also  
5 in Unity we may have cases that are called informational only  
6 that we would look for and those are cases that did not rise  
7 to the level for CPS to investigate but someone did call it  
8 in. Also we're reviewing Scopes, which is a local background  
9 check, not like California, Arizona, a local background check  
10 for Scopes. And then if they have had previous cases and  
11 they've been recently closed, if we have the opportunity to  
12 call that worker we can call that worker and staff the case.

13 Q So you have the ability to look and see any prior  
14 activity within CPS?

15 A Yes.

16 Q And then also the ability to make any contact with  
17 anyone who may have investigated previously?

18 A Yes.

19 Q When a case comes to you, you investigate it. When  
20 you are done with your investigation, is there sometimes  
21 another worker that might get involved?

22 A Ask that question one more time.

23 Q When a -- well, I'll come back to that. How's that?

24 A Okay.

25 Q When you get a case and you investigate, what are

1 your options about how to handle it?

2 A As we are in the Sex Abuse Unit, we try to do joint  
3 investigations with law enforcement. That's because sex abuse  
4 is a criminal act as well, and so law enforcement has their  
5 piece to do and we have our piece to do. However, we prefer  
6 not to have multiple victims -- I mean, victims do multiple  
7 interviews. That's just best practice so that they're only  
8 interviewed once. We try to go out together. If for some  
9 reason we can't go out together, then we share information.

10 Q When you say that law enforcement's purpose is  
11 criminal, what is your purpose at CPS?

12 A My purpose at CPS is I am civil. My job is to  
13 assess the safety and well-being of the children. That's my  
14 job. Criminal is a completely different jurisdiction.

15 Q When you say assess the safety and well-being of the  
16 children, what are the things that you can do to insure the  
17 safety and well-being of the children?

18 A When we talk to children and they explain their  
19 situation what's going on, there's multiple things that can be  
20 done. We can take the case forward through our court system  
21 and explain to the courts why we feel the children need to be  
22 placed in protective custody and that is why we feel the  
23 children need to be removed from their parents' home. So that  
24 would go through the court process with the judge. Or we can  
25 make a determination to do the case called informal, which is

1 we feel that there is sufficient evidence to support the abuse  
2 allegation, but the family is willing to work with us. So  
3 they would have an informal case to where a worker would work  
4 with them at home but the case is not in court. Or we can  
5 close the case and make no recommendations or we can close the  
6 case and make recommendations. And the reason we're closing  
7 the case is because there was insufficient evidence to support  
8 the allegation, but we would make recommendations just to try  
9 to assist the family.

10 Q Now, when you say take it through your court and  
11 that you are civil, is there a family court that handles what  
12 you do, so what you do goes to that court and criminal is  
13 something completely different?

14 A Yes. When I say civil, I mean family court.

15 Q Okay. You said that sometimes you partner up with  
16 a police agency. What would make you partner up and what  
17 would make you not get the police involved?

18 A As a case is sex abuse, all of sex abuse cases are  
19 referred to law enforcement, okay. However, we have a time  
20 frame that we must meet in order to check the safety and well-  
21 being of the children and we have to see them before that time  
22 frame. There may be a situation that the law enforcement  
23 agency just doesn't have a detective assigned at that case,  
24 they're out on another case. That is the reason we wouldn't  
25 partner up at the beginning of the case. Or if law enforcement

1 had the case before us and started the case and was working  
2 the case, then it came to CPS' attention, that's where law  
3 enforcement would be in front of us.

4 Q So sometimes you can do an interview by yourself  
5 and then share it with law enforcement later, and sometimes  
6 law enforcement might have done an interview and then share  
7 it with you later?

8 A Yes.

9 Q You wouldn't re-interview the child?

10 A No, we would not. That's not best practice.

11 Q And are there situations where law enforcement gets  
12 involved in sexual abuse but CPS is not involved at all?

13 A Yes. In those situations it would be where the  
14 alleged perpetrator, the person who committed the sexual act,  
15 does not have a legal tie to the child, like they're not their  
16 parent, they're not a mother or a father and they don't live  
17 in the home with them.

18 Q Parent, mother, father or guardian?

19 A Correct. Yes.

20 Q So as long as the perpetrator lives in the home or  
21 has access to the child?

22 A Yes.

23 Q That's when CPS will get involved?

24 A Yes.

25 Q Okay. I'm going to direct your attention -- Oh, and

1 when I said about is there sometimes you get finished with  
2 the investigation and then somebody else gets involved in that  
3 informal situation, as the investigator you don't follow it  
4 all the way through, do you?

5 A No, I do not. Once the investigation is completed  
6 and a determination has been made, it goes to an on-going  
7 worker.

8 Q Like a permanency worker kind of thing?

9 A Yes.

10 Q And then somebody will go to the home and check and  
11 things like that?

12 A Yes.

13 Q Okay. Now I'm going to direct your attention  
14 specifically to December of 2011. Were you a Family Services  
15 worker in the Sex Abuse Unit at that time?

16 A Yes.

17 Q Did you become involved in a case involving children  
18 that became known to you as Taharah Duke and Taquanda Duke?

19 A Yes.

20 Q How did you get involved in that case?

21 A A call was made to the hotline and the case was  
22 assigned to me from my supervisor.

23 Q What date was the call made to the hotline?

24 A The call was made on December 17th, 2011.

25 Q What date or time did the case come to you?



1           A       The case came to me the next day on the 18th at  
2 around nine o'clock in the morning.

3           Q       When you got that case, what did you do?

4           A       The first thing I did was reviewed the couple of  
5 case notes that were in there because Detective Chris Aguiar  
6 from Henderson Police Department was already involved in the  
7 case and he had called the hotline to inform them that Taharah  
8 and --

9                   MS. ALLEN: Judge, objection as to hearsay.

10                  THE COURT: Sustained.

11 BY MS. LUZAICH:

12           Q       Okay. So even the police have to call the hotline,  
13 is that right?

14           A       Yes.

15           Q       And he called the hotline and informed them of  
16 stuff. When the hotline is called, do the hotline workers  
17 actually make notes in the computer that gives you the  
18 specifics of the allegations?

19           A       Yes.

20           Q       So did you review those notes and the specifics of  
21 the allegations?

22           A       Yes. The allegations were sexual risk.

23           Q       Okay. And once you reviewed those notes, what did  
24 you do?

25           A       Then I attempted to make contact at the family home.

1 Q Where was the family home?

2 A On Blankenship.

3 Q When you say you attempted to make contact at the

4 family home, how did you do that?

5 A I physically made a home visit to the home,

6 unannounced home visit. I drove to the home.

7 Q Why do you do that?

8 A It is best practice to catch the family unannounced.

9 That way no one has time to prepare anyone, to prep anyone;

10 of that nature.

11 Q Okay. So was it on the 18th that you actually went

12 to the home?

13 A Yes.

14 Q What time of day was that?

15 A Between nine and ten o'clock in the morning.

16 Q And what happened when you went to the home?

17 A The initial contact, no one was home.

18 Q Then what did you do?

19 A Then later on that day I called the phone number

20 that was left for Mr. Harris. A gentleman answered the phone

21 and said that was not Mr. Harris' phone.

22 Q Where did you get that number from?

23 A Off the report.

24 Q Prior to this, had you made -- you talked about

25 Unity before, had you made any effort to look in Unity to see

1 if there was anything else?

2 A When I looked in Unity, Unity showed previous cases  
3 and the information that was in the Unity report is what Unity  
4 had.

5 Q No, but did you look to see if there were previous  
6 cases and what they might have entailed?

7 A I had to look in two different areas, but there was  
8 previous cases under the biological mother, Tina Duke, and  
9 then under Ann Cook as the guardian for the girls.

10 Q So at that point in December of 2011, at least the  
11 CPS database listed Ann Cook as the guardian of the girls?

12 A Yes.

13 Q Okay. So you said you called that number and were  
14 told that it was a -- there was no Fred Harris there. What  
15 did you do?

16 A Then that was it for the day and the next day I went  
17 back out to the home.

18 Q Did you make an effort to contact Detective Aguiar  
19 from the Henderson Police Department?

20 A Just to get his information, yes, via email.

21 Q Had you heard from him?

22 A At that time, no.

23 Q So then what did you do?

24 A Then went to the home the next day and made contact  
25 with the family.

1 Q What day was the next day, just for the record?  
2 A The 19th. December 19th, 2011.  
3 Q What time of day did you go there?  
4 A Between 10:00 and 11:00 a.m.  
5 Q When you went to the house you said at that point  
6 they were there?  
7 A Yes.  
8 Q Who was there? Who's "they"?  
9 A Fred Harris was home, Ann Cook was home, and the  
10 two girls were home.  
11 Q Do you see Fred Harris here in court today?  
12 A Yes, ma'am.  
13 Q Could you describe where he's sitting and an article  
14 of clothing that he's wearing?  
15 A He is wearing a blue shirt and he's sitting to the  
16 right of the male counsel who's in a suit.  
17 Q Your right?  
18 A My right. Yes.  
19 MS. LUZAICH: The record reflect identification of  
20 the defendant?  
21 THE COURT: So reflected.  
22 MS. LUZAICH: Thank you.  
23 BY MS. LUZAICH:  
24 Q Did you have contact or did you speak with the  
25 defendant at that point?

1           A       Yes, I did.

2           Q       And did you also speak with Ms. Cook and with the  
3 girls?

4           A       Yes, I did.

5           Q       So when you go to the house, what do you do? What  
6 do you say to them, how do you describe yourself and your  
7 purpose?

8           A       I explain to the family -- I introduce myself, I'm  
9 Bobbie Tibbs with Child Protective Services, and there was a  
10 report of abuse and neglect made and I'm aware that the police  
11 were at the home earlier, a couple days ago, and I needed to  
12 talk to them about the report, the information in the report.

13          Q       And at this point are you talking to all four of  
14 them together, are you kind of directing your attention in  
15 any way?

16          A       No, I'm talking to Fred and Ann at this time.

17          Q       Okay. And what was Fred's demeanor at that point?

18          A       He was cooperative. He was fine at that time. I  
19 didn't have any issues with Fred.

20          Q       Okay. Pleasant to you?

21          A       Yes.

22          Q       No problems. What about Ann?

23          A       Ann appeared by just the look on her face being like  
24 mean and grunting her teeth. Ann appeared frustrated that we  
25 were there, but she was cooperating with me.

1           Q     Okay.  What information at this point had you had  
2 from the police investigation?  Like, what do you know that  
3 they had done?

4           A     At this point I knew all of the parties had been  
5 interviewed and that all of the parties were aware of what  
6 the allegations would be.

7           Q     And when you say you were aware that they had been  
8 interviewed, had you had yet the opportunity to review the  
9 interviews, whether it be audio or transcripts or anything  
10 of that nature?

11          A     At that time, no.

12          Q     And had you had the opportunity to talk to the  
13 detective to find out what was or was not said?

14          A     At that time, no.

15          Q     Okay.  And when you say Ann was frustrated and  
16 whatnot, did she talk to you about that?

17          A     When her and I talked alone, yes, she did.

18          Q     And did she confirm that she was frustrated and  
19 maybe even more than frustrated?

20          A     Yes.

21          Q     What other emotion did you glean from her?

22          A     That Ann was upset about the situation.  She had  
23 found out some things that she didn't know.

24                MS. ALLEN:  Objection, Your Honor, hearsay.

25                THE COURT:  Sustained.

1 MS. LUZAICH: I didn't ask her what was said. I  
2 mean, she didn't say what was said.

3 THE COURT: Well, I don't think you asked her what  
4 was said, but she was beginning to respond with what she said.

5 MS. LUZAICH: Well, okay.

6 BY MS. LUZAICH:

7 Q Who did you -- Did you talk to everybody kind of  
8 separately?

9 A I only talked to Fred separately because I talked  
10 to Fred first, and I talked to Ann separately. And the girls  
11 wanted to speak together, so I spoke to the girls in their  
12 room.

13 Q Okay. Did you say you talked to Fred first?

14 A Yes.

15 Q And when you talked to him, where did you talk to  
16 him?

17 A We were at the kitchen table.

18 Q What was the nature of your conversation with him?

19 A Discussing the allegations.

20 Q What did you tell him?

21 A That I was aware that he had spoken to the police  
22 and what the allegations were, that he is accused of sexually  
23 abusing Victoria, which then leaves the two girls at risk to  
24 be victims of sexual abuse, and then Fred and I talked about  
25 that.

1           Q     Okay. Now, you said that he was accused of sexually  
2 assaulting Victoria. At this time what is your understanding  
3 of how old Victoria was?

4           A     Eleven when it started.

5           Q     No, currently.

6           A     Oh, her current age?

7           Q     Yeah.

8           A     She was nineteen at that time.

9           Q     Okay. Because Victoria was nineteen, did you  
10 have anything to do with investigating that aspect of the  
11 situation?

12          A     No.

13          Q     And your purpose at being involved with Fred and  
14 Ann at that point was what?

15          A     To assess the safety and well-being of the children  
16 in their home.

17          Q     Okay. So only Taharah and Taquanda because they're  
18 in the home?

19          A     That is correct.

20          Q     And does the fact that he is alleged to have done  
21 something bad to their older sister, how does that impact  
22 Taharah and Taquanda from CPS's viewpoint?

23          A     The information that was provided to CPS about the  
24 allegations of the sex abuse, the girls were around the same  
25 age that the alleged sex abuse started, so that's how it



1 impacts us because the children in his home were the same age  
2 as the alleged victim at the time the abuse started.

3 Q Okay. So you're just there to make sure that things  
4 are okay basically?

5 A Yes.

6 Q You said you talked to Ann, also. And I'm sorry,  
7 when you talked to Fred, were Ann and the girls somewhere  
8 else?

9 A Yes.

10 Q You said you talked to Ann, also. Where did you  
11 talk to Ann?

12 A At the kitchen table as well.

13 Q And when you talked to her, were Fred and the girls  
14 somewhere else?

15 A Yes.

16 Q And why do you talk to them like that with nobody  
17 else around?

18 A The hope is that it makes a free environment so that  
19 a person will speak freely and not feel like they have to hide  
20 anything or that they can't say something because someone else  
21 is in the room.

22 Q Okay. And you are not law enforcement, correct?  
23 You're doing an investigation determining the safety, you're  
24 not ever going to make an arrest or anything like that,  
25 correct?

1           A       That is correct.

2           Q       And when you talked to Ann, what did you explain to  
3 Ann?

4           A       I explained to Ann what the allegations were and  
5 why CPS would be concerned.

6           Q       And was she cooperative with you?

7           A       Yes.

8           Q       Did you then talk to the girls?

9           A       Yes.

10          Q       You indicated that they wanted to talk to you  
11 together. Is that something that you generally do?

12          A       No, it is not. Normal protocol is to interview  
13 the children alone, so that way one cannot be seen saying  
14 something and the other one just agrees to what's being said.  
15 They form their own opinion and tell us what's going on in  
16 their own words. But as the girls' interviews, forensic  
17 interviews had already been completed, I spoke to the girls  
18 together.

19          Q       And when you say you spoke to them, you did not do  
20 an actual interview?

21          A       No, I just spoke to the girls.

22          Q       What's your purpose behind speaking to the girls?

23          A       Is to gather general information surrounding their  
24 safety. Are they fearful of anyone in the home, how is the  
25 form of discipline in the home, things of that nature.

1 Q Okay. And did either one of them indicate to you  
2 that they were fearful of anyone in the home?

3 A No, they did not.

4 Q How did the two girls -- well, first Taharah,  
5 Taharah is the older one, correct?

6 A Yes.

7 Q How did Taharah appear to you?

8 A She appeared to be okay. I was worried there may  
9 be some cognitive delays with her just by her response to  
10 questions when I asked them. They were a little delayed and  
11 some of them weren't like age appropriate. But other than  
12 that, overall she was fine. She talked about school, being  
13 happy with school, things like that.

14 Q Okay. And did she look to be, you know, healthy  
15 and of normal height, weight, things of that nature?

16 A Yes.

17 Q What about Taquanda, how did Taquanda appear to you?

18 A She appeared fine. We talked about school for her  
19 as well. She was in the 5th grade at that time. We talked  
20 about just things that she enjoyed in school. I didn't, from  
21 my assessment didn't appear to see like any cognitive delays  
22 or anything like that, developmental delays, so we were fine.

23 Q Okay. So Taquanda a little smarter?

24 A Might be.

25 Q Okay. But Taquanda also appeared to be, you know,

1 healthy and of normal age -- or height, weight, things of that  
2 nature for her age?

3 A Yes.

4 Q So you didn't observe anything to be out of place?

5 A No, I did not.

6 Q So at the conclusion of your meeting with all of the  
7 individuals in the house, what did you do?

8 A I then spoke with Fred and Ann and explained because  
9 of the allegations and because I don't have the interviews, we  
10 would have to do a safety plan and figure out what we're going  
11 to do. So initially they did a line of sight safety plan,  
12 but I also let them know I had to staff the case with my  
13 supervisor and it may go one of two ways. It could be that  
14 I would be asking Fred if he would voluntarily agree to leave  
15 the house just while we're investigating so we can come up  
16 with a determination on what needs to happen, or if Fred did  
17 not leave the house, there is a chance that it could be  
18 removal of the children.

19 Q So did -- What did they do?

20 A I went back -- since that happened on the 19th, I  
21 went back and staffed the case with my supervisor, and on the  
22 23rd Fred and I spoke and he voluntarily agreed to leave the  
23 house. He didn't want the girls uprooted.

24 Q And when you say uprooted, what does that mean?

25 A If I would have to infringe on Fred's rights and the

1 girls in the home, which means I would have to then take the  
2 children and place them in protective custody and place them  
3 at Child Haven.

4 Q At Child Haven?

5 A Yes.

6 Q What is Child Haven?

7 A Child Haven is our emergency shelter for children  
8 that have been removed from an abuse and neglected home.

9 Q Okay. And how long would they have had to remain  
10 in a location like that?

11 A Well, then we would have went -- at the Child Haven?  
12 They would have been at Child Haven up to 24 hours and then  
13 placed out in the community in a foster home.

14 Q Okay. So Fred elected to move out of the house  
15 voluntarily so that the girls could stay there?

16 A Yes.

17 Q Do you do something in general to make sure that  
18 when someone tells you they're moving out, that they do in  
19 fact move out?

20 A Normally we find out where the person is living to  
21 make sure that they've moved, and then we'll also go back and  
22 do another visit to the children and make sure that they have  
23 not had contact with that person.

24 Q Okay. And did you do that?

25 A Yes.

1 Q And did they agree that they had not had contact?

2 A Yes.

3 Q So then what do you do in the course of your  
4 investigation?

5 A At that time when I had went back to talk to the  
6 girls, we're now in January, around January 10th of 2012, the  
7 agency was going to make a determination either to close the  
8 case or not or take the case formally to court. And at that  
9 time the determination was going to be to close the case with  
10 some recommendations after I talked to Fred and Ann again.

11 Q Okay. And let me go back for one second. You said  
12 that you had looked in Unity and you found that the biological  
13 mother also had some CPS activity. Did you make an effort to  
14 speak with their biological mother?

15 A Yes.

16 Q And who else would you have talked to? Besides Fred  
17 and Ann and Taharah and Taquanda, who else would you have  
18 talked to in the course of your investigation?

19 A I talked to the biological mom. At that time I was  
20 with a partner. She would talk to Shabazz, who is their  
21 brother. And then I would stay in contact with the detective,  
22 as he already had interviews completed, to get those  
23 interviews.

24 Q Had you spoken to -- prior to January 10th of 2012,  
25 were you able to finally get a hold of the detective and find

1 out what had been disclosed or not disclosed in the course  
2 of his interviews?

3 A By that time we had been in email and phone  
4 communication and I knew briefly what was disclosed.

5 Q Did you ask him for the actual interviews?

6 A Yes, I did.

7 Q Did you ever get the actual interviews?

8 A No, I did not.

9 Q So when you said on January 10th it was getting time  
10 to finish your investigation, what determination was made?

11 A At that time the determination was made to close the  
12 case unsubstantiated with recommendations.

13 Q Now, when you say unsubstantiated, what does  
14 unsubstantiated mean?

15 A Unsubstantiated means we do not have enough evidence  
16 to support the allegations that I was investigating.

17 Q So it doesn't mean didn't do it, it means can't  
18 prove it kind of thing?

19 A Correct. It's just that we didn't have evidence to  
20 support the allegation.

21 Q And when you say you were going to close it  
22 unsubstantiated with recommendations, what do you mean?

23 A As there was concerns that I had information that  
24 an act had occurred between Fred and Victoria and the mother,  
25 Tina, I had concerns because Fred is the role model that the

1 two girls in the home, Taquanda and Taharah had, and I wanted  
2 to make sure that he understood boundaries with the girls.  
3 And then Ann -- she told me she was a victim of sexual abuse  
4 herself, but was very cooperative --

5 MS. ALLEN: Your Honor, objection.

6 THE COURT: Sustained --

7 THE WITNESS: Oh, sorry.

8 THE COURT: -- as to Ann.

9 THE WITNESS: And I made a recommendation for Ann  
10 to do non-offending parenting classes.

11 BY MS. LUZAICH:

12 Q When you made these recommendations, what does that  
13 mean?

14 A There are things that we recommend that they family  
15 should do to enhance their lives, but I cannot force them to  
16 do.

17 Q And whose decision is it how to close a case?

18 A Initially it is my decision how to close a case and  
19 then in the end when I refer it to my supervisor for the final  
20 closure, she either agrees or disagrees.

21 Q Okay. And is it a subjective decision, like you  
22 look at it, you decide, well, I think I can or I think I can't  
23 prove it, but somebody else could in theory look at the same  
24 facts and make a different determination?

25 A Yes.



1           Q     So you closed it as unsubstantiated with  
2 recommendations. Did your supervisor agree with that?

3           A     Yes.

4           Q     And when was it closed?

5           A     On February 2nd of 2012.

6           Q     You said that you had made recommendations. Did you  
7 go back and check to see whether or not your recommendations  
8 had been followed through?

9           A     I did not, but I would know if they were followed  
10 through because the providers would have sent us a completion  
11 form.

12          Q     Did you get a completion form that Fred went to  
13 boundaries classes?

14          A     No, I did not.

15          Q     Did you get a completion form that Ann went to non-  
16 offending parenting classes?

17          A     No, I did not.

18          Q     Once you closed the case in February or once the  
19 case was closed in February of 2012, is that the end of your  
20 involvement in the case?

21          A     Yes.

22          Q     Did you learn later that there were allegations  
23 involving the children?

24          A     Yes.

25          Q     How did you find that out?

1           A       Detective Madsen talked to me and wanted to know if  
2 I remembered the girls, and I told him I did.

3           Q       Okay. Now, when you say Detective Madsen, is he a  
4 detective with the Las Vegas Metropolitan Police Department?

5           A       Yes.

6           Q       And where is your office located?

7           A       701 North Pecos.

8           Q       More specifically?

9           A       At the Children Advocacy Center.

10          Q       Okay. And is Metro also in the same location?

11          A       Yes, they are.

12          Q       I'm sorry, Metro Sexual Assault Juvenile?

13          A       Yes, they are.

14          Q       And is this one big building where there are a whole  
15 bunch of services?

16          A       Yes. It's the Advocacy Center.

17          Q       What other services are there?

18          A       There's mental health services in there, there's  
19 family advocacy services in there, there's the forensic  
20 interviewers in there and there's medical services in there.

21          Q       As well as Metro and CPS?

22          A       Metro and CPS. Yes.

23          Q       Okay. Did you later see Taharah and Taquanda?

24          A       Yes.

25          Q       But you did not participate in that part of the

1 investigation?

2 A No, I did not.

3 Q Do you know who did?

4 A Specialist Sholeh Nourbakhsh had the investigation.

5 MS. LUZAICH: Okay. Thank you, Ms. Tibbs.

6 I would pass the witness.

7 THE COURT: Cross?

8 MS. ALLEN: Thank you.

9 CROSS-EXAMINATION

10 BY MS. ALLEN:

11 Q Good morning, Ms. Tibbs.

12 A Good morning.

13 Q How are you?

14 A Good.

15 Q Okay. So if I repeat some things or ask you some  
16 questions that Ms. Luzaich did, I apologize.

17 A That's okay.

18 Q My name is Betsy Allen. I'm just going to ask you  
19 a couple of follow-ups and also with regard to some of the  
20 part of your investigation notes that you took, okay?

21 A Okay.

22 Q You've been with CPS for quite awhile, is that  
23 correct?

24 A Yes.

25 Q Okay. And you said you did the Sexual Assault Unit

1 for six years?

2 A Six years, yes.

3 Q Are you still in it?

4 A Yes.

5 Q You are still in it. Okay. So you work at the

6 Children's Advocacy Center, is that correct?

7 A Yes.

8 Q And you know Dr. Mehta?

9 A Yes.

10 Q Okay. And you've worked with her, is that correct?

11 A Yes.

12 Q All right. And you pretty much always testify for

13 the State, is that correct?

14 A Yes.

15 Q You don't get called by the defense very often, is

16 that right?

17 A Not very often.

18 Q Not very often. Okay. You said you first received

19 a report in December of 2011, is that correct?

20 A Correct.

21 Q And someone called the hotline?

22 A Correct.

23 Q And then the hotline takes a report, correct?

24 A Yes.

25 Q Okay. And then that report is generated and it goes

1 -- is it like a queue and you -- it just sort of is randomly  
2 assigned to your unit?

3 A Yes.

4 Q Okay.

5 A In Unity, our system.

6 Q Okay. I'm sorry, it's called Unity, is that right?

7 A Yes.

8 Q Okay. So you first get this report and I think you  
9 said that Detective Aguiar is the one who called it in, is  
10 that right?

11 A I didn't say who called it in.

12 Q Oh, okay. I thought you said Detective Aguiar had  
13 called.

14 A No. By Nevada law I can't say who the source is.

15 Q Okay. But someone did call CPS?

16 A Yes.

17 Q Okay. At some point did Detective Aguiar call CPS?

18 A He called back at like approximately 4:02 that  
19 morning.

20 Q 4:02 in the morning?

21 A Uh-huh.

22 Q Okay. Is he a mandatory reporter?

23 A Yes.

24 Q Okay. Can you explain what a mandatory reporter is?

25 A A mandatory reporter is a teacher, a therapist, a

1 law enforcement officer, a doctor. Those are mandatory  
2 reporters. It is a professional. It is not a common day  
3 person like a mom or a dad.

4 Q Okay. And when you say mandatory, it means a must,  
5 right?

6 A That is correct.

7 Q You can't just -- a doctor, let's say, couldn't just  
8 make a decision, well, I don't think it really happened, they  
9 have to report it if someone reports it to them, is that  
10 correct?

11 A Yes.

12 Q Okay. And there's legal consequences and probably  
13 professional consequences if they don't?

14 A Yes.

15 Q Okay. So Detective Aguiar received some sort of  
16 report in Henderson and that's when he contacted you, is that  
17 right?

18 A He contacted the hotline --

19 Q The hotline.

20 A -- because there's a note in there from him.

21 Q Okay. And you didn't speak to him that day, is  
22 that right?

23 A That is correct. I did not.

24 Q When is the first time you remember speaking to  
25 Detective Aguiar? If you remember.

1           A       I remember I left him a voicemail. It would have  
2   been around -- I emailed him on January 10th for the audios  
3   again and looking for a number for Victoria, so it would have  
4   been there because he actually gave me a number to get a hold  
5   of her.

6           Q       Okay.

7           A       So that would have been like the first time I  
8   actually talked to him.

9           Q       So sometime in January?

10          A       Uh-huh.

11          Q       Okay. So you actually went almost a month before  
12   you spoke with him?

13          A       Yes.

14          Q       The report comes in, I think it was --

15          A       The 17th.

16          Q       -- the 11th?

17          A       The 17th. December 17th.

18          Q       The 17th. Okay. So it comes in the 17th and you  
19   don't talk to him until January 10th-ish?

20          A       Yes.

21          Q       Okay. But in the interim you made two unannounced  
22   visits to 966 Blankenship?

23          A       Yes.

24          Q       And that was on the 18th and 19th?

25          A       Yes.

1           Q     Of December, just to be clear. The 18th and 19th  
2 of December in 2011, is that right?

3           A     Yes.

4           Q     Okay. And the 18th, do you remember if it was a  
5 Sunday?

6           A     It was, because we were working four 10's then, so  
7 that was a Sunday.

8           Q     Okay. And then the 19th was a Monday. And would  
9 that have been Christmas break?

10          A     Yes.

11          Q     Okay. Because you said, I think, that everybody was  
12 home or at least Fred, Ann and the girls?

13          A     Yes.

14          Q     All right. And I'm assuming you would have known  
15 that they were on Christmas break.

16          A     Yes.

17          Q     All right. Part of the reason you do an unannounced  
18 visit is because you don't want anybody to have time to like  
19 threaten or prep or tell people what to say, is that right?

20          A     Yes.

21          Q     And you knew at this point -- I don't remember, I  
22 apologize, but did you know at this point that Aguiar had  
23 taken statements from them?

24          A     Yes.

25          Q     You did. Okay. You knew that they had been



1 interviewed; Taharah and Taquanda at least had been  
2 interviewed?

3 A Yes.

4 Q Did you know about any other interviews?

5 A Yes.

6 Q Okay. Shabazz?

7 A Yes.

8 Q Victoria?

9 A Yes.

10 Q And Mahlica?

11 A Yes.

12 Q Okay. And Tina probably, the mom?

13 A At that point Tina had not been interviewed.

14 Q Okay. Mom hadn't been interviewed?

15 A No.

16 Q Was it your understanding mom was kind of hard to  
17 get in touch with?

18 A That is correct.

19 Q Okay. When you first get the report from your  
20 hotline on the 17th, I think you said you went back in see  
21 if they had already been in the system, is that correct?

22 A Yes.

23 Q And you said that you found records going back quite  
24 some time, is that right?

25 A Yes.

1 Q Do you remember the year that Tina Duke or the Duke  
2 children first entered the system?

3 A Tina Duke's cases, 2005.

4 Q Okay. Do you remember month, year? I'm sorry, the  
5 month? I apologize.

6 A No, I'd be guessing. I want to say March, but I  
7 think that's the wrong month.

8 Q I think you got that right. Okay, so March of 2005.  
9 You have an incredibly good memory. And was this a report  
10 that involved from someone here or did it come from another  
11 state?

12 A I don't recall that.

13 Q You don't recall that. Okay.

14 A Are you talking about like who called? Let me  
15 rephrase that. Are you talking who called it in or --

16 Q Not who called it in. Did it -- Were there facts  
17 and allegations from another state involved in the report?

18 A I don't recall the details of what the source had  
19 said in that report.

20 Q Would it refresh your recollection to look at the  
21 Unity report?

22 A Yes.

23 Q Okay.

24 MS. ALLEN: I'm just going to give the State a  
25 moment to find the records, Your Honor.

1 THE COURT: You bet.

2 MS. ALLEN: And actually I'll let her review this  
3 while the State is trying to find it --

4 THE COURT: Okay.

5 MS. ALLEN: -- and I won't ask any questions.

6 (Ms. Allen confers with Ms. Luzaich)

7 BY MS. ALLEN:

8 Q Sorry about that.

9 A That's okay.

10 Q Okay. Ms. Tibbs, did you have a chance to review  
11 it?

12 A Yes.

13 Q Okay. And you were correct about the month, is  
14 that right?

15 A Yes.

16 Q It was March, the end of March in 2005. Was there  
17 some call or some contact with another state? Did something --

18 A No. The information -- from my reading the  
19 information it appears to be local. It just said that Tina  
20 and the kids left Louisiana.

21 Q Okay.

22 A So it appears to be local information because they  
23 were in Shade Tree as well.

24 Q Okay. And does the information though -- does the  
25 information appear to somewhat pertain to them living in

1 Louisiana, though?

2 A Yes.

3 Q Okay. And it does allege instances of abuse, is  
4 that -- or not abuse, of neglect, is that correct?

5 A Yes.

6 Q Okay. And from reading this do you know if CPS ever  
7 investigated it? If you know.

8 A That one was investigated and unsubstantiated.

9 Q Okay. You do recall that it was investigated?

10 A Yes.

11 Q Okay. There were other entries in CPS, is that  
12 correct, with regard to the Duke kids?

13 A Yes.

14 Q All right. And then this one comes up in 2011?

15 A Yes.

16 Q And when you talked to Detective Aguiar from  
17 Henderson, he -- I think he made a phone call to you on the --  
18 is it the 18th, indicating that he had interviewed at least  
19 the two younger girls and they didn't disclose any abuse, is  
20 that right?

21 A Yes.

22 Q And he didn't forward those interviews, though, to  
23 you right away, or did you ever get them? I can't remember.

24 A No, I did not get them.

25 Q You've never gotten them?

1           A     No.

2           Q     Never read them?

3           A     No.

4           Q     Okay. But you did ask for them?

5           A     Yes.

6           Q     Okay. So from that point that's when you make your  
7 home visits and you end up talking with everybody, I think,  
8 on the 19th?

9           A     Yes.

10          Q     Okay. And you said everybody was fairly cooperative,  
11 is that correct?

12          A     Yes.

13          Q     And even the girls, is that right?

14          A     Yes.

15          Q     They seemed like they were okay talking to you?

16          A     Yes.

17          Q     You said that the girls appeared to be healthy, is  
18 that correct?

19          A     Yes.

20          Q     Taharah was a little slower than her sister?

21          A     Yes.

22          Q     Were they -- were they thin, were they a healthy  
23 weight? Would you consider them maybe a little overweight?  
24 How would you characterize their weight and their appearance?

25          A     Me, I would consider them normal and healthy.

1           Q     Healthy weight.   Okay.   They weren't starved or  
2 thin or --

3           A     No.   I would have been looking for like bones or  
4 something and that was not the case, no.

5           Q     Okay.   You didn't see ribs?

6           A     No.

7           Q     Okay.   As part of your home visit do you check the  
8 cabinets to see if there's food?   Do you check to make -- I  
9 mean, that type of thing?

10          A     Yes.

11          Q     All that seemed okay?

12          A     Yes.

13          Q     On one appearance wasn't Ann actually cooking?

14          A     That would have been on the visit on January 10th.

15          Q     Okay.   She was actually making dinner or something,  
16 is that correct?

17          A     Yes.

18          Q     Okay.   Do you pull school records as part of your  
19 investigation?

20          A     I would, but as it was the Christmas break, I did  
21 not.

22          Q     Okay.   Why would you pull school records?

23          A     To make sure that the girls are attending school on  
24 a regular basis.

25          Q     All right.   So as you sit here today you have no

1 idea if they were attending school on a regular basis?

2 A Just from what the girls said, so I would assume.

3 Q Okay. Did they seem like they were?

4 A Yes.

5 Q All right. You've been working with abused kids

6 for awhile?

7 A Yes.

8 Q Can one indication of abuse be poor grades in

9 school?

10 A Yes.

11 Q Okay. Is that a good indication, in your mind?

12 A To me it's just an indication.

13 Q Okay, it's just an indication?

14 A Uh-huh.

15 Q Okay. So a kid could potentially have good grades

16 and being abused at home, is that right?

17 A Yes.

18 Q Okay. But if you see a kid with bad grades, that

19 could be an indication that there's something going on at

20 home, is that right?

21 A There's something going on, yes.

22 Q And it carries over into their school, their school

23 work?

24 A Yes.

25 Q Okay. When you talked to Taquanda and Taharah, do

1 you recall asking them if they wanted to return to their  
2 mother?

3 A I don't know the exact words, but that was my  
4 question, yes.

5 Q You asked if they wanted to go, because they weren't  
6 living with their mom, they were living with a guardian, is  
7 that correct?

8 A Yes.

9 Q And you asked them if they wanted to go with Tina?

10 A Yes.

11 Q Okay. Do you remember what their response was?

12 A They liked to visit but not to lived.

13 Q They didn't want to live with their mom, is that  
14 correct?

15 A Correct.

16 Q Did they tell you that they were not afraid of Fred?

17 A That is correct.

18 Q Okay. That they had a pretty safe -- a good  
19 relationship with Ann and they felt safe in the home, is that  
20 correct?

21 A Yes.

22 Q Okay. Did they disclose any instances of physical  
23 abuse to you at that point?

24 A That was from past cases. That had already been  
25 investigated.



1 Q And unsubstantiated, is that correct?

2 A Yes.

3 Q And the girls didn't say that they were abused in  
4 any way, did they?

5 A No, they did not.

6 Q And you certainly didn't see any abuse, like black  
7 eyes or bruising, is that correct?

8 A That is correct.

9 Q Okay, because certainly had you seen that you would  
10 have done something at that point, is that right?

11 A Yes.

12 Q Okay. You have to be really careful with these  
13 cases, don't you?

14 A Yes.

15 Q Your investigation has to be fairly thorough --

16 A Yes.

17 Q -- because you're dealing with children?

18 A Yes.

19 Q And your entire job is to protect children, is that  
20 correct?

21 A Yes.

22 Q All right. You said that because of the allegations  
23 you asked Fred -- you said to Fred, you know, we would ask  
24 that you voluntarily move out of the home and if you don't  
25 agree to that then we would remove the girls just until the

1 investigation is complete, is that correct?

2 A That's correct.

3 Q And he -- I think you said he voluntarily agreed to  
4 move out because he didn't want to uproot the girls?

5 A Yes, that's correct.

6 Q They were -- Did he ever mention to you that they  
7 were doing well in school? Do you remember that at all?

8 A I don't remember that.

9 Q You're sitting there going through your mental  
10 notes, aren't you?

11 A Yes.

12 Q Okay, fair enough. So in January you come back to  
13 visit them again, is that correct?

14 A Yes.

15 Q And do you recall Taharah telling you, Taharah and  
16 Taquanda telling you they hadn't seen Fred?

17 A That's correct.

18 Q And Taharah doesn't understand why he can't be at  
19 home but she wants him back?

20 A Yes.

21 Q Okay. Did Taquanda seem the same way? Did she seem  
22 that she wanted Fred back in the home?

23 A Yes, because it was normally Fred who was there when  
24 they came home from school.

25 Q Okay. And did you inquire or did you know if Fred

1 was working or employment history? Do you remember any  
2 conversations with him about that?

3 A At that time he was not working.

4 Q Okay. This is in January of 2012. Do you recall  
5 Taharah and Taquanda relating to you that they knew about  
6 Victoria's allegations but that they didn't believe her?

7 A That's correct.

8 Q You said this case -- or you recommended some  
9 classes both for Fred and Ann, is that right?

10 A Yes.

11 Q And you said you gave them the names of providers,  
12 I think Red Rock Counseling, is that correct?

13 A Yes.

14 Q Okay. And you said you never got anything back as  
15 far as them attending parenting classes or the boundaries  
16 classes, is that right?

17 A That's correct.

18 Q Could they have gone somewhere else?

19 A For the boundaries, no. The only provider for the  
20 boundaries is Red Rock.

21 Q Okay.

22 A And then for the non-offending parenting class Ann  
23 could have went other places, but she had been in contact with  
24 our provider already and was scheduled to go the next session,  
25 so.

1           Q     Okay. All right. Now, you talked about like when  
2 you get sort of to the end of your investigation. I call it  
3 a title, but you sort of have an outcome, right, and it's  
4 substantiated -- Can you go through those again for me? I  
5 apologize.

6           A     At the end it's either substantiated or  
7 unsubstantiated.

8           Q     Okay. And you said -- I thought there were two  
9 subparts on unsubstantiated.

10          A     There is. You can unsubstantiated and close it  
11 with no recommendations or you can unsubstantiated with  
12 recommendations.

13          Q     Okay. There's no -- there's no title, I guess, at  
14 the end, like this -- it didn't happen or -- the only thing  
15 you can say is unsubstantiated, is that correct?

16          A     That's correct.

17          Q     Okay. You don't make a determination like, oh, it  
18 didn't happen? In fact, in your mind it's just we couldn't  
19 prove it, is that correct?

20          A     Correct.

21          Q     Okay. And when you go into this is that sort of  
22 your mindset, it's whether or not we can prove it or not, is  
23 that right?

24          A     When I go into a case, I go into it very neutral.  
25 I don't know what's the outcome going to be. I go where the

1 interviews and the investigation takes me, so it's a matter  
2 of if I can prove it.

3 Q Okay. And did you relate to Detective Aguiar that  
4 it was unsubstantiated?

5 A Yes.

6 Q Okay. And that you were closing the case?

7 A Yes.

8 Q Okay. And you closed it -- Do you remember when  
9 you closed it?

10 A I closed it on January 23rd and my supervisor  
11 finally closed it on February 2nd.

12 Q Okay. Of 2012?

13 A Yes.

14 Q Okay. And did you have any further visits  
15 concerning this, your case with the Dukes?

16 A No, I did not.

17 Q Okay. But you did say that you saw them later?

18 A Yes.

19 Q Okay. When did you see them later, do you remember?

20 A I don't recall exactly when. It was when the new  
21 case came in.

22 Q Okay. So this would have been later in 2012?

23 A Yes.

24 Q Maybe September, October? Fall?

25 A Maybe around that time.

1 Q Okay. When you saw -- and when you saw them, it  
2 was Taharah and Taquanda, is that right?

3 A Yes.

4 Q And did they appear to be in the same physical  
5 condition as they were when you interviewed them almost the  
6 year ago?

7 A Yes.

8 Q Okay. They were healthy looking?

9 A Yes.

10 Q You didn't see any bruising or --

11 A No.

12 Q Okay. And they weren't malnourished?

13 A No.

14 Q Okay. All right.

15 MS. ALLEN: Thank you, Your Honor.

16 THE COURT: Thank you. Any redirect?

17 MS. LUZAICH: Just briefly.

18 REDIRECT EXAMINATION

19 BY MS. LUZAICH:

20 Q Ms. Tibbs, in your notes you say that Fred told you  
21 -- Fred reports that he told law enforcement last night he  
22 did not do anything to Victoria, correct?

23 A Correct.

24 Q So he didn't tell you he told law enforcement that  
25 he had sex with Victoria regularly after she turned nineteen?

1           A       No.

2           Q       He didn't tell you that he told --

3                   MS. ALLEN: Judge, objection. That misstates --

4 the facts are not in evidence and it's misstating the

5 testimony.

6                   THE COURT: Okay. Do you want to approach?

7                               (Bench Conference)

8           MS. ALLEN: Victoria in fact said --

9           THE COURT: Okay. All the lawyers are up at the

10 bench.

11           MS. ALLEN: Victoria didn't say that they had been

12 having sex regularly after the age of nineteen.

13           MS. LUZAICH: Fred did.

14           MS. ALLEN: No, he didn't. He said it happened

15 like one time.

16           THE COURT: Well, the thing I'm concerned about is

17 why is this witness being asked this because she only deals

18 with minors?

19           MS. ALLEN: Yeah, that's true.

20           MR. MACARTHUR: Good point.

21           MS. LUZAICH: No, but because -- well, he lied to

22 her. He told her he didn't do anything to Victoria. He told

23 her that the night before he told the police he didn't do

24 anything to Victoria. The night before he told the police

25 he had sex with her.

1 MS. ALLEN: Yeah, one time, though.

2 MS. LUZAICH: And he had sex with her and her mom.

3 MS. ALLEN: Yeah, but one time.

4 MS. LUZAICH: Okay, then I'll rephrase. I thought  
5 it was more, but.

6 MS. ALLEN: I thought it was one time. I mean,  
7 I don't -- yeah, you're right about the CPS and that she  
8 doesn't have anything to do with it. And that clearly  
9 misstates Victoria's testimony. She said it was like months  
10 after.

11 MS. LUZAICH: No, she didn't.

12 MR. MACARTHUR: Well, she said it was once or twice  
13 after this date.

14 MS. ALLEN: Right, and which is we're dealing with  
15 now.

16 MR. MACARTHUR: The date that we're talking about.

17 THE COURT: Okay. Then how old was she?

18 MS. ALLEN: She was an adult.

19 MR. MACARTHUR: Nineteen.

20 THE COURT: Okay.

21 MR. MACARTHUR: Or twenty.

22 THE COURT: You can rephrase it then.

23 MS. ALLEN: Nineteen or twenty. Yeah.

24 (End of Bench Conference)

25 MS. LUZAICH: I'll rephrase my question.



1 BY MS. LUZAICH:

2 Q So he did not tell you that he had sex -- that he  
3 did have sex with Victoria but after she was nineteen?

4 A He did not.

5 Q And he did not tell you that he had sex with  
6 Victoria and her mother at the same time?

7 A He did not.

8 Q He did not tell you that he had sex with Victoria  
9 and her mother using a two-sided dildo?

10 A No, he did not.

11 Q He did not tell you that he had sex with Victoria  
12 and her mother using a vibrator?

13 A He did not.

14 Q When Detective Aguiar had told you about no  
15 disclosure, that was not person to person, was that in an  
16 email?

17 A That was in a Unity note that I saw.

18 Q Oh, so in a note?

19 A Yes.

20 Q And it was no sexual allegations, correct?

21 A Correct.

22 Q When Ms. Allen asked you about poor grades being an  
23 indication of abuse, people can get poor grades when there's  
24 no abuse at all, correct?

25 A Correct.

1           Q     People can get good grades when there's regular  
2 abuse, correct?

3           A     Correct.

4           Q     And you've experience both in your many years with  
5 CPS?

6           A     Yes.

7           Q     And although you didn't speak with Detective Aguiar  
8 personally until January, you were trying to communicate with  
9 him and emailing back and forth, correct?

10          A     Yes.

11          Q     Thank you.

12                MS. LUZAICH: I have nothing further.

13                THE COURT: Any recross?

14                        RECROSS EXAMINATION

15 BY MS. ALLEN:

16          Q     At some point you determined, or I guess you found  
17 out that Fred had admitted to having sex with Victoria in  
18 that time frame, like in December of 2001, is that correct?

19          A     Yes.

20          Q     And she was nineteen or twenty years old about that  
21 time?

22          A     Yes.

23          Q     Okay. And is it against the law for someone at  
24 nineteen to have sex with someone who's forty, fifty?

25          A     No.

1 Q That's not against the law?

2 A No.

3 Q What's the age of consent in the State of Nevada?

4 A Sixteen.

5 Q Okay, thank you.

6 MS. ALLEN: Oh, I'm sorry, Court's indulgence.

7 BY MS. ALLEN:

8 Q I apologize. Just back to the grades just briefly.  
9 As you said, bad grades versus good grades is not necessarily  
10 an indicator of an abusive home, is that correct?

11 A Correct.

12 Q If there is a sudden change in grades for the  
13 worse, that would seem to indicate maybe something was going  
14 on in the child's life, is that correct?

15 A That's what that would tell me.

16 Q And versus maybe a sudden change improving,  
17 substantially improving their grades, that could also  
18 indicate a change in the child's life, is that correct?

19 A Yes.

20 MS. ALLEN: Okay. Thank you.

21 THE COURT: Anything else?

22 MS. LUZAICH: No.

23 THE COURT: Okay. At this time we're going to take  
24 a recess. During this recess you are admonished not to talk  
25 or converse among yourselves or with anyone else on any

1 subject connected with this trial, or read, watch or listen  
2 to any report of or commentary on the trial or any person  
3 connected with this trial by any medium of information,  
4 including without limitation newspapers, television, Internet  
5 and radio, or form or express any opinion on any subject  
6 connected with this trial until the case is finally submitted  
7 to you.

8 We'll be in recess for fifteen minutes. Thank you.  
9 And just for the record, the witness is excused.

10 (Court recessed from 10:40 a.m. until 10:59 a.m.)

11 (Jury is not present)

12 MS. LUZAICH: Judge, can we just -- if they're  
13 coming in now, after they leave but before we leave for lunch  
14 can we just on the record talk about the redactions in the  
15 defendant's statement?

16 THE COURT: Sure.

17 (Jury is present)

18 THE COURT: Do the parties stipulate to the  
19 presence?

20 MS. LUZAICH: Yes.

21 MS. ALLEN: Yes, Your Honor.

22 THE COURT: Okay. Go ahead and call your next  
23 witness.

24 MS. RHOADES: Yes, Your Honor. The State calls  
25 Taquanda Duke.

1                   TAQUANDA DUKE, STATE'S WITNESS, SWORN

2                   THE CLERK: Thank you. Please have a seat. And  
3 could you please state your full name, spelling your first  
4 and last name for the record.

5                   THE WITNESS: Taquanda Duke.

6                   THE COURT: Okay, you're going to have to speak up,  
7 okay? State your name and then spell it for us.

8                   THE WITNESS: Taquanda Duke. T-A-Q-U-A-N-D-A  
9 D-U-K-E.

10                  THE CLERK: Thank you.

11                                 DIRECT EXAMINATION

12 BY MS. RHOADES:

13           Q     Hi, Taquanda.

14           A     Hello.

15           Q     How are you doing today?

16           A     Okay.

17           Q     How are you feeling?

18           A     Okay.

19           Q     Do you remember you testified before, is that  
20 right?

21           A     Yeah.

22           Q     Remember you have to say yes or no, you can't say  
23 uh-huh or uh-uh. Do you remember that?

24           A     Yes.

25           Q     Can you do that for me today?

1 A Yes.

2 Q How old are you, Taquanda?

3 A I'm thirteen.

4 Q When is your birthday?

5 A October 3rd.

6 Q What year were you born?

7 A 2000.

8 Q What grade are you in right now?

9 A Seventh.

10 Q Where do you go to school?

11 A At Brown Middle School.

12 Q What's your favorite class? Do you have one?

13 A English.

14 Q Why is English your favorite class?

15 A Because I like to read and I like how the teacher

16 teaches.

17 Q What kind of things do you do in English class?

18 A We learned about the Holocaust.

19 Q What else do you do in there?

20 A We practice for the CRTs.

21 Q What are the CRTs? I don't know what they are.

22 A It's like a test that you take at the end of the

23 school year, like everything that you learned.

24 Q Do you have a sister that goes to the same school

25 as you?

1 A Yes.

2 Q What's her name?

3 A Taharah.

4 Q Does she have the same last name as you?

5 A Yes.

6 Q What grade is she in right now?

7 A She's in 8th.

8 Q How old is she?

9 A She's fourteen.

10 Q Do you like going to the same school as your

11 sister?

12 A Yes.

13 Q How come?

14 A Because at first when you go there you don't really

15 have a lot of friends, so we can just hang out with them.

16 Q You hang out with your sister a lot?

17 A Yes.

18 Q What's your mom's name, Taquanda?

19 A Tina.

20 Q And what's her last name?

21 A Duke.

22 Q Who do you live with right now?

23 A My mom.

24 Q Does anyone else live with you?

25 A My other sister, Mahlica.

1 Q Anyone else?

2 A And my other sister, Taharah.

3 Q So it's you and Taharah and Mahlica and mom, is  
4 that right?

5 A Yes.

6 Q Where do you guys live?

7 A 1100 Center Street.

8 Q When did you start living at 1100 Center Street  
9 with mom?

10 A I don't remember. Sometime.

11 Q Take your time. Just think for me, did you start  
12 living with her last year?

13 A Yes.

14 Q Do you remember what month?

15 A No.

16 Q Do you remember what it was around? Was it around  
17 the holidays that you started living with her?

18 A No. I don't remember.

19 Q Was it toward the beginning of the year or the end  
20 of the year?

21 A It was after the second semester.

22 Q In school?

23 A No, after the first.

24 Q When does the second semester in school start?

25 A I'm not sure.



1 Q But it was sometime last year, is that right?  
2 A Yes.  
3 Q Okay. And before you started living with mom last  
4 year, did you live with someone else?  
5 A Yes.  
6 Q Who is that?  
7 A Ms. Johnson.  
8 Q And who's Ms. Johnson?  
9 A My foster mom.  
10 Q How long did you live with your foster mom?  
11 A For like a year.  
12 Q Do you remember when you started living with your  
13 foster mom?  
14 A In October.  
15 Q Of what year?  
16 A Twelve.  
17 Q October, 2012?  
18 A I think.  
19 Q Who did you live with at Ms. Johnson's house?  
20 A Only her and her sister and my sister.  
21 Q You and Taharah lived there?  
22 A Yeah.  
23 Q Can you tell me what was it like living there?  
24 A It was okay.  
25 Q What do you mean by --

1           A       We went to the park, we went out to eat sometimes.  
2 We went to friends houses sometimes. We went to school and  
3 we went to church.

4           Q       Before October 2012, before you lived with Ms.  
5 Johnson, did you live somewhere else?

6           A       Yes.

7           Q       Where was that?

8           A       966 Blankenship.

9           Q       Who did you live there with?

10          A       It was me and my sister, Ms. Ann and Fred.

11          Q       Just the four of you?

12          A       And Sha'karia.

13          Q       Who is Sha'karia?

14          A       Ms. Ann's god-daughter.

15          Q       And who is Ms. Ann?

16          A       My guardian.

17                MS. RHOADES: Your Honor, may I approach your  
18 clerk?

19                THE COURT: Sure.

20                MS. RHOADES: And may I approach the witness?

21                THE COURT: Uh-huh. Yes.

22 BY MS. RHOADES:

23          Q       Taquanda, I'm showing you what's already been  
24 admitted as State's Exhibit No. 1. Do you recognize the  
25 person in that photograph?

1 A Yep. Yes.

2 Q Who is that?

3 A Ms. Ann.

4 Q And is that your guardian?

5 A Yes.

6 Q Was she your guardian October 2012?

7 A Yes; I think.

8 MS. LUZAICH: It hasn't been admitted.

9 MS. RHOADES: Oh, it hasn't?

10 MS. LUZAICH: Now you can have it --

11 MS. RHOADES: Oh. I would move for the admission

12 of State's Proposed Exhibit 1. I'm sorry, I thought that it

13 had been admitted.

14 MS. ALLEN: No. No objection.

15 THE COURT: It's admitted.

16 MS. RHOADES: Thank you.

17 (State's Exhibit 1 admitted)

18 BY MS. RHOADES:

19 Q And you said Fred lived in that house as well. Do

20 you see Fred in the courtroom today?

21 A Yes.

22 Q Can you point to him and identify something that

23 he's wearing?

24 A He's wearing blue, a blue shirt, and he has dreads.

25 Q Can you point to where he's sitting in the

1 courtroom?

2 MS. RHOADES: And, Your Honor, may the record  
3 reflect the identification of the defendant?

4 THE COURT: So reflected.

5 BY MS. RHOADES:

6 Q When is it that you came to live at the Blankenship  
7 house?

8 A Uh --

9 Q Are you tired?

10 A Yeah, I just woke up.

11 Q Were you sleeping in front of -- right outside of  
12 the courtroom?

13 A Yes.

14 Q Have you come to the court for this trial a couple  
15 of days?

16 A Yes.

17 Q And have you had to sit in front of the courtroom  
18 waiting to testify?

19 MS. ALLEN: Judge, objection, relevance.

20 THE COURT: Sustained.

21 THE WITNESS: Yes.

22 THE COURT: The objection was sustained, so when  
23 I sustain the objection, don't answer, okay? Thank you.

24 THE WITNESS: Yes.

25 THE COURT: Thank you.

1 BY MS. RHOADES:

2 Q When is it that you came to live at the Blankenship  
3 house?

4 A In '07.

5 Q Do you remember what month?

6 A No.

7 Q Was it toward the beginning of the year, toward the  
8 end of the year?

9 A I don't remember.

10 Q How old were you in 2007 when you came to live in  
11 Las Vegas?

12 A Seven.

13 Q Where were you living before you came to Las Vegas  
14 in 2007?

15 A In Utah.

16 Q How long did you live in Utah for?

17 A Some years.

18 Q How many?

19 A Some years. I don't know.

20 Q Some years; you don't know exactly how many?

21 A Uh-uh. No.

22 Q Who did you live in Utah with?

23 A My mom, my sister Mahlica, Vicky, Taharah, me, and  
24 that's all.

25 A How many siblings do you have?

1 Q Four.

2 A Can you tell me their names and how old they are

3 right now?

4 Q Taharah, she's 14. Mahlica, she's nine-- no, 20.

5 And Vicky, she's 21. And Shabazz, he's 19.

6 A And Shabazz is your older brother, is that right?

7 Q Yes.

8 A In Utah did you live with all four of your siblings

9 and your mom?

10 Q Yes.

11 A Do you remember what kind of place you guys lived

12 in in Utah?

13 Q In an apartment.

14 A Did anyone else live in that apartment besides your

15 family?

16 Q No.

17 A Before you moved to Utah, where did you live?

18 Q I really don't know.

19 A Did you live in Las Vegas before you moved to Utah?

20 Q I'm not sure. I think.

21 A When you say you think, what do you think you

22 remember before living in Utah?

23 Q I don't know, 'cause I heard a lot of stories where

24 we was in Louisiana and then we was in Vegas.

25 MS. ALLEN: Judge, objection.

1                   THE COURT: Sustained. We just want to know what  
2 you know, okay?

3 BY MS. RHOADES:

4           Q     Okay, Taquanda, so just tell me what you know.  
5 When is the furthest back that you remember? Where were you  
6 living, the furthest back you can remember?

7           A     In Las Vegas.

8           Q     And do you remember what year?

9           A     No.

10          Q     Was this before you went to Utah or after you went  
11 to Utah?

12          A     I'm not sure.

13          Q     Do you remember living in Utah?

14          A     Yes.

15          Q     And the last thing that you can remember is living  
16 in Las Vegas, like the furthest back you can remember living  
17 in Las Vegas. That's what you just told me, is that right?

18          A     Yes.

19          Q     So was that before Utah?

20          A     Yes.

21          Q     Do you remember where you were living at in Las  
22 Vegas before Utah?

23          A     Trish Lane or something like that.

24          Q     How old were you when you were living at Trish  
25 Lane?

1           A     I don't remember.

2           Q     Do you remember who lived at Trish Lane?

3           A     I know I was there. I don't -- I think my family

4 was there if I was there, and I remember Ms. Ann being there

5 and Fred being there and Sha'karia being there.

6           Q     Do you remember if Fred lived there?

7           A     I don't remember. I just remember seeing him.

8           Q     Do you remember anything else about the house on

9 Trish Lane, how it was like to live there?

10          A     I don't remember. I just remember there was some

11 dogs and there was a back door. That's all I can remember.

12          Q     When you were in Utah, how was it like living in

13 Utah?

14          A     It was fun.

15          Q     Why was it fun?

16          A     Because me and my sister would take adventures

17 going to the park, and then I remember there was a water park

18 and we had some friends there that we would go see.

19          Q     Did you hang out with all of your sisters while you

20 were living in Utah?

21          A     Yes.

22          Q     Did you go to school while you were in Utah?

23          A     Yes.

24          Q     Do you remember what grade you were in?

25          A     Kindergarten.



1           Q     Is there a time that you did not live with your mom  
2 while you were in Utah?

3           A     Yes.

4           Q     Can you tell me what happened, if you remember?

5           A     I don't remember what happened.

6           Q     Where were you living, if not with your mom?

7           A     In Springville.

8           Q     Was this with a foster family?

9           A     Yes.

10          Q     When you lived with a foster family, did you live  
11 with all your siblings or did you guys get split up?

12          A     It was just me and Taharah that went together.

13          Q     And do you know where your other siblings went?

14          A     No.

15          Q     Did you get to see your other siblings while you  
16 were living with the foster family?

17          A     No.

18          Q     And do you remember a time when your mom got you  
19 guys back in Utah?

20          A     Yeah.

21          Q     And did you live in that same apartment that you  
22 told us about earlier?

23          A     Yes.

24          Q     After Utah, when did you move to Vegas?

25          A     I don't remember how long we stayed there until we

1 moved to Vegas.

2 Q But you came to Vegas from Utah?

3 A Yes.

4 Q Do you remember how you got to Las Vegas from Utah?

5 A In a car.

6 Q Who was driving the car?

7 A Fred.

8 Q Do you remember what the car looked like?

9 A No. It was a dark color.

10 Q What time of day or night did Fred pick you guys up?

11 A I don't know. I just know it was at night.

12 Q Did you have some of your stuff packed?

13 A Yes.

14 Q Who got in the car when Fred came?

15 A My whole family.

16 Q You and your brother and your sisters and your mom,

17 is that right?

18 A Yes.

19 Q Were you tired? Do you remember?

20 A I had just been sleeping.

21 Q On the way, do you remember the drive from Utah to

22 Las Vegas?

23 A Yes.

24 Q What were you doing during the drive, if you

25 remember?

1           A       I was sleeping and then I was awake. I just kept  
2 on falling asleep and then waking up.

3           Q       When you guys arrived in Las Vegas, where did you  
4 go?

5           A       To the 966 Blankenship house.

6           Q       Who went to the Blankenship house?

7           A       It was all my sisters except for Vicky and my mom.  
8 She didn't go.

9           Q       Do you know where Vicky and your mom went?

10          A       They went to Walnut.

11          Q       Is that an apartment?

12          A       Yes.

13          Q       Were you surprised that Vicky and mom didn't stay  
14 with you at the Blankenship house?

15          A       Yes.

16          Q       Why were you surprised?

17          A       Because I thought they was going to come with me.

18          Q       So everyone except mom and Vicky went into the  
19 Blankenship. What did you do when you got there?

20          A       I don't remember.

21          Q       Do you remember who was there when you arrived?

22          A       Yeah, there was some other people there.

23          Q       Do you remember their names?

24          A       No.

25          Q       When you moved into the Blankenship house, did you

1 start school?

2 A Yeah.

3 Q What grade were you in?

4 A First.

5 Q Where did you go to school?

6 A H.P. Fitzgerald.

7 Q Was this close to the Blankenship house?

8 A Yeah. Yes.

9 Q Did you walk to school?

10 A Yes.

11 Q Did Taharah go to H.P. Fitzgerald, too?

12 A Yes.

13 Q And would you guys walk to school together?

14 A Yes.

15 Q Did Shabazz go to school?

16 A Yes.

17 Q Do you know where he went?

18 A I think he went to Sedway.

19 Q How about Mahlica, did she go to school?

20 A Yes.

21 Q Do you know where she went?

22 A To West.

23 Q You said you remember your mom and Vicky living in

24 an apartment on Walnut. Would you go visit them?

25 A Yes.

1 Q How often would you go visit them?

2 A I'm not sure.

3 Q How would you get over to the Walnut apartment?

4 A Someone would drive us.

5 Q Who would drive you?

6 A Ms. Ann and Fred.

7 Q Did you and Taharah live at Blankenship from when

8 you moved back from Utah all the way until September 2012?

9 A Yes.

10 Q Did Ms. Ann live there for the entire time as well?

11 A Yes.

12 Q And did Fred live there for the entire time as

13 well?

14 A Yes.

15 Q Was there a time that Vicky and mom moved into

16 Blankenship?

17 A Yes.

18 Q Do you remember what year this was?

19 A No.

20 Q Do you remember what grade you were in school when

21 they moved in?

22 A No.

23 Q Do you remember how long they stayed when they

24 moved in?

25 A No.

1 Q Before mom and Vicky moved into Blankenship, can  
2 you describe for me what was it like living at that house?  
3 A (No audible response).  
4 Q Are you okay, Taquanda?  
5 A Uh-huh. I'm thinking.  
6 Q Okay.  
7 A I remember, but I don't --  
8 Q What do you mean?  
9 A Like -- I don't know.  
10 Q Before mom and Vicky moved into the Blankenship  
11 house, did things happen that you didn't like?  
12 A Oh. Yeah.  
13 Q What kind of things happened that you didn't like?  
14 A I didn't like how we was being treated.  
15 Q You didn't like how you were being treated by who?  
16 A Fred.  
17 Q How was Fred treating you?  
18 A Rude.  
19 Q What do you mean by rude?  
20 A The way he talked to us.  
21 Q And when you say "us," who do you mean?  
22 A My sisters. Shabazz. Like, Mahlica, Taharah,  
23 Shabazz and me.  
24 Q What kinds of things would he say to you that you  
25 didn't like?

1           A       I don't remember exactly what he said. They were  
2 rude things and actions.

3           Q       Do you remember anything that he said to Shabazz  
4 that you heard that you didn't like?

5           A       No.

6           Q       Before mom and Vicky moved in, was Fred ever  
7 physically abusive to you?

8                   MS. ALLEN: Judge, objection, leading.

9                   THE COURT: You are leading. Sustained.

10 BY MS. RHOADES:

11          Q       You did say that there were some actions that Fred  
12 did that you didn't like. What were these actions before mom  
13 and Vicky moved in toward you? Does that make sense?

14          A       Can you say it again?

15          Q       Sure. You said that there were some actions that  
16 Fred did that you didn't like. What were those actions?

17          A       I didn't like how he would -- sometimes like when  
18 we were in trouble, we would get a whooping, or --

19          Q       And we're just going to talk about your right now,  
20 and this is before mom and Vicky moved in. When you say you  
21 got in trouble, what kind of things would you get in trouble  
22 for?

23          A       I can't remember.

24          Q       When you got in trouble, you said you would get a  
25 whooping. What -- Can you describe that?

1           A     He would hit us with a belt.

2           Q     Now, just about you. How many times did he hit you

3 with a belt?

4           A     More than once. More than --

5           Q     Was this --

6           A     Huh?

7           Q     Was this before mom and Vicky moved in?

8           A     Yes.

9           Q     He hit you with a belt more than once?

10          A     Yes.

11          Q     When he hit you with a belt, where on your body

12 would he hit you?

13          A     My bottom.

14          Q     Where -- Did this occur in the Blankenship house?

15          A     Yes.

16          Q     Where in the house did it occur?

17          A     His room.

18          Q     How did it feel when he did that?

19          A     It hurt.

20          Q     Did it ever leave any marks?

21          A     It left like -- you know how it looks not swollen

22 but like it makes your skin pop out more. I forgot what it's

23 called.

24          Q     But that's what it left on your body?

25          A     Yeah.



1 Q That was one time. Do you remember another time  
2 before mom and Vicky moved in that he hit you with a belt?

3 A No.

4 Q Did you ever see Fred hit Shabazz at all?

5 MS. ALLEN: Judge, objection, leading.

6 THE COURT: Sustained.

7 BY MS. RHOADES:

8 Q Did you ever see Fred do anything to Shabazz before  
9 mom and Vicky moved in?

10 A Yes.

11 Q What did you see him do?

12 A I saw him punching him.

13 Q Where were Shabazz and Fred when this was  
14 happening?

15 A They was in the kitchen where the slide door was on  
16 the other side of the counter.

17 Q Where were you when this was happening?

18 A I was in the hallway.

19 Q Describe what you saw Fred do to Shabazz.

20 A He was hitting him.

21 Q What part of Fred's body was hitting what part of  
22 Shabazz' body?

23 A His fist was hitting him in the stomach.

24 Q Just in the stomach?

25 A Like, and where the face is, on the face.

1 Q Was this with a closed hand or an open hand?  
2 A I can't remember.  
3 Q Did you hear Fred saying anything while he was  
4 doing this to Shabazz?  
5 A I heard them talking but I don't know exactly what  
6 they were saying.  
7 Q Did you see Shabazz and Fred after this happened?  
8 A Yes.  
9 Q Can you describe what Shabazz looked like?  
10 A It was just like his face was -- his face was red.  
11 It wasn't red, but it was -- like, you know how you get  
12 punched and some people's skin turns red. Yeah.  
13 Q Did you see any other marks on Shabazz from that  
14 incident?  
15 A No.  
16 Q Was there another time that you saw Fred do  
17 anything to Shabazz before mom and Vicky moved in?  
18 A Yes.  
19 Q Can you describe that for us?  
20 A In the garage.  
21 Q What did you see Fred do to Shabazz in the garage?  
22 A I didn't see him do nothing because the door was  
23 closed.  
24 Q Did you hear Fred do something to Shabazz in the  
25 garage?

1           A     At first you would hear talking and then you would  
2 hear like, you know, in the movies when they make the sound  
3 effects when people get punched; like the dude (sic) sound  
4 effect, not the punching sound effect.

5           Q     Were the only people in the garage at that time  
6 Shabazz and Fred?

7           A     Yes.

8           Q     Did you hear any other noises except for that  
9 punching sound effect?

10          A     No.

11          Q     Did you see Shabazz after this happened?

12          A     Yes.

13          Q     Did you see any marks on him?

14          A     He had like a blood vessel, like, you know how it  
15 gets red.

16          Q     What part of his body did you see that on?

17          A     His eye.

18          Q     Did you see any other marks on him from that time?

19          A     No.

20          Q     Was there another time that you saw Fred do  
21 something to Shabazz before mom and Vicky moved in?

22          A     No.

23          Q     What about Mahlica, did you see Fred do anything to  
24 Mahlica before mom and Vicky moved in?

25          A     Yes.

1 Q Describe for us what you saw.

2 A He was choking her.

3 Q Where were Fred and Mahlica when this was  
4 happening?

5 A They was -- there was a dresser, then there was a  
6 bed, then there was a mirror on the side.

7 Q Were they in a bedroom?

8 A Yes.

9 Q Whose bedroom were they in?

10 A It was I guess me, Taharah and Mahlica, we were  
11 sharing one.

12 Q That's where Fred and Mahlica were, is that right?

13 A Yes.

14 Q Where were you?

15 A I was on the bed.

16 Q In the same room?

17 A Yes.

18 Q What did you see happen?

19 A Okay. So he came in there and then he asked this  
20 question, I don't remember, and then he was counting down,  
21 you got some seconds to answer, and then she didn't answer.

22 Q And then what did you see Fred do?

23 A Choke her.

24 Q And when you say he choked her, describe -- can you  
25 describe a little bit more for us?

1           A     Like, his hands were around her neck.

2           Q     Was it one hand or both hands?

3           A     I can't remember.

4           Q     Was Fred saying anything while this was happening?

5           A     No.

6           Q     Did you see Mahlica after -- well, did Fred

7 eventually let her go?

8           A     Yeah.

9           Q     And how did Mahlica appear after he let her go?

10          A     Her neck was red and she was just kind of gasping

11 for air.

12          Q     Did you see Fred do anything else to Mahlica before

13 mom and Vicky moved in?

14          A     No.

15          Q     How about Taharah, did you see Fred do anything to

16 Taharah before mom and Vicky moved in?

17          A     Yeah.

18          Q     What did you see?

19          A     I guess Taharah got RPC'd, so she got a whooping,

20 and then they was going down the hallway with it.

21          Q     What's RPC mean?

22          A     It's like where you get kicked out of school, like

23 you've got to have a parent-teacher conference or something.

24          Q     Where were you in the house when this happened?

25          A     I was in the same room. My room.

1 Q The room that you shared with your sisters?  
2 A Uh-huh.  
3 Q Did you hear what Fred was saying to Taharah?  
4 A Yeah, but I can't remember.  
5 Q What did you see Fred do?  
6 A I saw her -- I saw him whoop her.  
7 Q And when you say whoop her, what do you mean?  
8 A Like, with a belt.  
9 Q What part of her body did the belt hit?  
10 A All over.  
11 Q Was it on her front side or her back side?  
12 A I can't remember. It was all over, like.  
13 Q Okay. And you said they were going down the  
14 hallway with it. What do you mean by that?  
15 A 'Cause I guess she was trying to get away, so.  
16 Q How do you know she was trying to get away?  
17 A Because she was moving out of the way.  
18 Q And what was Fred doing while she was doing this?  
19 A Catching up to her and beating her.  
20 Q And when you say going down the hallway, how did  
21 they get down the hallway?  
22 A 'Cause she kept on moving.  
23 Q How did Fred get her down the hallway?  
24 A She moved herself down the hallway.  
25 Q Oh, so she was like running away from him?

1           A     Yes.

2           Q     Where did they end up after she was running away  
3 from him in the hallway?

4           A     At the end of the hallway.

5           Q     Did you see what happened at the end of the  
6 hallway?

7           A     I guess he just stopped.

8           Q     Did you see Taharah after this happened?

9           A     Yes.

10          Q     How did she appear?

11          A     She had the things that make your skin come up.  
12 I forgot what it's called.

13          Q     Is it red?

14          A     Yeah.

15          Q     What you described before?

16          A     Uh-huh.

17          Q     Where did you see those marks on her body?

18          A     On her arms and her back and her stomach and her  
19 legs.

20          Q     Did you ever see Fred do anything else to Taharah  
21 before mom and Vicky moved in?

22          A     That's all I can remember.

23          Q     How about to you? Did Fred do anything to you  
24 before mom and Vicky moved in?

25          A     No, not that I can remember.

1 Q Now, when mom and Vicky moved in, did you ever see  
2 Fred do anything to your mom?

3 A Yes.

4 Q Describe for us what you saw Fred do to your mom.

5 A He was hitting her with a belt.

6 Q Where in the house were Fred and your mom?

7 A In the garage.

8 Q Where were you?

9 A I was on the couch.

10 Q In the garage?

11 A In the garage.

12 Q Was there anyone else in the garage when this was  
13 happening?

14 A I can't remember.

15 Q Where did you see Fred hit your mom with a belt?

16 A It was -- you couldn't see.

17 Q You couldn't see where he was hitting her with the  
18 belt?

19 A No.

20 Q How did you know he was hitting her with a belt?

21 A Because you can see the light when a door opens  
22 where he had come in and what he had in his hand, and then  
23 you could hear the whippings of the belt when he hit her.  
24 The light -- there wasn't no light over there.

25 Q Was it night time when this was happening or



1 daytime?

2 A Night.

3 Q Was the light in the garage on or off?

4 A It was off.

5 Q Did you see your mom after this?

6 A No.

7 Q Did you see Fred do -- Did you hear Fred say

8 anything while this was happening?

9 A He said turn down the music because she was playing

10 some loud music.

11 Q Did you ever see Fred do anything else to your mom

12 at the Blankenship house?

13 A Yes.

14 Q What else did you see him do?

15 A I didn't see, I heard.

16 Q Okay. Tell me what you heard him do.

17 A Can I just tell the story?

18 Q Yeah.

19 A Okay. So it was at night and I needed to use the

20 bathroom, so I was getting up to use the bathroom. I saw him

21 go down the hall and then I couldn't see him after that, but

22 I heard him knocking on a door, said open the door, and then

23 she wouldn't open it. So I didn't see him bust down the

24 door, but I heard him, and then --

25 Q Where was this door leading to?

1 A Into the room that my mom was staying in.  
2 Q Was this the garage?  
3 A No.  
4 Q It was another room?  
5 A Yes.  
6 Q Did you hear him do something to the door?  
7 A Yes.  
8 Q What did you hear?  
9 A Banging, like trying to get in.  
10 Q And what did you hear after that?  
11 A And then you could hear that -- you could hear them  
12 talking, like open the door and stuff, and then you could  
13 hear when he had like got the door open from busting it down.  
14 And then that's all.  
15 Q Could you hear what he was saying at the time?  
16 A It was something about some money.  
17 Q Did you see the door after this happened?  
18 A The next morning I did.  
19 Q Okay. What did the door look like the next morning?  
20 A It was all busted. Like, it was a hole in it.  
21 Q And it wasn't like this the day before, is that  
22 right?  
23 A Right.  
24 Q Did you ever hear Fred do anything else to your mom  
25 while at Blankenship?

1           A     That's all I can remember.

2           Q     How about Victoria, did you see Fred do anything to  
3 Victoria while at Blankenship?

4           A     I can't remember.

5           Q     What about Shabazz? After your mom and Vicky moved  
6 in, did you see Fred do anything to Shabazz?

7           A     I can't remember.

8           Q     How about Mahlica?

9           A     No.

10          Q     How about Taharah?

11          A     Yeah.

12          Q     What did you see Fred to do Taharah?

13          A     I couldn't see what he was doing, but I saw their  
14 hand.

15          Q     Okay. I'm going to step back just a minute. So,  
16 did there come a time when mom and Vicky moved out of the  
17 Blankenship house?

18          A     Yes.

19          Q     Do you remember what month that was in?

20          A     No.

21          Q     Do you remember what year?

22          A     No. I just know it was in the summertime.

23                MS. RHOADES: Court's indulgence.

24 BY MS. RHOADES:

25          Q     What grade did you go into when mom and Vicky moved

1 out of the house? If you remember.

2 A I can't remember. But I know when I was in 5th  
3 grade I was going to see them.

4 Q Where were you going to see them at?

5 A At the Alexander.

6 Q When mom and Vicky moved out of the Blankenship  
7 house, where did they move to?

8 A They moved to these apartments.

9 Q Are those apartments on Alexander?

10 A No.

11 Q Or is that a different apartment?

12 A No. That's the name of the apartments, but it was  
13 on Craig and Commerce.

14 Q Could they have been the St. Andrews Apartments?

15 A Uh-huh. Yes.

16 Q Did mom and Vicky live anywhere else after the  
17 St. Andrews Apartments?

18 A It was Mahlica and Shabazz with them at the St.  
19 Andrews, too.

20 Q Okay. So when mom and Vicky moved out, Shabazz and  
21 Mahlica went with them?

22 A Yes.

23 Q Did you and Taharah stay in the Blankenship house?

24 A Yes.

25 Q Did there come a time when mom and your brother and

1 your two sisters moved from St. Andrews to somewhere else?

2 MS. ALLEN: I would just ask for clarification  
3 about which sisters.

4 THE COURT: Okay.

5 BY MS. RHOADES:

6 Q So who lived in the St. Andrews apartment?

7 A It was just Vicky, Mahlica, Shabazz and my mom.

8 Q Did there come a time when they moved from the  
9 St. Andrews apartment to somewhere else?

10 A Yes.

11 Q And did they all move together?

12 A Yes.

13 Q All those same people that you just told me about?

14 A Yes.

15 Q Where did they moved to?

16 A They moved to the house we're staying at now.

17 Q Is that in Henderson?

18 A Yes.

19 Q Do you know what street that's on?

20 A Center Street.

21 Q After mom and Vicky moved in to the Blankenship  
22 house, did Fred do anything to you?

23 A Not that I can remember.

24 Q Tell me about what you saw Fred do to Taharah.

25 A When?

1 Q Everything. The first thing that you can remember,  
2 what Fred did to Taharah.

3 MS. ALLEN: Your Honor, I would object as to a  
4 foundation. What are we talking about?

5 THE COURT: Yeah, 'cause you're kind of jumping  
6 around, so maybe -- so it's clear for the witness.

7 MS. RHOADES: Sure.

8 BY MS. RHOADES:

9 Q Sorry, Taquanda. So after -- so we talked about  
10 before mom and Vicky moved into Blankenship. We talked about  
11 some of the stuff that you saw happen and some of the stuff  
12 that you heard happen. Do you remember that?

13 A Yes.

14 Q So after mom and Vicky moved in, did you see Fred  
15 do anything to Taharah?

16 A No. I can't remember. No.

17 Q When mom and Vicky moved out with Shabazz and  
18 Mahlica, did you see Fred do anything to Taharah?

19 A Yes.

20 Q Tell me how many things did you see Fred do to  
21 Taharah?

22 A I can remember two.

23 Q Tell me about the first one.

24 A It was me, my play cousin Anaya (phonetic) and my  
25 sister. We was outside and Taharah, she had lost something

1 when we was playing in the rocks, and I guess it was time for  
2 us to go in or something and Taharah, she was still looking  
3 for something and there were some dudes out there and I guess  
4 she went to go talk to them. Then Fred said to come in and  
5 I guess she got in trouble for talking to them dudes.

6 Q Do you remember what grade you were in when this  
7 happened?

8 A No.

9 Q Do you remember what year it was in?

10 A No.

11 Q So when you say she got in trouble, how did she get  
12 in trouble?

13 A She got a whooping.

14 Q What did you see happen?

15 A I just saw her and Fred go down the hall to his  
16 room and then I heard her getting a whooping.

17 Q What noises specifically did you hear?

18 A You can hear Taharah crying and then --

19 Q Did you hear anything else?

20 A At first you can hear them talking. I don't know  
21 what they was talking about.

22 Q How did they get down that hallway?

23 A They walked.

24 Q When mom and your brother and sisters lived at the  
25 St. Andrews apartment, would you go over to that apartment

1 and visit?

2 A Yes.

3 Q How would you get there?

4 A Either Fred or Ann, they would drive us.

5 Q When they drove you -- well, when Fred drove you  
6 would he stay at the apartment, too, or would he just drop  
7 you guys off?

8 A Sometimes he would stay for a minute and then watch  
9 a movie or something, and then he would go. And then we  
10 would stay and then he would come back to pick us up.

11 Q Would you always go, you and Taharah together?

12 A Yes.

13 Q Now, when Ann took you guys, would she stay for a  
14 little bit or would she just drop you guys off?

15 A I can't remember, but I know she would drop us off.

16 Q When mom and Shabazz and Mahlica and Victoria moved  
17 the Henderson apartment on Center Street, would you go visit  
18 them there?

19 A Yes.

20 Q And you and Taharah would go?

21 A Yes.

22 Q Would Fred and Ann take you?

23 A Yes.

24 Q When Fred took you, would he just drop you off or  
25 would he stay for a little bit, or both?



1           A     Both.

2           Q     How about Ann, do you remember?

3           A     I remember one time she came in and she had sat  
4 down and she was -- there was talking, and I guess she was  
5 saying hi and stuff.

6           Q     And that was at the Henderson apartment?

7           A     Yes.

8           Q     Do you remember talking to some police in December  
9 2011?

10          A     Yes.

11          Q     Can you describe what time of day or night were you  
12 talking to the police?

13          A     There was this one time, it was like in the morning  
14 after one o'clock.

15          Q     Was that the first time that you spoke to police?

16          A     I don't remember.

17          Q     Do you remember what kind of police, like where  
18 they came from? Did they come from the Metropolitan Police  
19 Department or from Henderson?

20          A     I don't remember.

21          Q     Where did you talk to the police at in that  
22 incident when you talked to them after one in the morning?

23          A     In the kitchen.

24          Q     Of where?

25          A     At Ms. Ann's house.

1 Q Is that the Blankenship house?

2 A Uh-huh.

3 Q And that's where you were living at the time?

4 A Yes.

5 Q So the police came to that Blankenship house and

6 talked to you there?

7 A Yes.

8 Q Do you know why the police came and talked to you?

9 A No.

10 Q Do you remember what you told the police during

11 that interview?

12 A No.

13 Q Do you remember how you were feeling during that

14 interview?

15 A I was feeling tired.

16 Q Do you remember if you cried during that interview?

17 A I don't remember.

18 Q Did you -- after that interview did you meet with

19 someone from Child Protective Services?

20 A You got a name?

21 Q Do you remember a name in 2011 when you talked to

22 someone from CPS?

23 A I talked to a lot of people, but I don't know when.

24 Q Do you remember talking to someone named Bobbie

25 Tibbs?

1           A     Yeah.

2           Q     Was that shortly after you gave that statement to  
3 the police after one in the morning? If you remember.

4           A     Yes.

5           Q     Did you like Bobbie?

6           A     Yes.

7           Q     Did you and Taharah both talk to her?

8           A     Yes.

9           Q     But Bobbie wasn't there for your interview with the  
10 police, is that right?

11          A     I saw her there, but we didn't -- I was just like,  
12 Hi. She didn't talk. She wasn't the one that was interviewing  
13 me.

14          Q     Is that another interview that you're talking  
15 about, Taquanda?

16          A     Uh-huh. Yes.

17          Q     So not that first interview at Blankenship?

18               MS. ALLEN: Judge, objection, leading.

19               THE COURT: You are leading, but I'll allow you to  
20 clarify.

21               MS. RHOADES: Thank you, Your Honor.

22 BY MS. RHOADES:

23          Q     The first interview at Blankenship after one in the  
24 morning, was Bobbie Tibbs there?

25          A     After?

1 Q No, just when you gave the interview to the police.  
2 A No.  
3 Q Who was in the room with you when you gave that  
4 interview?  
5 A What was the first -- can you restate the first  
6 question, please?  
7 Q Sure. That interview that you gave after one in  
8 the morning, in the middle of the night; you know the one I'm  
9 talking about at Blankenship in the kitchen?  
10 A Yes.  
11 Q Who was in the kitchen with you?  
12 A Oh, it was only me and this policeman.  
13 Q Do you remember how many policemen? Was it just  
14 one or more than one?  
15 A One.  
16 Q Did you tell the police that the kids at  
17 Blankenship get whoopings?  
18 MS. ALLEN: Objection, Your Honor, leading.  
19 THE COURT: Sustained.  
20 BY MS. RHOADES:  
21 Q Taquanda, do you know if the interview was  
22 transcribed, like written out? Do you know if it was written  
23 out?  
24 A It was recorded.  
25 Q It was recorded?

1           A     Yes.

2           Q     Would it refresh your recollection as to the things  
3 that you told the police that night at Blankenship if you  
4 looked through your written statement?

5           A     Yes.

6           Q     And the writing is from the transcription.

7           MS. ALLEN: Your Honor, I don't think she indicated  
8 she didn't remember.

9           THE COURT: I don't know if there's a question  
10 pending.

11          MS. ALLEN: She didn't indicate she didn't remember  
12 anything, Your Honor, so I would object.

13          THE COURT: Maybe you should ask a question first.  
14 BY MS. RHOADES:

15          Q     Do you remember telling the police during this  
16 incident at Blankenship when you interviewed with them  
17 anything that Fred did to you?

18          A     I don't remember.

19          Q     Do you think it might help you remember if you were  
20 able to look through a transcription of your interview?

21          A     Yes.

22          THE COURT: Okay. You can approach.

23          MS. RHOADES: Thank you, Your Honor. And for the  
24 record, I'm going to be showing her pages 9 through 16 at  
25 this time.

1 BY MS. RHOADES:

2 Q So if you can just look at that and then look up at  
3 me when you're finished looking through pages 9 through 16.

4 MS. ALLEN: Your Honor, can we approach?

5 THE COURT: Yes, you may.

6 (Bench Conference)

7 THE COURT: All four lawyers are present. Go ahead.

8 MS. ALLEN: The question is, do you remember Fred  
9 doing anything to you?

10 MS. RHOADES: Right.

11 MS. ALLEN: Nine through sixteen deals with Shabazz  
12 and things that -- it doesn't deal with her. I mean, her  
13 being grounded.

14 MS. RHOADES: She talks about all of them throughout  
15 and she said she didn't remember what she told the police  
16 anyway about each individual one.

17 THE COURT: Well, the question was, do you remember  
18 telling the police anything Fred did to you?

19 MS. RHOADES: Right.

20 THE COURT: Are those -- is that --

21 MS. RHOADES: I think it's in there.

22 MS. LUZAICH: The first question she asked was do  
23 you remember what you told the police and she said no, she  
24 doesn't remember what she told the police. So she tried to  
25 ask more questions and then it was objection, leading, so.

IN THE SUPREME COURT OF THE STATE OF NEVADA

\* \* \* \* \*

FREDERICK HARRIS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

S.C. CASE NO. 69093

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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 XVI  
~~~~~

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## IN THE SUPREME COURT OF NEVADA

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## OPENING BRIEF APPENDIX

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**CERTIFICATE OF SERVICE**

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

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